

BURMA/THAILAND

No Safety in Burma, No Sanctuary in Thailand

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I. SUMMARY AND RECOMMENDATIONS

As the Association of South East Asian Nations (ASEAN) prepares to admit Burma as a full member at the annual ministerial meeting in Kuala Lumpur, Malaysia on July 24-25, 1997, thousands of Burmese continue to flee into neighboring countries to escape gross human rights abuses committed by the Burmese military. Thailand has borne the main burden of refugees in the past year, but Bangladesh has also received an estimated 10,000 Muslim Rohingyas since March 1997. As the major refugee producing country in the region, Burma has been denounced in successive United Nations resolutions and by many governments, yet ASEAN has largely remained silent. If membership of ASEAN is to have any positive effect in restraining the worst abuses of the Burmese military and bringing about an improvement in the overall human rights situation there, as many ASEAN governments have claimed it will, then the treatment of ethnic minorities is one of the most pressing problems. In addition, since February 1997, the Royal Thai government is responsible for the treatment of more than 20,000 new refugees; it has violated international legal norms by forcibly repatriating and refusing access to persons fleeing armed conflict.¹ Even more ominous are indications that Thailand will grant only temporary refuge to all the 115,000 refugees from Burma in camps along the border, and may attempt to repatriate them once there is an end to sustained military activity on the Burma side. This is based on the false assumption that the right to asylum is limited to those fleeing armed conflict. In fact, Human Rights Watch/Asia has found that most are fleeing abuses which justify a well-founded fear of persecution, even in areas where rebel groups have signed cease-fire agreements with Burma's central government, or where there is otherwise no fighting.

This report documents the continued systematic violation of internationally recognized human rights by the Burmese military against ethnic minority villagers in Burma's Karen, Mon and Shan States during 1996 and 1997. It also catalogues the treatment by the Thai authorities of those who fled these abuses and sought refuge in Thailand.²

In February 1997, the State Law and Order Restoration Council (SLORC) launched an offensive against the remaining rebel-held territory along the Thai border causing an estimated 20,000 refugees to flee into Thailand. The majority came from areas which had been controlled by the Karen National Union (KNU) for decades, and all of them would therefore be considered by the SLORC to be enemies of the state. As such they would be at risk of being subjected to beatings, torture and death by the Burmese armed forces. Even before the February offensive began, human rights abuses in the form of summary executions, forced labor, forced portering and forced relocations in Burma's ethnic minority areas had been increasing markedly since March 1996. None of these abuses had declined in areas where ethnic armies had signed cease-fire agreements with the SLORC; to the contrary, in many cases an increased Burmese military presence had only increased the burden of forced labor.

As the refugees sought sanctuary in Thailand, some 8,500 found that long-standing Thai policy allowing asylum seekers from Burma temporary refuge had been reversed: soldiers of the Ninth Division of the Thai First Army (Ninth Division) forced them back across the border, or otherwise refused to allow them safe refuge in Thailand. Those who were allowed to cross the border were sent to sites where no preparations for the refugees had been put in place and where they were forced to sleep on the earth with only plastic sheeting as cover. In other areas, Karen and Karenni refugees who have been granted temporary refuge in Thailand for some years remained vulnerable to attacks by Burmese paramilitary forces.

¹ Thailand is not a signatory to the 1951 United Nations Convention Relating to the Status of Refugees, but it is bound by customary international law to allow all persons fleeing persecution to seek asylum.

² This report is based on a research mission to the Thai/Burma border in June 1997, and interviews conducted with refugees at that time. It also includes some information from interviews of refugees from the Shan State conducted in November 1996. In some cases the real names of villages and towns in Burma have been used, but in others the refugees requested that they be omitted. All refugees interviewed requested anonymity, and their names have not been used. Many nongovernmental organization (NGO) workers based in Thailand also requested anonymity, for fear of jeopardizing their ability to work with the refugees.

The growing hostility of the Thai authorities towards refugees from Burma has grown in direct proportion to the increased economic cooperation between the Burmese and Thai governments. It is feared that as economic interests continue to grow, all of the 115,000 refugees living in camps in Thailand will be increasingly vulnerable to pushbacks and that new asylum seekers will be denied access into Thailand. The new Karen arrivals were in imminent danger of repatriation as this report went to press, but all other refugees from Burma also remained vulnerable. In May, refugees further north along the Thai/Burmese border were threatened with new draconian restrictions and a group of refugees from the Shan State, who have never been granted permission to establish refugee camps, were pushed back. This report also documents the abuses to which villagers in the Shan State were subject to from March 1996 onwards, in particular, forced relocations affecting an estimated 100,000 people, and the refusal of the Thai authorities to allow them refuge in camps where they could receive urgently needed humanitarian assistance.

Recommendations

Since the Royal Thai government clearly lacks the political will to offer more than temporary refuge to asylum seekers from Burma, only sustained international pressure will ensure their protection in Thailand and curb further outflows. This pressure needs to come not only from western governments and Japan, but also from ASEAN governments, which have an interest in promoting stability in the region and a peaceful transition in Burma. In July, ASEAN was reconsidering Cambodia's admission in light of the coup against its elected government, but has so far indicated it will hold to plans to admit Burma. In addition, the international community must continue to press Burma to implement the recommendations of the United Nations Commission on Human Rights resolution adopted unanimously on April 16, 1997, and to cease the abusive practices which lead to refugee outflows, while creating the necessary conditions for the voluntary return of refugees in safety and dignity.

In particular, Human Rights Watch/Asia recommends the following measures be taken:

To the State Law and Order Restoration Council

- Burma should take immediate steps to comply with the United Nations Commission on Human Rights resolution of April 16, 1997 (E/CN.4/1997/L.97) and the United Nations General Assembly resolution of December 12, 1996 (A/RES/51/117). In particular the paragraphs urging the SLORC "and all other parties to the hostilities in Myanmar to respect fully its obligations under international humanitarian law, including Article 3 common to the Geneva Conventions" and "to create the necessary conditions to remove the causes of displacement and of refugee flows to neighboring countries and to create conditions conducive to their voluntary return and their full reintegration in safety and dignity, in close cooperation with the Office of the U.N. High Commissioner for Refugees."
- Burma should cooperate fully with Judge Rajsoomer Lallah, the United Nations Special Rapporteur on Burma, and allow him to visit Burma with unrestricted access to all ethnic minority areas. Though he has tried to get access since 1996, the SLORC has refused to grant him permission to visit Burma.
- Burma must comply with its obligations under general international law not to subject those under its jurisdiction to extrajudicial executions, torture or other forms of serious ill-treatment and to investigate, prosecute and punish those responsible for such violations.
- Burma must stop the practice of forced labor immediately in accordance with the International Labor Organization's Convention No. 29, which Burma ratified in 1955 and allow this to be independently verified. Those found to be responsible for the practice should be prosecuted and punished.

To the Royal Thai Government

- Thailand should accede to the 1951 United Nations Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees.

- Thailand must abide by its obligations under international law and provide safe asylum to all those fleeing from persecution inside Burma in a consistent manner and in particular to ensure that the border is not closed to those currently fleeing persecution. The refugees must not be repatriated against their will and any repatriation must comply with the obligation of *non-refoulement* and the Conclusions of Executive Committee of the United Nations High Commissioner for Refugees (UNHCR) Programme; the UNHCR should be permitted to carry out its role in relation to any such voluntary repatriation as elaborated in its voluntary repatriation handbook.³
- Thailand should establish procedures under which nationals from Burma can seek asylum in order to prevent refoulement occurring of people arrested, convicted and deported for illegal entry into Thailand.
- Thailand must stop equating an absence of fighting as the sole condition for Burma to be considered safe for the return of the refugees. Those fleeing Burma should be treated as refugees where there is a well-founded fear of persecution, regardless of whether or not this is experienced in the context of fighting. An end to fighting in Burma does not in itself mean an end to human rights abuses.
- Thailand should allow the UNHCR to carry out its mandate in relation to the refugees from Burma on the Thai/Burmese border.
- Thailand should continue to allow access to the refugee camps on the Thai/Burmese border to those nongovernmental organizations (NGOs) who provide assistance and relief to the refugees.
- Those camps which are vulnerable to cross-border attacks and raids by the Democratic Karen Buddhist Army (DKBA) and the SLORC should be moved to safer sites located further inside Thailand, away from the border; Thailand should take immediate steps to provide an adequate level of security in the camps.
- The refugees housed in camps on the Thai/Burmese border must be allowed to live in humane conditions.
- Refugees from Burma's Shan State should be allowed to establish refugee camps at which they are able to receive humanitarian assistance.
- Thailand must abide by its treaty obligations as they concern refugees under the 1989 Convention on the Rights of the Child and the 1966 International Covenant on Civil and Political Rights.

To the Association of South East Asian Nations

ASEAN should establish a working group to promote a peaceful end to violence and continued repression in Burma and the implementation of measures to create conditions under which refugees could voluntarily return to Burma in safety and dignity.

- All ASEAN member states should be encouraged to abide by international standards for the treatment of refugees. Concern should be expressed to both the Thai and Burmese governments where these standards are violated.
- As a means of demonstrating Burma's willingness to cooperate with the international community as a responsible member of ASEAN, member states should press Burma to permit the U.N. Special Rapporteur on

³Refoulement means to expel or return a refugee in any manner whatsoever to the frontiers of territories where his or her life or freedom would be threatened on account of race, religion, nationality, membership of a particular social group or political opinion. Political opinion in this context means the existence of a *de facto* political attribution by the state of origin, even where the individual does not possess such a political opinion or explicitly disavows the views ascribed to him or her by the state. See James Hathaway, *The Law of Refugee Status* (Toronto and Vancouver: Butterworths 1996), pp.155.

Burma to carry out his mandate and visit the country, especially ethnic minority areas, in time for him to be able to report to the U.N. General Assembly in November 1997.

