

ABUSES AGAINST BURMESE REFUGEES IN THAILAND

March 20, 1992

Vol. No.4 Issue No.7

I. INTRODUCTION.....	1
II. REFUGEES ALONG THE THAI-BURMESE BORDER.....	2
III. "PERSONS OF CONCERN TO UNHCR"	5
Arrest and Detention Procedures	6
Registration.....	7
The Proposed "Holding Center"	8
IV. ILLEGAL IMMIGRANTS.....	9
V. RECOMMENDATIONS.....	11

I. INTRODUCTION

The number of Burmese seeking refuge in neighboring countries has increased dramatically over the past three years, with conservative estimates claiming over 150,000 refugees now living in the bordering countries of Thailand, Bangladesh, China and India. Between 50,000 and 100,000 Burmese may have fled into Bangladesh in the past eight months, the majority since December 1991. Some 30,000 have fled to China during the past five years. Several thousand have sought refuge in India, while over 60,000 are living in camps along the Thai border. Another 3,000 in Bangkok have applied for recognition to the United Nations High Commissioner for Refugees (UNHCR) of which only half have been recognized as "persons of concern to UNHCR." There are no screening procedures in place in any of the countries bordering Burma to determine who is or is not a refugee. As a result, tens of thousands are considered "illegal immigrants" and left to negotiate their security and survival in an underworld of coercion, extortion and bribery. Over 150,000 are believed to be internally displaced within Burma as a direct result of Burmese military attacks. In recent interviews conducted by Asia Watch along the Thai-Burmese border, refugees claim that entire villages are "missing" following Burmese military offensives (since December 1991) during which soldiers arbitrarily arrested, executed and raped villagers and pillaged entire townships. Such reports have only heightened the fear of returning home.

This report focuses on vulnerable groups of Burmese in Thailand. It is important to note that their problems are related and that the division into different groups is somewhat arbitrary.

II. REFUGEES ALONG THE THAI-BURMESE BORDER

The minority peoples of Burma - the Karen, Karenni, Mon, Pa-O, Kachin and Shan among them - have the longest history of displacement as they continue to be targets of counterinsurgency campaigns by Burma's military regime, the State Law and Order Restoration Council (SLORC). Since Burma's independence in 1948, various ethnic groups have taken up arms against the central government. Support for these armed movements grew after General Ne Win took power in a 1962 coup and began to enforce a policy of cultural assimilation.

During that time the Burmese army moved into land traditionally controlled by the minorities. Between 1962 and 1984, villagers from these areas would seasonally flee into Thailand as the military campaign reached their homes, typically returning when the Burmese troops retreated. In the 1984-85 dry season, however, the Burmese military launched an intense campaign to capture insurgent trading routes. It accomplished this objective at the cost of thousands of lives, both of their own troops and of porters forced to carry supplies. These porters, conscripted from among ordinary villagers, were often forced to march unarmed ahead of the troops, as a kind of civilian shield for the army. The 1984-85 offensive alone displaced hundreds of Karen villages and forced 20,000 Karen to seek refuge in Thailand.

At that time, the Royal Thai Government allowed the refugees to set up temporary camps along the border, but denied access to both the UNHCR and International Committee of the Red Cross (ICRC). Since then, these camps have been entirely administered by the Karen Refugee Committee, an indigenous group composed of Karen refugees, supported by several small nongovernmental organizations (NGOs) providing basic food and health assistance. The refugees have been allowed to travel in and out of the camps, but must negotiate their own security individually with numerous Thai authorities (district and provincial officials as well as military, intelligence, police and immigration officers). The camp communities established their own structures for education, health care, safety, religion, marketing and other social services with little or no outside resources or technical assistance.

In 1988, demonstrations against the Burmese government's one-party system mounted throughout all sectors of society. By August, millions had taken to the streets throughout Burma in protest. There were several brutal but ultimately unsuccessful attempts by the military to control the demonstrators and force them into submission. On September 18, 1988, Saw Maung led the military in a coup which killed thousands within days and successfully drove the opposition underground.

