

# briefing

## Burma

### *Visit to the Thailand-Burma Border and Malaysia*

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CHRISTIAN  
SOLIDARITY  
WORLDWIDE  
VOICE FOR THE VOICELESS

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## I. Executive Summary

Burma continues to deteriorate into further political, human rights and humanitarian crises. The assassination of the General Secretary of the Karen National Union (KNU), Padoh Mahn Sha Lah Phan, on 14 February 2008, is a major setback for the Karen people and for the entire movement for democracy in Burma. In addition, the announcement by Burma's military regime, the State Peace and Development Council (SPDC), of plans to hold a referendum on the new Constitution in May 2008 and elections in 2010, is a blatant attempt to rubber-stamp military rule and ignore the repeatedly expressed will of the people of Burma, the United Nations, and the international community. The regime's so-called "roadmap to democracy" blatantly excludes the genuine representatives of the Burmese people, particularly Nobel Laureate Daw Aung San Suu Kyi, the National League for Democracy (NLD), and the major ethnic nationality organisations. Furthermore, the dire humanitarian crisis facing the internally displaced people (IDPs) in eastern Burma continues unabated. Forced labour, rape, torture and the destruction of villages, documented in this report as in many previous reports by CSW and other organisations, continue to be perpetrated on a widespread and systematic basis. In the words of one KNU leader:

*"They will try to wipe us out in 2008. Their plan is to eliminate the Karen as a people."*

In addition to the crisis inside Burma, CSW wishes to highlight the seriously under-reported challenges facing Burmese refugees in Malaysia, and the desperate conditions in which they exist in urban and jungle camps in and around Kuala Lumpur. The regular detention and deportation of Burmese refugees by the Malaysian authorities, including severe mistreatment such as caning, require urgent international attention and action.

CSW conducted a two week fact-finding visit to the region, during which a delegation visited Shan and Karen IDPs inside Burma, Karen refugees in Thailand, and Chin, Kachin, Shan, Arakan, Mon and Karenni refugees in Malaysia. CSW met Padoh Mahn Sha Lah Phan and other KNU leaders in his home on 11 February, three days before his assassination. CSW also met Burmese Buddhist monks who fled the regime's crackdown on the protests in Burma in September 2007, former political prisoners, defectors from the Burma Army, Kachin civil society organisations, the Thailand-Burma Border Consortium, and other Non-Governmental Organisations working along the Thai-Burmese border. The delegation also met with the British Ambassador to Thailand, the Head of the Political Section in the British Embassy and a representative of the Department for International Development (DFID). In Malaysia, CSW's visit was facilitated by the Chin Human Rights Organisation (CHRO).

In a statement issued on 14 February, CSW condemned the assassination of Padoh Mahn Sha Lah Phan<sup>1</sup>, and expressed its "deep shock, sadness and outrage". CSW calls on the international community to increase its efforts to bring an end to the military regime's reign of terror in Burma. In particular, CSW urges the UN secretary-general Ban Ki-Moon to engage with the issue of Burma directly, by visiting Burma at the earliest opportunity to attempt to facilitate meaningful tripartite dialogue between the SPDC, the NLD and the ethnic nationalities. We urge the UN security council to call on the SPDC to release all political prisoners, and open the country to unhindered access to international humanitarian and human rights organisations. We urge the Government of Malaysia to stop detaining, mistreating and deporting Burmese refugees, and we call on the Office of the United Nations High Commissioner for Refugees (UNHCR), working with the international community, to provide improved protection, through enhanced registration, recognition and ultimately resettlement mechanisms, for Burmese refugees in Malaysia.

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<sup>1</sup> See *Burma: CSW Condemns Assassination of Karen Leader Padoh Mahn Sha*, 14 February 2008, [www.csw.org.uk](http://www.csw.org.uk)

## 2. Recommendations

*“Promoting human rights and democracy is not imperialist. It is not a cultural issue. It is everyone’s business. It should be a priority for every country.”*

Zoya Phan, democracy activist and daughter of  
the former General Secretary of the KNU, Padoh Mahn Sha Lah Phan