- ASEAN governments should also urge Burma to implement other key recommendations in the U.N. resolutions, including the release of all political prisoners, detained solely for the exercise of their internationally recognized rights, ensuring full respect for human rights and fundamental freedoms, including freedom of thought, opinion, expression, association and assembly, and protecting the safety of all political leaders including Daw Aung San Suu Kyi.
- ASEAN governments should agree, in advance of the next ASEAN meeting in December in Kuala Lumpur, Malaysia, to informally review the situation in Burma and consider additional initiatives that might be undertaken jointly or on a bilateral basis.
- ASEAN's dialogue partners—including Japan, the European Union, Australia, the United States and Canada—should raise these concerns during the ASEAN Post Ministerial Conference in Malaysia, July 28-29, 1997. They should also urge China, which will be represented at the conference and gives substantial economic and military assistance to Burma, to use its influence with the SLORC.

To the International Community

- Until such time as UNHCR can assume a genuine protective role, countries with embassies in Bangkok should continue to closely monitor the situation for refugees in Thailand, visiting the refugee sites and places where repatriations take place as often as possible, and intervening with the Thai government to ensure that international norms concerning refugee protection are respected. They should also continue to provide humanitarian assistance to the refugees through the NGOs in Thailand and should relieve Thailand of some of the burden by offering third country resettlement where possible.
- Coordinated pressure must be applied to ensure that human rights are respected in Burma. Governments should explore ways of exerting economic pressure on the SLORC, including further measures by the European Union (E.U.), following the March 1997 withdrawal of trade benefits to Burma under the Generalized System of Preferences, to press for an end to all forced labor. E.U. governments should prohibit all new private investment in Burma until forced labor is ended and this has been independently verified. Australia, Canada and other trading partners should move urgently to take similar steps. Japan should continue the suspension of most of its Official Development Assistance (ODA) to Burma, discourage further private investment by Japanese companies and increase humanitarian assistance to refugees in Thailand through NGOs.
- In order to ensure that they do not directly or indirectly benefit from or contribute to the use of forced labor, foreign companies should not invest in Burma until and unless there is verifiable evidence that all forms of forced labor have ceased in all parts of the country.
- International financial institutions, including the World Bank, International Monetary Fund, and Asian Development Bank, should maintain the current ban on assistance to Burma. At the World Bank's annual meeting in Hong Kong in September 1997, donor governments should issue a joint statement urging respect for the rule of law, accountability, transparency and other measures to ensure "good governance" in Burma, strongly reaffirming the donors' position that under current economic conditions in Burma due to the repressive political situation, World Bank assistance should not be extended.

To the United Nations High Commissioner for Refugees

- The UNHCR should continue to strive by way of negotiations with the Royal Thai government to establish a formal presence at the Thai/Burmese border in order to carry out its mandate in relation to the refugees situated there. In the meantime, it should continue its practice of visiting all the refugee camps on a regular basis.

- The UNHCR should be mindful of Thailand's obligation not to return refugees under customary international law and publicly condemn all instances of refoulement, including denial of access to those seeking refuge at the Thai/Burmese border.
- The UNHCR must press the Royal Thai government to ensure that any return of the refugees to Burma is voluntary. UNHCR should not involve itself, even as an observer, in repatriations which fall short of the standards contained in UNHCR's voluntary repatriation handbook. UNHCR should clearly state that letters consenting to return to Burma from individuals purporting to represent refugee groups do not establish voluntariness on the part of the group of refugees.

II. BACKGROUND

The first major influx of refugees from Burma arrived in Thailand in 1984. This group of some 9,000 people were ethnic Karens fleeing fighting between the Burmese central government and members of the KNU. Up until 1984, people displaced by fighting had been contained within Burma, but as the KNU lost territory, refugee camps were established on Thailand's western border with Burma. At that time, a vast international effort was providing support for 500,000 Cambodian refugees on Thailand's eastern border. The Thai government did not want a similar situation to develop on its western border. Although the UNHCR did not become involved, Thailand allowed these refugees to remain on Thai soil and to receive support from various NGOs working through the Committee for the Coordination of Services to Displaced Persons in Thailand. Up until 1988, the refugees were often migratory, returning to Burma as the fighting diminished at the end of each rainy season.⁴

Since 1988, when nationwide pro-democracy demonstrations took place in Burma and the SLORC took power, the nature of human rights abuses in Burma has changed and increased in intensity. The new military government doubled the size of its armed forces to an estimated 350,000 by 1997 and was able to establish a permanent presence in territory formerly held by the ethnic armed groups.

⁴See Human Rights Watch/ Asia, "The Mon: Persecuted in Burma, Forced Back from Thailand," *A Human Rights Watch Short Report*, vol. 6, no. 14, December 1994.

In February 1997, the SLORC launched a new offensive against the KNU, so that by the end of May 1997 the refugees in camps along the Thai/Burmese border numbered 114,801.⁵ The majority are from Burma's ethnic minorities (primarily Karen, Mon and Karenni), which make up over one third of Burma's forty-five million people. Despite this significant number of refugees, the UNHCR is still not permitted by the Royal Thai government to carry out its mandate at the Thai/Burmese border. It therefore has no permanent presence in any of the refugee camps nor any role in their administration. Representatives of the UNHCR in Bangkok are able to visit the camps at the border only with prior permission for each visit. No other organization is mandated, nor indeed able, to carry out a monitoring or protection role in relation to the refugees. Since the February influx, representatives from embassies based in Bangkok have also visited the camps. The U.S. Embassy has been particularly active in this regard. However, these visits are no substitute for the UNHCR's presence or for the fulfillment of its mandated function.⁶

In addition to those in refugee camps, there are also an estimated one million illegal migrant workers from Burma in Thailand, working on construction sites, on farms, in the fishing industry and in the sex industry. Many of them are refugees. Of these, at least 60,000 are villagers from Burma's Shan State who fled a wave of human rights abuses in 1996 and 1997 (see below).

III. REFUGEES FROM BURMA'S KAREN AND MON STATES AND TENASSERIM DIVISION

Human Rights Violations by the Burmese Military

Since 1989, the SLORC has embarked on a policy of attempting to reach cease-fire agreements with the numerous ethnic insurgent groups. In most cases, although the details of the agreements have not been made public, the rebels were permitted to retain territory and arms while at the same time gaining from significant economic and development projects which the SLORC undertook. However, despite such agreements, human rights abuses have continued as the SLORC deployed more troops in areas formerly considered "brown," that is, in the control of neither the government nor the rebels. The military required barracks, and villagers were forced to build them. They patrolled the areas bordering rebel territory, and the villagers were forced to carry their supplies. Above all, villagers were required to provide free labor to work on infrastructure projects which would further reinforce the military's control of the area. In March 1995 the cease-fire agreement with the Karen National Progressive Party (KNPP) broke down after the SLORC deployed troops within the KNPP's territory and continued to take people to work as porters for the army.

Significant portions of the Karen and Mon States and Tenasserim Division are of great economic importance to both the SLORC and the Royal Thai government. The Yadana gas pipeline, which will transport gas to Thailand from Burma's offshore Yadana gasfield, is being built across northern Tenasserim Division through areas which are home to a mixed population of Burmans, Mon and Karen ethnic communities. The Burmese government will receive an estimated U.S.\$400 million per year for the supply of the gas, scheduled to commence in July 1997.⁷

⁵ Figures of the Burmese Boarder Consortium: Burmese Border Camp Locations with Population Figures, May 1997. Of the 114,801 refugees at the border it is important to note that 12,846 of these are from the Mon ethnic group and are located in four camps on the Burma side of the border having been repatriated in 1995 and early 1996 to areas under the control of the New Mon State Party (NMSP) under the terms of their June 1995 cease-fire agreement with SLORC. The Mon in these four camps are presently able to receive assistance from NGOs based in Thailand.

⁶ As at the end of June 1997, delegations from the following embassies had made visits to camps at the Thai/Burmese border: Austrian, Belgium, British, Canadian, Danish, Dutch, Finnish, French, Japanese, Norwegian, Swedish, Swiss and USA. The head of the European Union delegation in Bangkok also did so.

⁷ The joint venture constructing the pipeline involves four companies: the U.S. company, Unocal, the French company, Total, the Petroleum Authority of Thailand (PTT), and Myanmar Oil and Gas Enterprise, a Burmese state owned enterprise. See Earth Rights International and Southeast Asian Information Network, "Total Denial" (Thailand: EarthRights International and Southeast Asian Information Network, July 1996).

Thai companies are also involved in developing a deep-water seaport at Tavoy in Burma. A number of important roads linking Thailand and Burma are being planned, including highways from Three Pagodas Pass on the Thai/Burmese border to Thanbyuzayat in Burma's Mon State, from Bong Ti on the Thai/Burmese border to Tavoy and from Bang Saphan in Thailand to Bokpyin. It has also been reported that the Thai company Ital-Thai is undertaking a feasibility study for a hydroelectric dam on the Mae Kok River, also in a Karen area.⁸ The area also has huge untapped potential as a tourist destination, and the establishment of a million-hectare "biosphere" in the Myinmolekat Nature Reserve is underway.

Given the economic importance of the area, it has long been a policy of both Burma and Thailand to "clean up" the border region. Military and political pressure on many of the groups along the border successfully resulted in cease-fires, and in the case of the Mon, the repatriation of Mon refugees.⁹ By the end of 1996, with the effective defeat of the KNPP, only the KNU remained an obstacle. The KNU is one of only a handful of ethnic insurgent groups not to have signed a cease-fire agreement with the SLORC, despite being in sporadic negotiations since March 1992. In January 1997, over one hundred representatives from several ethnic rebel groups, including some groups which had already formed cease-fire agreements with the SLORC, took part in an ethnic nationalities seminar in KNU-held territory. The seminar ended with a ten-point agreement which included a statement of support for the opposition leader Aung San Suu Kyi.¹⁰ It is believed that above all else, the KNU's involvement in the seminar led to the SLORC's decision to embark on a final offensive against them in February. By May, the KNU had privately agreed to withdraw its support for certain items of the agreement in order to resume negotiations with the SLORC. However, on July 8, 1997, the KNU broke off all negotiations with the SLORC, saying that the SLORC had acted in bad faith by making its position public.¹¹

Even before the February offensive began, human rights violations in the region were widespread, as confirmed by interviews conducted in Thailand in June 1997. Refugees from Burma described a variety of abuses in areas under the control of Burmese forces, some going back to 1993.