Following these events, 8-10,000 Burmese dissidents fled to the Thai-Burmese border seeking shelter and support from the ethnic minorities and the international community. In a meeting on November 22, 1988, the cabinet of the Royal Thai Government decided to offer asylum to Burmese student dissidents. On December 22, however, the government reversed its policy and announced the establishment of the Tak Repatriation Center. From this Center, located in Tak Province on the Thai-Burmese border where the largest number of dissidents had fled, the Thai military with the cooperation of the provincial office of Thai Red Cross (but with concerns raised by the national office) began flying these asylum seekers back to Rangoon and into the hands of SLORC. During the months between December 1988 and February 1989, some 328 Burmese dissidents were repatriated. There were no international observers involved and claims of forced repatriation were frequent. Although these reports could never be reliably confirmed, they suggested that refoulement might be a more accurate term for these returns. As a result of international pressure, Thailand did close the Tak Repatriation Center in February 1989. During this time, however, thousands of Burmese dissidents now identified as such by having been in Thailand and fearing continued deportation into the hands of SLORC, chose to discreetly return to Burma on their own.

The Burmese dissidents remaining at the border sought sanctuary in minority-controlled territory where both sides had to come to terms with years of racial animosity and suspicion. As the ethnic Burman dissidents established camps and organized themselves under the banner of the All Burma Student Democratic Front (ABSDF) the relations with the minorities also strengthened. The dissidents elected a central committee from the 13 camp committees of ABSDF, which then joined the Democratic Alliance of Burma (DAB), the coordinating body for minority and Burman groups opposed to the present regime in Burma. The ABSDF emphasized community development programs that included the minority people. Although there were many Burmese dissidents willing to take up arms alongside the minority insurgents, ABSDF initially remained an unarmed organization.¹

¹ It later split into two factions, both of which included students committed to armed struggle. The image of the ABSDF was badly tarnished in February 1992 when word leaked out of ABSDF's execution on February 12 of 15 students accused of being "spies." The executions took place in Kachin State just across the border from Thailand. The students had all been tortured to

The alliance between those fleeing since the 1988 demonstrations and the ethnic insurgents prompted an intensified counterinsurgency campaign by the Burmese military. In its dry season offensive, beginning in November 1989, numerous minority villages and all the student camps along the Burmese side of the border were attacked and forced to relocate inside Thailand. The success of this offensive was a direct result of improved Thai-Burmese relations, which in turn were related to the extensive logging concessions which had been granted by the Burmese regime to Thai companies earlier in 1989 as a way of getting badly needed foreign exchange. Burmese troops were allowed to enter Thailand and attack the minority bases and student camps from the rear. As a consequence, the number of minorities seeking asylum on Thai soil doubled.

The Burmese military offensive of 1989-90, forced some 10,000 more Karen, 12,000 Mon and 4,000 Karenni refugees into Thailand. All groups have had to negotiate with Thai authorities, camps to accommodate the refugees and channels for assistance. Like the Karen, the Mon and Karenni have also established Relief Committees to negotiate with Thai authorities and work with non-governmental organizations to provide basic food and medical needs to the refugees. The new camps (those established after 1984-85) have been established with no official approval from any Thai authorities, leaving residents to face the reality that aid can be cut and deportation carried out at a moment's notice.

In April 1991, Sangklaburi officials cut all delivery of food and medicines to the more than 10,000 Mon refugees residing in five camps in their district. The cut was at a critical time when stockpiling was an imperative, prior to the May-August rains which prohibits access to the camps. The threat of starvation that this posed forced Mon leaders to agree to a fine of 800,000 Baht, in logs from the Mon State, to the Phatumthani logging company. The fine was compensation for the destruction of a logging truck and death of its driver in February 1991 which the Mon claimed had illegally entered their territory. Once the agreement between Phatumthani and the Mon was reached, the District authorities allowed food and medicine to be transported to the refugee camps.

In August 1991, Mon and Karen living illegally in Sangklaburi District were told by Thai Military officers of the 9th Infantry Division and Sangklaburi District officials to move to the refugee camps. Following this, the Karen were to be moved back across the border into Burma by October 31, 1991 and the Mon similarly by April 30, 1992. By February 1992, half of the 2,000 Karen had reportedly moved just across the border. The Mon and remaining Karen were still trying to negotiate for their sanctuary in Thailand.