A thirty-eight-year-old Burman man from Tha Yet Chaung township in Tavoy District said he had been forced to work as a porter for the army for over one month in mid-1995 during an operation against the KNU, carrying arms, ammunition, food and the soldiers' backpacks:¹²

⁸Robert Horn, "Thai Army Pushing Male Refugees Back to Burma; Rebel Base Falls," *Associated Press (AP)*, February 26, 1997.

⁹ These Mon refugees have not been resettled in Burma but remain internally displaced in territory held by the NMSP.

¹⁰The Meh Tha Raw Ta Agreement. It was signed by the Karen National Progressive Party, Pa-O Peoples Liberation Organization, Wa National Organization, United Wa State Party, Palaung State Liberation Front, Kachin Independence Organization, All-Arakan Students and Youths Council, Lahu Democratic Front, New Mon State Party, Arakan Liberation Party, Kayan New Land Party, Shan United Revolutionary Army, Chin National Front, Shan Democratic Union, and the Karen National Union, although there has been some dispute over whether all those present actually signed the agreement. The Kachin Independence Organization, for example, had left the meeting before the final statement was drawn up.

¹¹ KNU press release, July 8, 1997.

¹²Since 1988, forced labor has been systematically used by the SLORC across Burma on a huge scale. A common form of forced labor is portering for the Burmese army, often during military operations. The pattern of forced labor in Burma has been documented by Human Rights Watch/Asia since 1990. See Human Rights Watch/Asia, "Burma: Entrenchment or Reform? Human Rights Developments and the Need for Continued Pressure," *A Human Rights Watch Short Report*, vol. 7, no. 10, July 1995; Human Right Watch/Asia, "Burma: Abuses Linked to the Fall of Manerplaw," *A Human Rights Watch Short Report*, vol. 7, no. 5, March 1995; Human Rights Watch/Asia, "The Mon: Persecuted in Burma, Forced Back from Thailand," *A Human Rights Watch Short Report*, vol. 6, no. 14, December 1994; Asia Watch (now Human Rights Watch/Asia), "Burma: Rape, Forced Labor and Religious Persecution in Northern Arakan," *A Human Rights Watch Short Report*, vol. 4, no. 13, May 7, 1992.

Once I asked some soldiers for more food, as we were only given a small amount of rice each day. I was beaten on the head by a soldier with a bamboo stick. Another time I saw a porter being beaten to death because he was too exhausted to carry his load.

He also spoke of another occasion during the same operation when he and the other porters had to cross a fast-flowing river, holding onto a piece of rope as a guide secured on both sides of the riverbank. It was difficult for them to keep their balance due to the heavy loads they were carrying. The rope broke after he had crossed, but a number of the porters behind him were swept away down the river being dragged under the water by their loads. He believed that at least ten porters drowned.

Just a few months earlier, in April 1995, this man said he had been taken by the army to Kanbauk, in the north of Tenasserim Division. He was kept under guard, with a number of others, in a reserve pool of porters in case the army required them in the run up to and during the Burmese New Year festivities, which takes place in April each year. He was kept in Kanbauk for ten days before being released. He witnessed one of the porters trying to run away. He was caught and stabbed by a SLORC soldier.

This same man told Human Rights Watch/Asia that throughout 1995 and early 1996, he had been forced to work as a porter for SLORC soldiers who were guarding the Yadana gas pipeline, which passes across northern Tenasserim Division.¹³ He spoke of an increase in demand for porters in his area, Tha Yet Chaung township, since the pipeline project had commenced. He was forced by the army to go to the pipeline area two or three times a month. He said he and other porters would carry weapons and food for the soldiers who were patrolling the area of the pipeline. As he got to know the area better he would usually run away from the soldiers after some days. He eventually fled from his village to the Thai/Burmese border because he could not stand working as a porter any longer. He was unable to make enough money to support his family because he was always doing forced labor for the army.

A twenty-year-old Karen man who lived in Taungoo in Burma's Pegu Division said that his father had been involved in the KNU for as long as he could remember until his death in 1995. While working in the Pegu mountain range in February 1996, he learned that his mother had been arrested. With the help of a relative, he went to the military intelligence office in Taungoo where his mother was being held:

Her hands were tied behind her back, she had been beaten up and could barely speak. I asked why they had done this to her and I was told that my family was suspected of having connections with the KNU. I asked to be taken in my mother's place so she could go to a hospital and they agreed.

He was held in the compound for a week where he was interrogated on three occasions. He was asked many questions about the KNU, including whether he or his family were hiding weapons or if anyone from the KNU stayed at their family home. He was always questioned by the same two SLORC soldiers, one of whom was an officer:

When they questioned me, one soldier whipped my back with wire cable. He also punched and kicked me. I was questioned about three times, and this happened each time they questioned me. They kept asking me the same questions.

After a week, he was taken to Taungoo prison and from there taken by the army in mid-1996 to be a porter. He was forced to porter for the Burmese army in Karen State and spoke of how four older porters in his group were unable to keep up with the soldiers:

¹³A number of people have commenced legal proceedings against Unocal in the U.S., one of the partners in the joint venture which is constructing the pipeline in Burma, which they allege was responsible for human rights abuses they suffered, including forced labor, in connection with the pipeline construction. See *John Doe I, et. al. v. Unocal Corp, et. al.* Case No. CV 96-6959 RAP.

They apologized to the soldiers for their lack of speed and pleaded for mercy. They were beaten up by the soldiers and each one pushed off the edge of a cliff.

He then recounted how he himself had fallen sick and asked one of the soldiers for some medicine. He was hit in the mouth with the butt of a gun and lost two teeth. The soldier then stabbed him and slashed the back of his head with a knife. He was left for dead but was found and taken in by some local villagers.

Many civilians pay "porter fees" that can, sometimes, substitute for work as porters. However, when porters are in short supply, civilians are often taken by the army regardless of whether a porter fee has been paid. The level of porter fees varies over time and place but they increase when porters are in short supply. Those who cannot afford these fees have no choice other than to work as a porter or to flee.

One of the most notorious projects on which civilians are forced to work by the SLORC is the 160-kilometer railway between Ye in Mon State to Tavoy in Tenasserim Division.¹⁴ A thirty-four-year-old Karen man from Ye Bone village, some sixteen kilometers south of Kanbauk in Tenasserim Division, interviewed in a refugee camp in Thailand in June 1997, said that he had worked on the railway in 1993, clearing a section of the route before construction of the railway itself in that area began. Workers were taken from his village in rotation by the army. He did not have to work on the railway in 1994, although he had to work as a porter for the army many times that year. During his time as a porter, he was forced to carry supplies, including weapons and ammunition, for soldiers during their operations against the KNU. In 1995, he was again taken by the army to work on the Ye-Tavoy railway:

Each week, ten people from our village would be taken to work on the railway. It tended to work out that I would have to work one week on the railway and then would have two weeks at home before being taken again. I saw people who were too sick to work being beaten by soldiers for taking a rest. I also witnessed a landslide at the work site which resulted in a number of laborers' deaths. My legs were injured in this landslide. My wife came to take my place working on the railway so that I could return home to recover.

He said that Burmese forces built three military barracks near his village between 1988 and 1990. He and all the men from his village had been forced to construct the barracks. Periodically since 1990, he and others from his village had to go back to the barracks to do further work, such as making fence posts and putting up new fencing.

A man from Tavoy District in Tenasserim Division, interviewed by Human Rights Watch/Asia, had worked for two periods of fifteen days during 1995 on the Ye-Tavoy railway, at a site nineteen miles from Tavoy. He described how men and women from his village would have to go to work on the railway in rotation. He had to dig and carry soil every day he was at the site:

I saw many people from many villages in my area and other townships working on the railway. I also saw prisoners from Rangoon working at the site. They were wearing white clothes and their legs were shackled together with a long chain, which most of them placed round their neck to keep it out of their way while they were working.

¹⁴Burma's use of unpaid civilians on development and infrastructure projects is widespread. Burmese officials force civilians to work on such projects and justifies this by claiming these developmental projects are designed for the long-term benefit of all. See Human Rights Watch/Asia, "The Mon: Persecuted in Burma, Forced Back From Thailand."

This system of forced labor was described by several men and women who spoke of being forced to work without pay constructing and repairing roads and on army-owned farms. These people said that "forced labor fees" as well as "porter fees" were often collected from the villagers. A woman living in northern Tenasserim Division told Human Rights Watch/Asia that in 1995, an army commander had told the headman of her village that in order for the villagers to avoid forced labor on the Ye-Tavoy railway, after the project restarted in 1995, the village as a whole would have to pay 10,000 kyat a month (about one hundred dollars or a month's salary for a teacher). It was left to the headman to collect this money from the villagers.¹⁵

Human rights abuses of this nature drove 101,175 refugees from Burma seeking refuge on the Thai/Burmese border by the start of 1997.¹⁶ Since then, they have been joined by at least a further 20,000 refugees (not all of whom are in the established refugee camps) who fled fighting during the February SLORC offensive against the KNU.

The offensive was launched against the KNU's 4th Brigade (Mergui Tavoy District) and 6th (Duplaya District) Brigade areas, located in Burma's Tenasserim Division and Karen State. On February 7, 1997, government troops, supported by supplies carried by mules, bulldozers and civilians forced to work as porters, started fighting troops of the KNU at the village of Myitta on the upper reaches of the Tenasserim River in the KNU's 4th Brigade area. The two-pronged attack by the Burmese army, along the Tenasserim and Paw Klo Rivers, proceeded quickly with new villages being taken by the army on almost a daily basis. The 4th Brigade headquarters at Htee Kee was taken by the Burmese army on February 26.

On February 11, the offensive against the KNU 6th Brigade area commenced. Two days later, the KNU headquarters in this area, at Htee Ker Pler, was taken by government troops, and on February 17, some three hundred troops of the Karen National Liberated Army, the troops of the KNU 16th Battalion, surrendered to the Burmese army.¹⁷

With these important objectives achieved, the Burmese army continued its sweep south along Burma's border with Thailand. Reinforcements were sent into the region from Ye further north, Palaw in the west and Mergui in the south. From Mergui the SLORC troops advanced north along the Tenasserim river to join with troops advancing along the river in a southerly direction, as well as advancing south, capturing the headquarters of the KNU 11th Battalion at Ler Ker on March 18. By the end of March, virtually the whole river valley of the Tenasserim River was occupied by SLORC troops.

A number of rebel opposition groups in addition to the KNU had bases located in the south of Burma's Tenasserim Division, and by May, it was reported that government troops had attacked the All Burma Students Democratic Front's (ABSDF) 8888 camp, Mukapaw camp of the All Burma Muslim Union (ABMU) and Chang Chee and Hway Pha camps of the Mon Army Mergui District (MAMD), a splinter group from the New Mon State Party (NMSP). On May 25, the MAMD surrendered to the government.

¹⁵Use of forced or compulsory labor is a violation of the International Labor Organization's (ILO)1930 Convention Concerning Forced Labor (No 29), ratified by Burma on March 4, 1955

¹⁶This figure includes some 11,185 Mon, whose camps were relocated onto the Burma side on the border during 1995 and early 1996 by the Thai authorities.

¹⁷"Mass Surrender of Rebel KNU Fighters," *Bangkok Post*, February 19, 1997.

As in all previous offensives, a large number of porters were used by the Burmese army.¹⁸ These porters were taken both prior to and during the offensive, primarily from the areas between Moulmein in Mon State to Tavoy in Tenasserim Division. Three women from Moulmein interviewed by Human Rights Watch/Asia witnessed dozens of porters being rounded up in February from a video house, theater and railway station. Another eye witness saw porters being taken from the bazaar in Moulmein as well as from other smaller shops in the city. A pool of approximately three hundred porters were reportedly kept at a football field in Thanbyuzayat in Mon State during February in order to provide a ready supply of porters to the Burmese army.

Many of the 20,000 people who have fled into Thailand since the offensive started did so in advance of the SLORC troops and thus avoided being subject to other abuses. However, some of those interviewed by Human Rights Watch/Asia remained in their villages for a period after the government forces took control.

A thirty-six-year-old Karen headman, from a village near Kyunchaung in Karen State, said his village had been in an area under the control of the KNU 6th Brigade. However, in early March 1997, troops of the Burmese army arrived and told the villagers that they were looking for "the enemies," meaning people connected to the KNU.

He recounted how, after two days in the village, the commander in charge of the troops singled out three villagers who were suspected of assisting the KNU. According to his account, he witnessed all three having their hands tied behind their backs and being beaten by four or five soldiers in front of the villagers, in order to try to obtain information about the KNU. The soldiers used their fists and the butts of their guns to beat these men while asking them questions. One of these three men was accused of having a brother in the KNU. The soldiers wrapped a plastic sheet around his head and tied it with twine so that it seemed as though he would suffocate. After this, these three men were held in a compound the soldiers had forced the villagers to build for them. Two of the men were released after three days but had to report to the military compound each day. The third man was detained for a month and continually forced to serve as a porter; he was said to have escaped from the soldiers while portering for them.

The same Karen headman said that a large number of porters were taken by the Burmese authorities from his village to accompany the soldiers on patrols in the area on a three-day rotational basis. As the village headman, he had to nominate and gather together the porters for the army. In addition, he said that the soldiers took rice from the villagers without giving them any payment. They also killed and ate pigs, chickens, cows and buffalos belonging to the villagers. Two months after the army entered his village, he fled to Thailand as he felt unable to continue to nominate and gather porters and feared being tortured and beaten by the soldiers for suspected involvement with the KNU.

A forty-eight-year-old Karen man from Pa Der Plaw village in Kya In township, Karen State, said that the Burmese army started passing through his village very regularly from February 1997. He was a member of the village council and had to arrange for the villagers to provide bullock carts and drivers for the soldiers to take supplies from Kya In to Taungzun, further south in Karen State. They would be gone for eight to ten days at a time. As the rainy season began in earnest, the bullock carts could not always be used, so the soldiers demanded porters from his village to carry their goods, which he also had to arrange. The headman of his village had been arrested and detained three times because the officials thought he had information about the KNU. On the first occasion, the headman was tied up and detained for four days at the place in the village which the army used as an occasional base. On the second occasion, the headman was tied to a wooden post and punched, slapped and beaten by some soldiers. He was released when two ex-KNU soldiers who had surrendered said that they knew the village headman had no information about the KNU.

On the third occasion, the village headman was detained for over a month, held first at Haw Her village and then at Paw Naw Mu village. On his return to his village, the headman told some of the villagers how he was beaten and tortured by the soldiers while they questioned him for information about the KNU. He still bore the scars of the treatment he had suffered, which included burns to his torso where the soldiers had set fire to his shirt and stubbed out their cheroots on him. After the headman's return, a number of villagers felt they were in danger of receiving similar treatment from the soldiers and fled to the border.

¹⁸See Human Rights Watch/Asia, "Abuse Linked to the Fall of Manerplaw."

Repatriations and Denial of Access By the Royal Thai Government

Even as the first refugees fleeing the SLORC offensive arrived in Thailand, the Burmese and Thai military were meeting to lay contingency plans. On February 25, 1997, Burmese Army Chief Gen. Maung Aye and his Thai counterpart, Gen. Chetta Thanajaro, met in the border town of Tachilek. In that meeting, Gen. Maung Aye reportedly said that the government of Burma had to use force against Karen rebels as Rangoon did not want other ASEAN countries "to be concerned" about the issue. He also reportedly said that Thailand is given prior written warning whenever the Burmese Army plans a new offensive.¹⁹ Thus, with the Thai authorities working hand in glove with the Burmese, they were able to anticipate a major influx of refugees from Burma fleeing the advance of SLORC troops. Despite knowing full well that denying refuge to this group would leave them vulnerable to Burmese government abuses during a major military offensive, the Thai response, was to minimize the number of refugees in Thailand by both denying access at the border and returning refugees to Burma. In short, there was a policy of refoulement.

Instances of Refoulement

At Bong Ti, Sai Yo District, Kanchanaburi Province

On February 24, 1997, villagers who had been evacuated by the KNU in anticipation of SLORC's imminent arrival in their villages were allowed by the Thai authorities to cross from Burma into Bong Ti village in Thailand. The following day, the men from this group were separated from the women, children, sick and elderly by soldiers from Thailand's Ninth Division. The 230 men were then loaded onto trucks and taken to a point on the Thai border further south known as Pu Nam Rawn, directly opposite the KNU 4th Brigade headquarters at Htee Kee in Burma, an important objective for the Burmese army, to which they were advancing rapidly. From this point the men were forced back into Burma by soldiers of the Ninth Division and told either to fight the SLORC troops or surrender to them. That same day SLORC troops were shelling Htee Hta, a village situated only thirteen kilometers from Htee Kee. Two days later Htee Kee itself fell to the Burmese army.

These men had a well-founded fear of persecution. By virtue of living in KNU-controlled areas, they were perceived as supporters of the KNU. They were returned by the Thai authorities into an active conflict zone, in clear violation of international standards.

On February 25 and 26, the 900 women, children, sick and elderly who had crossed into Bong Ti were loaded by the Ninth Division onto private logging trucks in two batches and taken to an area in Suan Phung District in Ratchaburi Province, Thailand. From this point, they were forcibly repatriated to Burma. Soldiers of the Ninth Division pointed out where they had to walk and gave them no choice but to return to Burma. They congregated at a place known as Htaw Ma Pyo Hta, an old tin mining area. The refugees had no idea where they were being taken when they left Bong Ti and at Htaw Ma Pyo Hta found themselves at the Burmese army's next objective along the border, having taken Htee Kee.

One man in his late seventies, who was interviewed by Human Rights Watch/Asia in June 1997 in a refugee camp in Thailand, spoke of how he had fled from his village of Amoh in Burma as SLORC troops were approaching. He was allowed access to Bong Ti, but said that after one or two days the men were separated from the others in the group:

I was lucky because I was old. I was not in this group of men who were trucked away.

¹⁹"Maung Aye Comes Clean on Offensive," *The Nation*, February 26, 1997. In this report, Gen. Maung Aye was quoted as saying, "Rangoon did not want other ASEAN countries to be concerned about the issue" and that "the Burmese army...had informed Thailand in advance and in writing whenever it planned a new offensive." "Burmese vow to pursue offensive against rebels indefinitely," *AP*, March 4, 1997. This report states that a senior military intelligence official of the Burmese army, Col. Kyaw Thein, said in relation to the offensive against the Karen that there was a "complete understanding between the two countries." To facilitate the repatriation of Burmese, a Thai/Burmese Regional Border Committee was formed in 1993.

He then recounted how he, together with the others remaining in the refugee group, was trucked to a heavily forested site in the area of Htaw Ma Pyo Hta. He had been able to take many of his possessions with him to Bong Ti, but had to leave most of them behind when he was loaded onto the truck. He spoke of how he could not stay at Htaw Ma Pyo Hta as the Burmese army arrived:

I ran along the border. I did not think that the SLORC troops would pursue us, but they did. I fled to a point on the border called Meh Pya Kee and from here I was able to cross into Thailand.