The Burmese initiated a fierce military offensive along the entire Thai-Burmese border in December 1991 which as of March 1992 was continuing. As of March 1, at least 6,000 refugees had fled into Thailand as a direct result. Many of the newly arrived refugees interviewed by Asia Watch during January and February 1992 (in Kanchanaburi, Mae Sot and Mae Hong Son Provinces) reported armed Burmese troops entering their village at night, capturing men and women to use as forced laborers and engaging in indiscriminate abuse and killings, pillaging of homes and burning of entire villages before moving on. These refugees clearly fled in haste without time to gather any possessions. In only two areas did refugees interviewed by Asia Watch report fleeing in fear of an imminent attack on their village by Burmese troops. These refugees reported family members returning to their village after several weeks to assess the situation. At that time, many were captured by Burmese troops in the area and those who managed to return to the border reported all villages enroute burned, livestock slaughtered and no sign of life. Refugees fleeing fighting in the Karen and Mon State spoke consistently of entire villages 'missing' with no information as to where they are or what happened to them. Reports of 'relocations' of villages to the Tavoy/Ye highway were frequently referred to by newly arrived refugees, but no first hand witnesses could verify these movements.

Burmese troops captured Nai Et Thaung on December 19 driving 1,400 people, primarily Burmans and Tavoyans, into Thailand. These refugees are not absorbed in the minority camps already established and find themselves having to scramble for illegal work and hiding in fear of arrest as illegal immigrants by Thai authorities.

The fighting continues to intensify with the Burmese military well supplied, successfully securing more ethnic territory and sustaining themselves on that already captured. Previously, when Burmese troops had to rely on trekking their supplies from deep inside Burma to the border, they were forced to retreat with the rains. The recent improvement in Thai-Burmese relations (evidenced, for example, by the establishment in the past two years of several Burmese-Thai Joint Coordinating Committees in major Thai border towns), has made this seasonal retreat unnecessary. The reported use of Thai soil by Burmese troops in their recent attack on Nai Et Thauang, once captured the uncontested replacement of a Thai border flag with a Burmese and the new road under construction for the past 10 months from the Thai side leading directly to Nai Et Thauang, leaves no illusions as to the collaboration and vested interests of Thai and Burmese officials.

As of March 1, 1992 over 60,000 refugees were residing in 27 camps just inside Thailand. As more refugees flee into Thailand, the threat of forced repatriation and intelligence gathering by Burmese on asylum seekers increases. The UNHCR and ICRC are still denied any access to the border area and these asylum seekers. UNHCR staff in Bangkok explained that they could not speak to the problems of Burmese refugees along the Thai-Burmese border or make a strong plea for access as it was not certain that these refugees fell within UNHCR's mandate. In February 1992, UNHCR staff made their first unofficial visit to the Thai-Burmese border in eight years. They had visited once before in 1984, when the first large influx of refugees from Burma fled into Thailand.

III. "PERSONS OF CONCERN TO UNHCR"

As of December 31, 1991, 3,786 asylum seekers from Burma living in Bangkok had registered with UNHCR for recognition as "persons of concern to the UNHCR." Of these, 1,864 were accepted, 1,232 rejected and 535 were still pending determination. The influx to Bangkok began following the closure of the Tak Repatriation Center. Until mid-1989 the UNHCR in Thailand dealt almost exclusively with Indochinese refugees. As the dry season offensive along the Burmese-Thai border intensified later that year, more Burmese began arriving in Bangkok to register with UNHCR. Initially, UNHCR did try to interview applicants and single out those who could prove they were students who had directly participated in the 1988 demonstrations and fled to Thailand immediately afterward. Such students were provided with a document identifying them as "Persons of Concern to UNHCR." Initially, anyone who fled Burma later than 1988 or was from an ethnic minority group was rejected as a "person of concern." Even after UNHCR accepted a few selected minority cases in late 1989, however, the agency gave them no documentation or financial assistance, since it was assumed they could return to the minority camps along the border.

The influx of asylum seekers quickly overwhelmed the limited capacity of the UNHCR office. By December 1989, Burmese trying to register with UNHCR were being given interview dates three months away. Still throughout 1990, the office could only manage seven applications a day for asylum seekers from Burma. As protests and protection problems arose, resulting from the inability of the Burmese asylum seekers to survive in Bangkok while awaiting registration, interviews, and status determination, the UNHCR did begin to provide 1,300 Baht (US\$50) a month per person during this interim period. Even this extremely limited assistance program, however, soon exceeded UNHCR's inadequate capacity and was terminated in March 1990 after only four months of operation.

The UNHCR's problem, however, was not just one of logistics and resources. The UNHCR is ultimately wholly dependent on the cooperation of Thai authorities to carry out its mandate, and that cooperation was not forthcoming with regard to the Burmese dissidents. The UNHCR document indicating that its holder was a "person of concern to the UNHCR" was not officially recognized by Thai authorities, although in some cases it did prevent arrest by the Thai police. In November 1989, under pressure from the Ministry of Interior (MOI) and the National Security Council (NSC) of the Royal Thai Government, UNHCR stopped issuing the documents altogether. In subsequent negotiations for a solution to the problem, UNHCR agreed to provide to the Thai government, on an ongoing basis, the names of refugees identified as "persons of concern," much to the horror of

those named on the lists. It is unclear whether UNHCR sought or received assurances from Thai authorities that the confidentiality of those lists would be respected; in any case the close ties between Thailand and Burma would make such the value of such assurances questionable.

In August 1990, a new approach was tried: UNHCR required those identified as "persons of concern" to sign an "undertaking" to abide by Thai law and UNHCR principles. This document was intended to serve as a written recognition of acceptance by UNHCR, but was discontinued four months later in November 1990. With no written document, Burmese have had no way of identifying themselves as "persons of concern to UNHCR" to Thai police. "Persons of concern" facing arrest, trial, detention and deportation often have difficulty contacting UNHCR, leaving the refugee in an even more vulnerable position vis-a-vis the police.

That vulnerability was illustrated when, in the latter half of 1991, two Burmese "persons of concern to UNHCR" were shot and killed by Thai police upon arrest. Min Thein was fatally shot in the back on July 31, while attempting to run away from Thai immigration officers. Ye Soe Aung was brutally beaten, stabbed and then shot twice by Thai police on November 4, 1991. His body was recovered on November 10 approximately 10 km. from the place of arrest. Both incidences had numerous witnesses and yet to date no officers have been indicted. UNHCR has reportedly pressed for such an indictment.

Given the evolution of this situation a cruel paradox had developed by mid-1990. Many dissidents felt that to be formally identified as refugees fleeing political persecution with the status of "person of concern to UNHCR" actually increased their vulnerability to arrest and deportation. This was especially true after two asylum seekers registered with UNHCR hijacked a Thai Airways jet in November 1990. Indeed, beginning in 1991, several dissidents have petitioned UNHCR to withdraw their registration and thus deny their status as "persons of concern", preferring to simply be illegal immigrants. This latter status affords them more anonymity and greater flexibility to negotiate their personal asylum with local police and other authorities. This irony of this development highlights the incapacity of the international community in general and, in particular, the UNHCR, to provide any protection for the basic human rights of these refugees.

Arrest and Detention Procedures

Burmese registered with UNHCR and "illegal immigrants" are far more likely to face arrest, detention, and deportation than the ethnic minority population in the camps. Reported abuses of the detainees are both common and appalling. Once detained, a "person of concern" can notify UNHCR only indirectly and often only by chance. Such notification is not very effective in any case, because UNHCR does not provide legal assistance. When UNHCR officials do meet with prisoners and Thai authorities, ability to negotiate on behalf of refugees is seriously constrained by the risk it poses to their access to the immigration system.

The most well-known Immigration Detention Center (IDC) is on Soi Suan Phlu (Suan Phlu Avenue) in Bangkok. The IDC has the formal capacity to accommodate approximately 200 detainees. As of March 1991, however, it was housing over 2,000 "illegal immigrants", the majority of whom were Burmese. Each of the eight 60' x 25' rooms in the IDC consequently contained between 225 and 300 people, requiring that inmates take shifts to sleep. Each room has three toilets and showers, and ventilation windows only along the ceiling. The black market trade in each cell is widespread. Inmates are often able to purchase their release for between 1-2,000 Baht (US\$ 40-80) by buying the name and bio-data of fellow inmates who cannot pay their deportation transport fees (300 Baht/\$US 12) and are thus willing to sell these documents. Once detainees sell their identity papers, however, they may be forced to remain in detention indefinitely since their names have already been released. Those deported are expected to pay a 1,500 Kyat (US\$ 20) fine upon arrival in Burma or face six months in a Burmese jail. This latter detention can result in assignment to forced labor camps or conscription as a porter for military troops.