From the time he left Htaw Ma Pyo Hta, it took him seven days before he was able to cross into Thailand, during which time he passed through eight villages inside Burma, pursued by government troops.

The Ninth Division pushed back a smaller group of refugees on February 28, 1997 in the area of Htaw Ma Pyo Hta, having fled from Amla Kee in Burma to the Thai border.²⁰ They were taken in two trucks to a point on the Thai side of the border and Thai soldiers ordered them to walk across the border into Burma. A relief worker sought permission from the Thai authorities for two people in this group who were in need of medical assistance to be transferred back to Thailand for hospitalization, but permission was denied.

At Pu Nam Rawn, Kanchanaburi District, Kanchanaburi Province

As the KNU evacuated the villages in the area of Htee Kee, persons fleeing from the second prong of the government attack along the Paw Klo river, west of the Tenasserim River, also arrived at the border after walking for several days through the jungle and across the mountains. By February 24, a group of some 2,000 people had gathered at the Thai border, adjacent to Pu Nam Rawn in Thailand. At the border post, Thai Border Patrol Police screened the refugees as they attempted to cross into Thailand. Some 500 males were refused entry to Thailand and told to return to Htee Kee.

Human Rights Watch/Asia interviewed a fourteen-year-old boy, in a refugee camp in Thailand, who was in this group:

I and my brother both went to school in Htee Hta, where we lived with my aunt. My brother is thirteen. The KNU told the whole village that we would have to leave, as the SLORC were attacking the area. I could hear the sound of mortar shells and heavy weapons. The whole village left together and we fled first to Htee Kee and from there to the Thai border. The walk to the border from Htee Kee took about two hours. I was with my aunt and brother. When we arrived at the border we saw that there were Thai officials waiting there. They pointed at some of the males trying to cross the border, including me, and said that we could not come across. My aunt and brother were allowed to cross the border. I cannot express what it felt like to be separated from my relatives, but I was very unhappy. I have suffered a lot. I then walked back to Htee Kee with a group of four or five other people who had also not been allowed by the Thai officials to cross into Thailand. The people in the group I was with ranged in age from thirteen to seventeen years old.

He also described how he and the others had to leave Htee Kee as the Burmese army began to attack it. He heard the mortar shells landing in the village as they fled. They then started a perilous journey along the border on the Burma side, walking through the jungle for at least seven days until they reached Htaw Ma Mah, where they stayed for two weeks on the Burma side of the border. They then moved to Ke Ma Kee, again inside Burma. From this point, they were allowed to cross into Thailand to Huay Sut refugee camp. His brother and aunt, from whom he was separated at Pu Nam Rawn, were in Pu Muang, a different refugee camp in Thailand. At the time of the interview, three months later, they had still not been reunited.

²⁰"U.S. Ambassador to be Summoned Over Karen," *The Nation*, March 2, 1997; Gordon Martin, *Uncertainty and Despair: The Plight of Karen Refugees on the Thai-Burmese Border*, (London: Parliamentary Human Rights Group, May 1997), pp.5.

In addition to the refusal of entry to Thailand by the Thai authorities at the border, which clearly constitutes refoulement,²¹ Thai soldiers of the Ninth Division also screened the refugees who had already entered into Pu Nam Rawn before the Border Police had started screening at the border post. They picked out an estimated one hundred boys, some as young as ten, who were told they must return to the Burma side of the border. Again, this group had to make the dangerous journey along the border inside Burma before being allowed to cross into Thailand at a point further south.

On February 25, 1997, Major General Thaweeet, Commander of the Ninth Division, visited the sites at Bong Ti and Pu Nam Rawn and told the refugees that they would only be allowed to stay in Thailand for two to three days. On the same day, two officials of the U.S. Embassy were refused admission to Bong Ti and Pu Nam Rawn.²²

At Bo Wi, Kanchanaburi District, Kanchanaburi Province

In early July 1997, a group of at least 150 people fleeing from inside Burma gathered at the border in the area opposite Bo Wi in Thailand where the Ninth Division refused to let them cross the border into Thailand.

At Tho Kah, Sangkhlaburi District, Kanchanaburi Province

Tho Kah is situated inside Burma close to the Thai/Burmese border. There have been internally displaced Karens and Tavoyans at this site since April 1995. From the time the Burmese army's offensive began in the KNU's 4th Brigade area, the number of people at Tho Kah has swelled to over 2,000. As the SLORC troops approached Tho Kah, the people at the site fled on foot to the border. They crossed into Thailand on February 28, 1997. On March 10, 1997, this group was pushed back across the border into Burma by the Ninth Division. They were too frightened to go back to Tho Kah, given the proximity of the SLORC troops, so they stayed on a hilltop nearby. Government troops immediately started shelling this area, with some shells landing on Thai soil.

On April 12, 1997, government troops overran the Tho Kah site and the refugees were allowed to enter Thailand and stay in an area known as Mong Soe Mine, very close to the border. On May 19, 1997, this camp was closed and the refugees transferred to another site in Thailand, Don Yang. By then, there were only some 800 to 900 people left at the site, the majority having left this insecure and vulnerable camp. A man recently interviewed by Human Rights Watch/Asia, who in April/May 1996 had fled human rights abuses in Tavoy District and had settled at Tho Kah, spoke of how the Thai authorities would not let him and others from Tho Kah cross into Thailand for more than a month, despite being in real danger from advancing SLORC troops.

At Htee Hta Baw/Htee Lai Pah, Sangkhlaburi District, Kanchanaburi Province

The original site of this camp which straddled the border was at Htee Hta Bah. It was established in 1992, and in early February 1997 its population was 2,300. On February 15, 1997, shortly after the offensive by the Burmese army began in the KNU 6th Brigade area, the population of the camp fled to the Thai side of the border. Two days later, on February 17, 1997, soldiers of the Ninth Division pushed them back to the Burma side of the border. On February 20, 1997, troops of the Burmese army entered Htee Hta Baw camp. Some of the refugees fled to Htee Lai Pah, which is also situated inside Burma. The Burmese army then appeared to advance on Htee Lai Pah, quickly outflanking the KNU troops in this area.

The refugees again fled to the border where they were held on the Burma side at gunpoint by soldiers of the Ninth Division until February 27, 1997, when they were finally allowed across to Thailand. They settled in the Thai village of Htee Lai Pah.

²¹It is important to note in this regard, Excom Conclusion 6 (XXVIII) on non-refoulement which reaffirms the "fundamental importance of the observation of the principle of non-refoulement - both at the border and within the territory of a state..."

²²See Martin, *Uncertainty and Despair: The Plight of Karen Refugees on the Thai-Burmese Border*. Amnesty International Urgent Action, (London: Amnesty International, Index ASA 03/02/97, February 26, 1997).

On March 9, 1997, these refugees were moved by soldiers of the Ninth Division back to the border and some were repatriated. It was reported by a relief worker in the area that some were beaten up by Thai soldiers for not voluntarily going back. The remaining refugees were forced to move on numerous subsequent occasions by the Thai army. When they were moved to Don Yang on May 20, 1997, the refugees had been moved an estimated ten to fifteen times. Only around 700 refugees remained, representing a "loss" of over 1,500 refugees. An estimated 600 of these went to Nu Pho, a refugee camp in Tak Province but the fate and whereabouts of the others are unknown.

The border is not clearly demarcated in this area and given the number of times this group was moved by the Ninth Division of the Thai army, it is difficult to say how many times this group of refugees was actually returned. However, it is clear that refoulement occurred on at least two occasions and that the group was held in the border area in a extremely exposed and vulnerable position for three months.

At Don Yang, Sangkhlaburi District, Kanchanaburi Province

On the orders of the Ninth Division, refugees from Tho Kah and Htee Lai Pah were moved to a new refugee site at Don Yang on May 19 and 20, 1997. By the end of May, the population of the camp was 1,552. A considerable number of people who were at the sites of Tho Kah and Htee Hta Baw/Htee Lai Pah in early February 1997 were separated from the main groups of refugees in the course of the numerous moves they were forced to undertake, including the final relocation to Don Yang. Despite this, the Ninth Division has said that beginning in June 1997, the camp would be closed to new refugees, including those who had originally been in Tho Kah or Htee Hta Baw.

The closure of Don Yang has blocked access to a group of over 2,000 people, mainly Karens, gathered at a village inside Burma called Htee Wah Doh in an area opposite the camp of Don Yang, close to the Mon camp, Halockhani, which is also situated inside Burma. Human Rights Watch/Asia interviewed three heads of families from Htee Wah Doh who had fled from their villages because of human rights abuses perpetrated by SLORC troops who entered and occupied their villages during the course of the government offensive in the KNU 6th Brigade area. The group may also contain people separated from the refugee groups at Tho Kah and Htee Lai Pah/Htee Hta Baw.

Htee Wah Doh clearly was not a safe place for this group of displaced people. On May 11, 1997, some one hundred government soldiers, with forty to fifty porters, entered the Mon camp, Halockhani. They set up two checkpoints in the camp and began charging entrance and exit fees. The people in Halockhani camp were very frightened and some tried to move out of the camp, either into Thailand or further north along the border inside Burma. Initially, the commander said their purpose was to demarcate the border and discussions proceeded with the Ninth Division. However, after two days the commander of the SLORC troops said they needed to stay in the camp to fight Karen insurgents in the area. The NMSP, which has a cease-fire agreement with the SLORC, reportedly wrote to the Burmese army's South East Command headquarters in Moulmein asking that the troops be withdrawn immediately. On May 15, 1997, the troops were ordered to withdraw to Three Pagodas Pass, a point further north along the border and outside Mon state. The SLORC troops moved towards the village of Htee Wah Doh but were headed off by the NMSP before they entered the village. The troops then returned to Three Pagodas Pass.²³

On June 1, 1997, a delegation of five people from Htee Wah Doh walked to the Thai border checkpoint adjacent to Don Yang to seek access to the camp. They were told that the camp was closed to new arrivals and that the Thai authorities would not consider any people arriving at the border from the beginning of June 1997 to be refugees as there was no longer any fighting in the area. By July 8, 1997, this group was still stuck on the Burma side of the border, in a vulnerable position with very limited access to medical services or other humanitarian assistance.