At present there are 102 Burmese registered with UNHCR who have been transferred from the IDC to a "Police Academy" (otherwise referred to as the Special Detention Center - SDC) just outside of Bangkok. The UNHCR regards them as "hardcore" because some have actively raised their concerns regarding the MOI plans for registration and a holding center. All have been held incommunicado and beyond their sentence, some as many as eight months beyond their release date. Thai authorities have indicated that they will remain in detention pending the establishment of a "holding center" for Burmese students who have sought help with UNHCR.

Round-ups of Burmese in Bangkok took place between February 5-15, 1992 with threats of more to follow. Nearly 100 Burmese were arrested during this time, most of them "persons of concern to UNHCR". As of March 1, 1992, none of them had mentioned their connection with the international organization. In mid-1991, a group of "illegal immigrants" including several dissidents who had previously registered with the UNHCR were scheduled for deportation to Burma. The dissidents had chosen to be classified as "illegal immigrants" and face deportation rather than serve an indefinite jail sentence. UNHCR staff reportedly pulled them out of line as they were heading for buses back to the border and identified them to the Thai authorities. They were sent back to the IDC jail where they have remained ever since.

Registration

Chaiwat Hutacharoen, the Deputy Permanent Secretary of the Interior, announced on February 17, 1992 that 2,000 dissident Burmese students in Thailand would have to report to Thailand's "Displaced Persons Processing Center" before May 16 or face deportation as illegal immigrants. Following registration, the Burmese dissidents will be sent to a holding center at a former border patrol camp in Ratchaburi Province.² There has been no further clarification available to UNHCR, Embassies or other international bodies from the Royal Thai Government.

Registration of refugees by Thai Authorities without monitoring by international observers raises a number of serious human rights concerns. There have been no assurances of confidentiality, no criteria for determining "dissident Burmese students," no study of the consequences for those rejected, no policy towards those not considered "students" (as students are less than one percent of the Burmese asylum seekers in Thailand) and no conception of the reality of the holding center for which they are registering.

The Proposed "Holding Center"

² *The Nation* (Bangkok), February 18, 1992.
March 20, 1992

The increasingly hardline attitude taken by Thai officials toward Burmese asylum seekers in Thailand makes recent plans for the establishment of a "holding center" all the more disturbing. The *Bangkok Post* on September 24, 1991 reported that the Thai cabinet had accepted "in principle" the MOI's proposal for a holding center to be established for the Burmese registered with UNHCR. Two days later, General Narudol Dejpradiyudh told a news conference that Thailand would not allow the United Nations or foreign relief agencies to work in such a center.³ An Interior Ministry official, Chamnan Pojana, said on September 4 that the center would be located in Ratchaburi province on a site which previously served as the barracks of a border patrol police camp, known as Suan Phung Camp. Suan Phung, the name of the administrative district where the camp is located, was the place from which several Burmese students from the IDC were deported to Burma in April and May 1990. Chamnan Pojana went on to say that 1,180 Burmese students and 50 monks registered with UNHCR would be moved to the center where they would be given job training. After the training, he said, they could choose either to return to Burma or resettle in a third country.⁴

There continue to be conflicting reports regarding plans for the establishment of this center. No definitive information is available concerning the screening process, the center's structure, or planned measures for security and protection. Repeated reports state that those who fail to report to the Thai Ministry of Interior (MOI) will be regarded as illegal immigrants and thus be liable to punishment under Thai immigration law. The center is apparently to open in June 1992, with the 102 presently held on extended immigration sentences in the SDC to be the first inhabitants.

UNHCR officials have seen the registration and 'safe area' (as they refer to it) in a more positive light, claiming it as an improvement to the present situation. It is clear that UNHCR has no influence over Thai policy on Burmese refugees. But, UNHCR, instead of raising its concerns with the Thai authorities, is seen as acquiescing in the unfolding of events. As of March 1, 1992, concerns were growing that UNHCR would be willing to tie its monthly allowance to registration with Thai authorities before any of the above mentioned guarantees are in place.

The Burmese asylum seekers who have registered with UNHCR are deeply anguished by the prospect of being rounded up, sent back to the border, held under Thai jurisdiction without access to UNHCR and/or ICRC, and faced with an unknown future to be determined by the Thai military government. Increasing numbers of Burmese dissidents who have registered with UNHCR have submitted letters renouncing their status as "persons of concern," a step UNHCR has sanctioned. During February and March 1991, preceding these formal renunciations of UNHCR status, 41 Burmese, who had been registered as "persons of concern" with UNHCR, chose to informally deny their status by turning themselves in to the Burmese Embassy in Bangkok as "illegal immigrants." Although aware that this would result in deportation and fines, they felt this approach would be safer than to be deported as identified asylum seekers. On September 3, 1991, nine Burmese students paid Thai immigration authorities 70,000 Baht (US\$2,800) for disassociating them with UNHCR and deporting them to the border. At the border the same group paid another 20,000 Baht (US\$ 800) to negotiate their return to Bangkok as "illegal immigrants." Thus, nine Burmese dissidents paid a total of \$3,600 US dollars primarily to disassociate themselves from the UNHCR. As the proposed "holding center" becomes more of a reality, asylum seekers are going to great lengths to deny their contact with UNHCR. Their intent is clear. They would rather risk the precarious fate of an "illegal immigrant" than face confinement in a border center where they would be at considerable risk of forced repatriation to Burma, stigmatized as political dissidents.

As of March 1, 1992, UNHCR reported less than 85 percent of its caseload was coming forward each month to receive a monthly allowance. Burmese registered with UNHCR were hiding in their rooms. Ok Ka, age 21, afraid to register with UNHCR, fearful of deportation and his fate at the hands of Burmese authorities, decided

³ *Bangkok Post*, September 5, 1991.

⁴ *Bangkok Post*, September 27, 1991.

it was better to die with dignity and hung himself in his rented room in Bangkok on January 8, 1992. Such desperation is mounting.

The "holding center" will affect the minority refugee population as well. The fact that the relatively few Burmese, mostly students, who are registered with UNHCR are considered the only legitimate refugees from Burma serves to alienate tens of thousands of displaced Burmese in Thailand who do not have access to this international body. This includes the more than 60,000 along the border with whom the UNHCR has never had any contact and the thousands of newly arrived refugees fleeing into Thailand in recent months. The saga of the Burmese student dissidents seeking asylum in Thailand makes a mockery of the UNHCR's mandate for protection of those "fleeing a reasonable fear of persecution." The fact that such impotent protection cannot even be considered for the large number of displaced minorities along the border is further illustrative of the highly constrained mandate of the High Commissioner's office.

IV. ILLEGAL IMMIGRANTS

Some Thai authorities estimate illegal Burmese residing in Thailand to range as high as 300,000 - 500,000. Recent influxes of refugees crossing into Thailand are people of Tavoyan or ethnic Burman descent from deeper inside Burma. As pointed out earlier, these people tend not to be absorbed by either the ethnic minority or the Burmese dissident camps and are left to their own resourcefulness for survival. In Kanchanaburi province, over 1,400 new arrivals crossed into Thailand since December 1991. These new arrivals must now compete with over 4,000 other ethnic Burmans, who crossed into Thailand following the May 1990 election crackdowns, to find illegal work and maintain a low profile in the province. All these 'illegal immigrants' interviewed have reported widespread arrests of those suspected of being opposition party supporters, extortion, unreasonable taxation and price fixing, bribery, and forced labor conscription as reasons for their flight. The situation inside Burma shows no sign of improvement. Indeed, as SLORC's control tightens one can only expect continued deterioration and rising numbers of displaced. Tens of thousands of Burmese are scattered and hiding along the Thai-Burmese border, vulnerable to various forms of extortion, forced labor, arrest, deportation, and often physical abuse from Thai authorities which at least are preferable to returning to Burma and SLORC.