In Pranburi Area, Hua Hin District, Prachuap Khiri Khan Province

As the SLORC troops moved further south along the Thai/Burmese border in the Tenasserim Division and began attacking the headquarters of the KNU's 11th Battalion at Ler Ker, villagers fled from this area to the border. On

²³Conversation between Human Rights Watch/Asia and the Mon National Relief Committee on June 4, 1997.

March 10, 1997, some one hundred villagers crossed the border into Thailand in the area adjacent to Pranburi. On March 15, 1997, they were told by the Thai army that they could not remain in Thailand and they were forced to return to Burma. They joined approximately 300 others who had congregated on the Burma side of the border. This group was eventually moved to Huay Satu, an isolated site a six-hour walk from the last border check point inside Thailand. At the end of May 1997, this site housed some 1,548 refugees on the Thai side of the border.

It was at this site that a group of some 400 families connected with the Mergui-Tavoy United Front (MDUF), another rebel opposition group, was forcibly repatriated by the Thai army to the Burma side on the border on June 5, 1997. This group contained a large number of women and children.²⁴

Towards the end of June 1997, the refugees at Huay Satu received threats from the Ninth Division that they would be forced to move to the Burma side of the border by the end of June 1997. A representative from the U.S. Embassy in Bangkok visited this group of refugees on or around June 19, 1997 and was informed by those refugees he was able to speak to that they did not want to return to Burma. This representative was reportedly informed subsequently by the Thai Army that there were no plans to repatriate this group of refugees.²⁵ A few days later, soldiers of the Ninth Division went to the camp and tore down the plastic sheeting used by the refugees for their shelters. The soldiers then ordered the refugees to cross the border into Burma. The refugees had no choice but to do as they were ordered. On June 26, 1997, SLORC troops came right up to the border on the Burma side and this group together with some new refugees fled back across the border to Huay Satu in Thailand. On June 29, 1997, soldiers of the Ninth Division went to Huay Satu and told the refugees that all of them, apart from the pregnant, sick and elderly, had to return to Burma or move to Don Yang camp. All except 220 people were then repatriated by the Ninth Division. At the time of the repatriation, both the UNHCR office in Bangkok and a NGO were refused access to the site by the Ninth Division whose officials claimed that the river in the area was too high and the security situation unclear.²⁶

In Thap Sakae area, Prachuap Khiri Khan Province

²⁴Information received from a relief worker who was in the area and met with members of this MDUF group as they were walking towards the border.

²⁵Reported in a private conversation with Human Rights Watch/Asia.

²⁶Reported to NGO workers by those refugees remaining at Huay Satu who requested anonymity.

As the Burmese offensive swept further south in the Tenasserim Division, fighting commenced between its troops and MAMD in April. A group of some 800 Mon crossed into Thailand sometime in April 1997 to a site near the border, some nineteen kilometers south of Thap Sakae. The numbers there had decreased by June 6, 1997, with only 300 to 400 Mon remaining at the site. On that day, the Thai authorities repatriated this entire group directly into the hands of a local Burmese army commander. The Thai authorities invited both Thai television cameras and the UNHCR to be present at the repatriation. It is unclear what steps, if any, were taken by the Thai authorities to establish whether the refugees were willing to return to Burma. An announcement over a loudspeaker was made before the refugees were loaded onto trucks that anyone who did not want to return should step aside. This is not sufficient to establish voluntariness on the part of the refugees. Thirty of the families which were repatriated expressed their wish not to return to a NGO which was present. It would appear these refugees were returned.²⁷

The UNHCR reported that a letter had been sent by the head of this group of refugees to General Chetta stating that they consented to return to Burma. However, a letter of this nature clearly does not establish that each of the refugees was willing to return; clearly a letter from a purported leader cannot be taken to represent the desires and wishes of each of the individual refugees within the group. The use of such a mechanism cannot establish voluntariness on the part of the refugees and its use should be strictly avoided.

The role of UNHCR's local representative who was present at this repatriation was unclear, and UNHCR Bangkok did not make public their objection to the repatriation even though it appeared to fall far short of the relevant standards.²⁸

Attacks on the Refugee Camps

Most of the refugee camps are situated perilously close to the Thai/Burmese border. As the Royal Thai government has failed to provide adequate security for the camps, they are vulnerable to cross-border attacks and raids by SLORC troops or the DKBA, a splinter group from the KNU established in December 1994 and backed by Rangoon.

The attacks are part of an attempt by the SLORC and the DKBA to terrorize the refugees into returning to Burma. Throughout 1995 and 1996, refugees in the Thai camps closest to the DKBA area opposite Tak Province faced abductions and killings. In 1995, 300 houses were destroyed and scores of refugees were abducted and others killed in attacks. The attacks ceased by mid-1996 but began again towards the end of that year. In early January 1997, over forty heavily armed SLORC troops attacked a refugee camp housing Karen refugees in Thailand's Mae Hong Son district, resulting in at least two deaths.

²⁷ See the open letter of Human Rights Watch/Asia of June 30, 1997 to the Thai Prime Minister expressing serious concerns and seeking clarification in relation to this repatriation.

²⁸ On July 4, 1997, Human Rights Watch/Asia along with Refugees International, U.S. Committee for Refugees, Jesuit Refugee Service USA, and Christian Aid wrote to the International Protection Division of the UNHCR in Geneva to express their concern about UNHCR's role in this repatriation.

During the last months of 1996, the DKBA sent threatening letters to camp leaders and individuals in a number of refugee camps, including a "final warning" sent to the leader of Don Pa Kiang camp in Mae Sot, threatening to attack the camp if all the refugees did not return to Burma by January 31, 1997. The refugees remained in the camp, and at the end of January 1997, attacks were indeed undertaken by forces of the DKBA and the SLORC on three camps in the Mae Sot area—Hway Kaloke, Don Pa Kiang and Mae La—leaving at least three people dead and 7,000 homeless out of the 36,500 refugees housed at these sites. Despite these warnings and the vulnerability of these camps, the refugees were refused permission to move and no new security measures were put in place. Thailand's General Chetta insisted that the camps would not be moved.²⁹ The camp at Hway Kaloke was rebuilt and those from Don Pa Kiang camp who were made homeless as a result of the attack were moved mainly to Hway Kaloke, with some moving to Mae La camp.

The international outcry over the refoulement of refugees, especially interventions by the United States government, resulted in three refugee camps further south in Umphang, Tak Province being moved to a safer site. On March 7, these camps, which received refugees from the KNU 6th Brigade area inside Burma, were consolidated in a camp further from the border near the Thai town of Nu Pho. However, the nearby site of Ta Per Poo was not moved at this time.

On April 27, 1997, DKBA fighters entered the refugee camp at Ta Per Poo, situated two kilometers from the border in Umphang, Tak Province, which housed some 2,500 refugees, and burnt down eighteen houses in the camp. The camp was closed at the end of May 1997. The refugees at this site were given the option of either moving to Nu Pho camp or returning to Burma.

All the new camps established during February and March 1997 in Kanchanaburi Province were situated dangerously close to the border. After visits to these sites by the UNHCR and a number of embassies, they were moved to new locations and consolidated, so that as of the beginning of July 1997 there were just two sites, Htam Hin and Don Yang in Kanchanaburi Province.³⁰ However, some of the moves of the refugee sites were ill-timed. The Thai authorities gave the refugees and NGOs less than twelve hours advance notice for the move of Bo Wi camp on May 16, 1997. Also, there had been no preparation of the new site. During the move of Tho Kah camp, the refugees had to walk from between six to twelve hours in the rain to reach the trucks which were to transport them. The trucks could not reach Tho Kah because of heavy rains. If the camp had been moved earlier, before the onset of the rainy season, this could have been avoided. The refugees were moved throughout the night, and again there was no preparation of the site at Don Yang when they arrived. After NGOs protested to the Ninth Division about the way in which the moves were handled, subsequent moves of the refugee camps proceeded in a more orderly manner.

Conditions in the Refugee Camps

Conditions in the refugee camps in Thailand along the Thai/Burmese border vary greatly from one area to the next, depending on which Thai authority is in control. During 1997, the Thai authorities began to discourage the refugees from staying in Thailand by imposing new restrictions in previously established camps, not allowing the refugees to build shelters in the newly established camps, failing to provide adequate security for the camps and on some occasions actively harassing the refugees. On March 8, 1997, some 150 Thai soldiers entered Kareni camp 5 to search for weapons. However, in the process of doing so, they confiscated some refugees' personal possessions and money.³¹

In camps established prior to 1997, the Thai Ministry of Interior had ultimate authority but in Kanchanaburi Province, the Ninth Division has assumed control. The terminology being used by the Ninth Division in relation to the

²⁹Human Rights Watch/Asia, Press Release, January 30, 1997.

³⁰However, Don Yang camp is situated only two kilometers from the border.

³¹Private correspondence of March 9, 1997 between camp residents and Human Rights Watch/Asia.

refugees is worthy of note. The refugee camps are referred to as "temporary sites" and the refugees as "displaced persons fleeing fighting." This seems to reflect an unwillingness on the part of the Thai army to recognize the reality that these people are refugees and thus are entitled to protection under international standards.

The refugees at the camps in Kanchanaburi Province, Htam Hin and Don Yang which house some 7,400 and 1,500 people respectively, suffer some of the worse conditions. Unlike in other camps along the border, the refugees are not officially permitted by the Ninth Division to build structures with thatched roofs or sleeping platforms. They are permitted to use only plastic sheeting to cover their bamboo shelters, despite the onset of the rainy season. The army has designated the areas within which the structures must be built, forcing the construction of shelters very close together in unhealthy, cramped conditions. In Don Yang, when the camp was initially established, the camp plan was worked out with the local Thai officials. However, when the army came to the camp, they redrew the plan and some twenty-four families had their shelters pulled down.

As of July 8, 1997, the Thai authorities had refused permission for schools to be established in Don Yang and Htam Hin. Also, the refugees in Htam Hin were not permitted to bury their dead, and cremations over two old tires per person were required. The refugees were not allowed outside the confines of the camps, while no new refugees were being permitted into the camps. In these conditions, it is not surprising that some refugees would decide to leave the camps and try to survive in Thailand on their own, perhaps adding to the estimated one million illegal workers from Burma there.

By July 1997, application of the restrictive policy adopted by the Ninth Division seemed to have spread north to the other refugee camps along the border. In Nu Pho camp in Umphang, Tak Province, it appeared that no new refugees were being allowed into the camp and a new double security fence had recently been constructed around the camp perimeter. Similarly in Mae La camp in Mae Sot, Tak Province, no new arrivals were being permitted to enter the camp and the Thai Ministry of Interior refused to register 2,280 people who arrived from Burma between April to June 1997. Again in the camps in the Mae Sariang area in Mae Hon Son Province, the Thai authorities said that no new arrivals were permitted into the camps, despite the fact that three thousand people had arrived in this area from Burma since April 1997, many of them fleeing severe human rights by the Burmese security forces in the areas around Papun in Burma's Karen State.

There is growing concern that if the camps are closed to new refugees will in effect be stopped from crossing the border to seek asylum in Thailand.

IV. SITUATION OF THOSE FROM BURMA'S SHAN STATE

As this report goes to press, other groups, including those from Shan State, were also at risk. The Shan in particular were subject to arrest and deportation as illegal migrants, in part because the Thai authorities refused to allow the establishment of camps along the border. But given the low-level military conflict which has continued to take place in Shan State and the government's program of massive forced relocations and other abuses, there was no reason to believe that the Shan, or any other ethnic group on the Thai/Burmese border, would be in any less danger of persecution than their Karen counterparts.

Human Rights Violations by the Burmese Military

In March 1996, in an attempt to cut off all support to rebel Shan groups, the Burmese army began a program to relocate some 100,000 people from over 600 villages in central Shan State to forty-five main relocation sites. The villagers were usually given three to five days notice to move after which the villages were declared "free fire zones." The relocation sites, which all had major military compounds, were often one day's walk away from the villages and nothing was provided for them once they arrived. Many of the villagers in the relocation sites were then forced to work

for the army on various projects without pay.³² Then in early 1997, the government began to move people from these sites into towns. Relocations were also reported in new areas, including Murng Pan and Murng Ton, east of the Salween River. As a result of these forced relocations, at least 60,000 Shan have entered Thailand during 1996 and 1997 thus far.

In the Shan State, three Shan groups have cease-fires with the SLORC: the Shan State Army (SSA), the Shan State National Army (SSNA) and the best known, Khun Sa's Mong Tai Army (MTA).³³ The SSNA cease-fire, which began in mid-1995, is "unofficial" in that no formal talks have taken place. In addition, the United Wa State Party (UWSP) and the Lahu Democratic Front (LDF) are also present in southern Shan State, both of which also have cease-fire agreements.³⁴ The only group still currently fighting the government is the Shan United Revolutionary Army (SURA), which claims to have 3,000 to 4,000 men under arms. Though they had asked for peace talks in February 1996, the request was denied. Until January 1996, much of the area, and routes through it, was controlled by the Burmese government and groups which had cease-fires with the government. However, after Khun Sa's surrender in January 1996, the newly re-formed SURA troops attempted to move out of the old MTA and to join up with the SSNA or SSA. The relocations in 1996 and 1997 have followed the path of the SURA soldiers, but with this plethora of different armed groups, as well as the operations of the Burmese army, local Shan and other ethnic groups living in Shan State have frequently been the victims of abuse by all sides.

In June 1997, Human Rights Watch/Asia interviewed a sixty-two-year-old man who had been in Thailand for thirteen days, having fled from Kun Hing township in central Shan State. He was married with three children, two sons and a daughter, and worked as a farmer. He lived in Keng Kham, a village to which a number of other villages had been forcibly relocated in 1996. He said that on April 20, 1997, over one hundred government troops came into his village and stayed for three nights, sleeping at the monastery. They told the villagers that they would have to move but did not specify when. In mid-May 1997, some SLORC soldiers returned and told the villagers they had three days in which to move to Kun Hing town. They threatened to burn down the village if the villagers did not move. He said the villagers took as much with them as they could and left. People fled in different directions, as those who did not have relatives in Kun Hing did not want to go there.

He and his family went to an island in the Nam Pang River, a half an hour walk away from Keng Kham, with two other families:

After ten days, about fifty SLORC troops landed on the island. We did not see them coming. They started shooting at us and we scattered. My two sons jumped into the river. My wife was somewhere else on the island collecting vegetables. My daughter and I tried to hide behind a tree. She was very frightened and started to run. She was shot in the back by one of the soldiers. A man from one of the other families on the island was also shot. I and another man were then captured by the soldiers and taken off the island.

He was then taken to a place in the forest where he was tied to a tree:

³²Shan Human Rights Foundation, "Uprooting the Shan: SLORC's Forced Relocation Program in Central Shan State" (Thailand: Shan Human Rights Foundation, December 1996).

³³ The SSA was formed in 1964, led by Sao Hso Hten: it entered into a cease-fire agreement with the government in September 1989. The SSNA was formed by Kurn Yod, a former senior military strategist with the MTA, when he broke away from Khun Sa with around 2,000 men in 1995. SURA was formed in January 1996 by Maj. Yot Serk with other former MTA soldiers who opposed Khun Sa's agreement to surrender. For further information on the politics of the Shan State, see Bertil Lintner, *Burma in Revolt: Opium and Insurgency Since 1948* (Colorado:Westview Press, 1995).

³⁴ The UWSP, LDF and SSA are represented at the government-sponsored constitutional assembly, the National Convention.

They asked me for two guns. I said 'I have no guns, I am only a farmer.' Five of them then beat and kicked me using their hands and boots. My face was covered with a plastic sheet so it was very hard to breath. That night was terrible. They took all my clothes away and left me tied to the tree in a standing position the whole night. During the night if one of the soldiers heard me make a noise he came over and punched me.

After three nights (after the first night he was tied, clothed, to a tree in a position which allowed him to sleep), he was taken to Wan Tong village. He said it was deserted. He was not questioned further at this village and after two days, he was released. He went back to the island:

My daughter was still alive but was suffering greatly. My family told me that after my daughter had been shot, she was thrown into the river by the soldiers. She floated some way down the river but then got hooked on something and managed to crawl out onto the river bank, where my sons found her unconscious. She died five days after I returned to the island. She was eighteen years old. After we buried her, we left the island and walked to the Salween river. We then traveled by raft down the river to a point from where we were able to go by truck to Thailand.

A sixty-five-year-old man also from Keng Kham said that SLORC troops came to his village in April and May 1997 and told the villagers that they had to move to Kun Hing. He had fled to the Salween River together with other villagers from Keng Kham. Every few days, they sent someone to Keng Kham to see what the government was doing there in order to assess the possibility of returning. He learned that the soldiers had taken the food and the harvest the villagers had left behind, and destroyed what they could not take with them.

A twenty-five-year-old man from Wan It village in Ke See township said that in late February 1996, SLORC soldiers told the village headman that the villagers had to move to Murng Nawng. A week later, over one hundred SLORC soldiers came to the village and said the residents had two days to move, as the village would be burned down. He said that the soldiers took two pigs, five chickens and 8,000 kyat from him, and more money and animals from other villagers. He continued,

I went to Murng Nawng on my ox cart but I could not take everything. We had to stay near to a SLORC army camp. No one stayed in the village as some soldiers were checking that everyone left. The huts in the relocation site were small shacks like the huts I have seen in construction sites in Thailand. When we arrived at Murng Nawng we had to dig bunkers near the army camp for the soldiers. Every week they would come and order us to do things. We had to dig ditches, place a fence around the army camp, clean the army camp, clear the sides of the road, guard the road to watch for Shan rebels and repair roads.

He said he worked for the army about ten days a month. However, he was able to sneak out of the camp and work in his fields near Wan It so he had a rice harvest to feed himself and his family. After about a year, he and his family left the relocation site. They did not dare go back to their village but built a hut nearby in the forest. Others from the relocation site gradually moved to the forest around the village until there was virtually no one left in the relocation site in Murng Nawng. However, after a short time, SLORC soldiers came to the forest to take them back to Murng Nawng. The soldiers started searching the area and a lot of people ran away. During this time, he was picking some fruit with his ten-year-old brother in the forest when some soldiers came across them. He managed to escape the soldiers, but his brother was caught and as he looked back, he witnessed them hitting his brother over the head. He was eventually captured and had to go back to Murng Nawng, but this time to a different relocation site situated very close to the Burmese army base. The soldiers made it clear that if the villagers were seen in their fields around the village, they would be shot on sight. He said that it was impossible to survive at the relocation site without being able to go to his fields, he and his family could not adequately feed themselves. He sold everything he had to get money to buy food but after four months he, along with about thirty others from the site, left for Thailand.