As the situation continues to deteriorates in throughout Burma, more of its citizens are also leaving "officially" in an attempt to find a more secure life. SLORC seems to be encouraging this exodus by making Burmese passports readily available. Thai contractors working with Burmese counterparts have established fraudulent work programs, charging exorbitant fees for a promised job abroad only to leave the "contracted" deserted at the airport or dock upon arrival. Burmese passports sell cheaply on the black market. Those who try to keep their passports valid while abroad pay high taxes and are closely scrutinized by the Burmese embassy staff. Thousands of Burmese and minorities have crossed illegally into Thailand and are living scattered along the border areas. Most are either unemployed or involved in highly exploitative work. For example, Thai newspapers report an increasing number of Burmese prostitutes working in brothels throughout Thailand. Many of these women are led into prostitution by fraudulent promises of other types of employment. Their illegal status gives them no recourse to protection from this kind of deception. Given the explosive pace of the AIDS epidemic in Thailand and the limited ability of these women to access needed health care, they are also extremely vulnerable to infection.

The machinery of repression exercised by SLORC throughout Burma has steadily grown more efficient. At present, diplomats posted in Burma conservatively estimate approximately 2,000 political dissidents jailed in Rangoon and up to 10,000 in outlying areas. Arrests and trials take place without due process. SLORC remains in total control of the judicial system. Most cases are "tried" by military tribunals that provide no more than a rubber stamp of SLORC's accusations. There are frequent reports of torture and death in prison. Family members and those known to previously associate with those having sought asylum abroad, otherwise missing, suspected, or arrested persons are often threatened, placed under close surveillance and attempting to find safety abroad.

It should be clear from the above that the distinction often drawn between Burmese "illegal immigrants" and other refugees, such as the student dissidents and displaced minorities is quite arbitrary. All of these groups share common reasons for their flight and face similar violations of basic human rights. Further, all these categories of displaced Burmese share the same inadequate response of the international community to their plight. Without the political will to address the underlying common problems there will continue to be a large number of Burmese seeking refuge in Thailand and throughout the region. Without more insight into the problems of various groups of these refugees the response to their plight will be simplistic, inadequate and, in some cases, a betrayal.

V. RECOMMENDATIONS

1. No Burmese should be deported from Thailand back to Burma without having the option of being screened by a competent, impartial international agency to determine whether or not he or she is refugee with a "well-founded fear of persecution." That option should be available to every Burmese, regardless of when they entered Thailand and regardless of ethnic origin.
2. Anyone "screened out" or determined not to be a refugee should have the right of appeal to competent authorities, in accordance with the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol thereto.
3. Other governments, including Japan, should use their influence with the Thai authorities to press for the speedy development and implementation of such screening procedures.
4. The Royal Thai Government and local representatives of the United Nations High Commissioner of Refugees should protect the confidentiality of Burmese seeking refugee status. Photographs, names and biodata of such persons should not be made available to the Thai government to protect the refugees themselves, as well as their families and acquaintances in Burma.
5. In accordance with Article 6 of United Nations General Assembly resolution 40/144 of December 1985, Burmese living in Thailand should be allowed freedom of movement and freedom to choose their place of residence, subject to considerations of national security, public safety and public order. The practice of holding "persons of concern to UNHCR" in immigration jails or in police custody should cease immediately.
6. The Thai government should ensure that conditions in the Immigration Detention Center and all other places of detention where "illegal immigrants" are held meet the United Nations Standard Minimum Rules for the Treatment of Prisoners.
7. The Thai government should allow a 24 hour presence in the proposed "holding center" by the International Committee of the Red Cross and international governmental organizations such as the UNHCR. The U.S. and other governments should withhold any political or financial support for the center until and unless a permanent, on-site international monitoring presence can be guaranteed. Absent such a commitment, the U.S. should actively oppose the proposed "holding center."
8. The Thai government should ensure that with the massive human rights violations now taking place in Burma, no one -- "illegal immigrant", "dissident" or member of an ethnic minority -- should be repatriated against his or her will to Burma unless and until clear safeguards are in place to permit international monitoring of the safety and well-being of those returned.

* * * *

Asia Watch was founded in 1985 to monitor and promote internationally recognized human rights in Asia. The Chair is Jack Greenberg and the Vice Chairs are Harriet Rabb and Orville Schell. The Executive Director is Sidney Jones and the Washington Director is Mike Jendrzejczyk.

Asia Watch is a division of Human Rights Watch, which also includes Africa Watch, Americas Watch, Helsinki Watch, Middle East Watch and the Fund for Free Expression. The Chair of Human Rights Watch is Robert L. Bernstein and the Vice Chair is Adrian DeWind. Aryeh Neier is Executive Director and Kenneth Roth is Deputy Director. Holly Burkhalter is Washington Director.