The Shan have also frequently suffered abuses as the different armed factions move through their villages. The villagers have no choice but to cooperate with all the armed groups, and often face retaliation for doing so. In November 1996 a fifty-five-year-old Shan villager from Keng Dawng village tract told Human Rights Watch/Asia how part of his village had been razed by the Burmese army in February that year. He said that some Shan soldiers came through the village one day, and they were followed the next day by 200 Burmese. It was the night of a Buddhist festival, and the village was full of people:

The soldiers accused us of helping the Shan soldiers, but we told them they were from the SSNA, a group which has a cease-fire. The Burmese just took all the gifts, food and money which had been gathered for the festival and after three hours in the village, they set half of the houses alight. They said we were all lying. The soldiers stayed in my half of the village for another day, and we had to give them all food and they stayed in our houses. I heard that the next day, they went on to Wan Yawn and burnt eight houses there, too.

In other areas, where armed groups which have cease-fires with the Burmese army are based, the villagers do not enjoy the fruits of peace, but rather find themselves having to provide labor for all sides. Promises to develop the region which were made as part of the cease-fire deals have not been realized. A Lahu villager from the Hopaing village tract in southern Shan State described how his village was surrounded by army camps from the UWSP and the Burmese military:

There are four Wa camps, they have been there since 1992 and 1993, then in January 1996 the SLORC came and forced us villagers to build a camp for them, also just outside the village. Each Wa camp has about ten soldiers and their families, the SLORC have twenty men. The villagers have to work, unpaid, in each camp, cutting wood, gathering water, tending the vegetable patches. We also have to work as porters for both the Wa and Burmese, though the Wa don't take us so often. Sometimes there is tension between the Wa and SLORC soldiers, and we villagers are caught in the middle. Really we don't dare to live there any more. We have got nothing from the cease-fire -- the SLORC ordered us to build a middle school, which we did, but they have not sent any books or teachers.

A Lahu man from Loikaw-Mu village tract, which is within the UWSP-controlled area, arrived in Thailand in July 1996. He described how his fifteen-year-old son had been killed by SLORC soldiers after he had been taken to work as a porter in May 1996:

They came and took my son at 8 p.m. with seven other lads from the village. The next day he had to carry the soldiers' things to X village, just four hours walk away. My friends in X told me that when they got there, the soldiers ordered my son to start cooking rice for their meal, but he didn't understand Burmese. My son and two other boys were just shot on the spot because they couldn't understand the orders. I arrived at X just an hour later and was shown his body.

Treatment of Shan Refugees by the Royal Thai Government

Following the launch of the Burmese government's relocation program in central Shan State in March 1996, an estimated 20,000 people had fled into Thailand by the end of June that year.³⁵ Since then, 40,000 more at least have fled into Thailand. However, the response of the Royal Thai government was not to establish refugee camps where these refugees could receive humanitarian assistance, but to allow them to enter the country as illegal migrants. Those who flee to Thailand from Shan State are therefore not only at severe risk of being exploited and cheated by unscrupulous employers, agents and traffickers, with no protection or remedy against such treatment, but also live in constant fear of arrest for illegal entry into Thailand, the punishment for which is a one-month prison sentence, a fine of 2,000 baht and subsequent deportation to Burma.

³⁵See Shan Human Rights Foundation, "Uprooting the Shan," pp. 39.

Many who have fled from Shan State work on construction sites in towns such at Chiang Mai or Bangkok, and because of their illegal status receive lower wages than Thai laborers. Workers and their families often live in corrugated iron or bamboo shacks at the construction site. In one such site, south of Chiang Mai, visited by a researcher from Human Rights Watch/Asia in June 1997, it was observed that members of several families were frequently living crowded together in one shack.

In early March 1997, around 430 people from four villages in Shan State fled to Mae Hong Son Province in Thailand. The villages, Ma-O, Nong Long, Long Jik and Mae Gerd, are situated northeast of Ho Murng in Shan state, the former headquarters of the MTA. They fled because SLORC troops had come into their villages and accused them of harboring ex-MTA fighters. Some of the villagers were beaten, some were forcibly taken by the army to act as porters, and the soldiers stole pigs and chickens from the villages. As a result of this, the villagers fled to Thailand and established four new settlements just across the border, dividing themselves according to their old villages. The new settlements were called Mai Kai Luang, Mai Kai Orn, Pangyon and Long Jik.

Soon after their arrival, Thai authorities visited the refugees but did not at that stage say they would have to return to Burma. However, on May 30, 1997 *Thailand Times* newspaper reported that it had been decided at a meeting at the provincial office on May 26, 1997 that this group would be pushed back into Burma on the basis that they were not fleeing fighting.³⁶ A group of around 150 people, including personnel from the Border Patrol Police, the armed Rangers, officials from the provincial office and local volunteers, were sent to repatriate the refugees. The 430 refugees were escorted to the border to ensure they crossed back into Burma. This constitutes refoulement, as they had sought refuge in Thailand on account of a well-founded fear of persecution by the Burmese government based on their real or perceived political opinions.

V. CONCLUSION: ROLE OF THE INTERNATIONAL COMMUNITY

This report has documented systematic violations of internationally recognized human rights committed by both the Burmese and Thai governments against villagers from Burma's Karen, Mon and Shan States and Tenasserim Division. The international community has repeatedly condemned human rights violations against ethnic minorities in Burma in annual U.N. resolutions since 1991. The most recent resolution which, passed by consensus at the U.N. Commission on Human Rights in April 1997, included a paragraph expressing "deep concern...at the forced relocations and other violations of the rights of persons belonging to minorities, resulting in a flow of refugees to neighboring countries, and at the recent attacks on members of the Karen ethnic group, resulting in death, destruction and displacement." It called upon the government of Burma "and all other parties to the hostilities in Myanmar to respect fully its obligations under international humanitarian law, including Article 3 common to the Geneva Conventions..." and "to create the necessary conditions to remove the causes of displacement and of refugee flows to neighboring countries and to create conditions conducive to their voluntary return and their full reintegration in safety and dignity, in close cooperation with the Office of the U.N. High Commissioner for Refugees."

Some Western governments responded immediately to the instances of refoulement which occurred at the end of February 1997, from Bong Ti, Pu Nam Rawn and Htaw Ma Pyo Hta.

³⁶*Thailand Times*, May 30, 1997.

Representatives from the U.S. Embassy in Bangkok visited the sites of some of the repatriations and sent a statement to General Chetta on February 27, 1997, stating, "On behalf of the U.S. government, I urge you to halt the repatriation during the Karen hostility in Burma." In Washington D.C., U.S. State Department spokesman Nicholas Burns called on the Thai authorities to "cease the forcible return of Karen refugees immediately and to recommence provision of asylum until conditions inside Burma permit their safe and voluntary return."³⁷ The European Commission also issued a statement: "The Commission regrets that by denying refugees access to their territory, the Thai authorities are putting people's lives in danger."³⁸ A large number of international and national NGOs also expressed their concern about the repatriations.³⁹

The UNHCR's role was also crucial. The UNHCR Bangkok issued a press release on February 28, 1997 stating that it was seeking clarification from the Royal Thai government about disturbing reports of refoulement and that "UNHCR is very much distressed by this information and continues to be concerned for the lives of those who were returned." On the same day, at a press briefing in Geneva, a spokesman for the UNHCR expressed UNHCR's alarm about the situation of the Karen refugees at the Thai/Burmese border.

Clearly, the Royal Thai government was sensitive to these diplomatic protests and expressions of public concern. Both General Chetta and Prime Minister Gen. Chavalit Yongchaiyudh responded to these accusations of refoulement by stating that no one had been forced back to Burma and that all those who returned did so voluntarily.⁴⁰ General Chetta subsequently claimed that the United States had apologized for presenting "misleading reports" about the repatriations,⁴¹ but a spokesman for the U.S. Embassy stated it stood by the statements previously made.⁴² General Chetta stated that all unarmed Karen refugees crossing into Thailand at its northwestern border with Burma would be accepted⁴³ but that the UNHCR would not be allowed to provide assistance to them. However, he also said he did not consider these people to be refugees but people who "escaped the dangers of war."⁴⁴ Sustained pressure and concern is urgently needed to press the Thai authorities to fully comply with their international obligations.

³⁷ Robert Horn, "Thais send hundreds more refugees back in path of Burmese Army," *AP*, February 28, 1997.

³⁸ "Government Slammed on Refugees," *Bangkok Post*, March 8, 1997.

³⁹ See Amnesty International Urgent Action, (London: Amnesty International, AI Index ASA 03/02/97, February 26, 1997); letter of February 26, 1997 signed by twelve NGOs including Human Rights Watch/Asia; conclusions and recommendations of a fact-finding mission sent to Pu Nam Rawn and Pu Muang camps organized by the Coordinating Committee of Human Rights Organizations in Thailand and the Thai Action Group for Democracy in Burma, March 4, 1997.

⁴⁰ "Army Halt Plan to Force Back Refugees," *The Nation*, March 1, 1997.

⁴¹ "Chetta Says States Apologized for Criticism," *Thailand Times*, March 2, 1997.

⁴² Yindee Lertchoenchok, "U.S. Stands Firm on Karen Issue," *The Nation*, March 4, 1997.

⁴³ "Thai Army Says to Accept All Unarmed Karen Refugees," *Reuters*, March 5, 1997.

⁴⁴ Wasana Nanuam, "Karens 'not refugees', Army Chief Insists," *Bangkok Post*, March 6, 1997.

LIST OF ABBREVIATIONS AND ACRONYMS

ABMU	All Burma Muslim Union
ABSDF	All Burma Students Democratic Front
ASEAN	Association of South East Asian Nations
DKBA	Democratic Karen Buddhist Army
ILO	International Labor Organization
KNPP	Karen National Progressive Party
KNU	Karen National Union
LDF	Lahu Democratic Front
MDUF	Mergui-Tavoy United Front
MAMD	Mon Army Mergui District
MTA	Mong Tai Army
NGO	Nongovernmental Organization
NMSP	New Mon State Party
SLORC	State Law and Order Restoration Council
SSA	Shan State Army
SSNA	Shan State National Army
SURA	Shan United Revolutionary Army
UNHCR	United Nations High Commissioner for Refugees
UWSP	United Wa State Party

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