### 2.1. Action on Burma: the international community response

Burma’s illegal military regime continues to suppress democracy, commit gross violations of human rights amounting to crimes against humanity, and ignore the expressed will of the people of Burma, the United Nations and the international community. The SPDC’s so-called “roadmap to democracy”, with a timetable for a referendum on a constitution followed by elections, is meaningless unless accompanied by tripartite dialogue between the regime, the NLD and the ethnic nationalities, the release of all political prisoners including Daw Aung San Suu Kyi, an end to the widespread and systematic violation of human rights, and the inclusion of all parties including Daw Aung San Suu Kyi and the NLD in the constitution-drafting process and in multi-party elections. If the regime continues to pursue its current path, it is a clear signal that it is wilfully ignoring the efforts of the UN Special Envoy. CSW therefore urges the international community, including the European Union (EU), the United States (US), the Association of South-East Asian Nations (ASEAN), China, India and Russia to work together to put pressure on the SPDC to work with the UN and move towards a meaningful process of national reconciliation, which must include the measures detailed above. In particular, CSW calls on the EU, the US, ASEAN, China, India and Russia to undertake the following steps:

1. To reject categorically the SPDC’s proposed constitution, referendum and elections as illegitimate;
2. To refuse to recognise any process that excludes Daw Aung San Suu Kyi, the NLD and the major representatives of the ethnic nationalities;
3. To urge the UN secretary general Ban Ki-moon to increase his personal engagement with the issue, and to travel to Burma as a matter of urgency to seek ways to facilitate tripartite dialogue;
4. To impose a universal arms embargo on Burma, through the UN security council, as called for by nine Nobel Peace Prize Recipients in a statement on 19 February and by the ASEAN Inter-Parliamentary Myanmar Caucus;
5. To impose sanctions on banking transactions targeting top leaders in the SPDC, as well as state and private entities that support the government’s weapons trade, as called for by nine Nobel Peace Prize Recipients in a statement on 19 February;
6. To request the UN Security Council to refer Burma to the International Criminal Court, to investigate crimes against humanity, leading to a possible prosecution;
7. To urge the UN Special Envoy Ibrahim Gambari and the EU Special Envoy, Piero Fassino to visit the Thailand-Burma border and establish a dialogue with representatives of all major ethnic nationalities, including political, community and civil society organisations and leaders;
8. To ensure that embassy staff, including Ambassadors, of different countries represented in Burma and Thailand visit the border areas regularly to establish dialogue with representatives of the ethnic nationalities, including political, community and civil society organisations and leaders.

## **2.2. Action on Burma: China, India, ASEAN, Russia**

In addition, CSW proposes the following further measures:

1. CSW urges the Governments of China, India and ASEAN member states to use their influence to pressure the SPDC into entering meaningful tripartite dialogue with the NLD and ethnic nationalities;
2. CSW calls on Russia to cease its provision of nuclear technology and expertise to the SPDC;
3. CSW urges the Government of Singapore to impose financial and banking sanctions on members of the SPDC, and a visa ban to deny representatives of the junta access to Singapore for personal medical treatment, shopping, leisure or other pursuits.

## **2.3. Action on Burma: The European Union**

CSW welcomes the strengthening of the EU Common Position in 2007, and urges the EU to go further by adopting the following measures:

1. To ban investment by EU companies in Burma in the oil and gas sectors;
2. To impose financial and banking sanctions against senior representatives of the SPDC.

Furthermore, CSW calls on the EU to increase and intensify efforts to pressure China, India, ASEAN and Russia to use their influence with the SPDC to enter meaningful tripartite dialogue.

## **2.4. Action on Burma: United Kingdom**

CSW warmly welcomes the decision by the United Kingdom's Department for International Development (DfID) to double its aid budget for Burma by 2010, provide cross-border humanitarian aid, consider providing support for pro-democracy and human rights projects based along Burma's borders, and retain a small DfID presence in Bangkok as a liaison between DfID and NGOs working along the Thailand-Burma border.

CSW urges DfID:

1. To continue to implement these new policies;
2. To provide a portion of the increased budget to cross-border aid to reach IDPs and other vulnerable communities;
3. To explore the opportunities for providing assistance to the Chin people along the India-Burma border;
4. To dedicate funds for the development of civil society, including democracy and human rights education projects based along Burma's borders.

## **2.5. Refugees in Malaysia**

The situation facing refugees from Burma in Malaysia is dire. Their plight is detailed in this report, and includes the widespread risk of arrest, detention, severe mistreatment including caning, and subsequent deportation, by the Malaysian authorities. The conditions in which refugees live, either in jungle camps or urban flats, amount to severe and desperate poverty and deprivation. Furthermore, those who are able to find employment, in restaurants, construction sites, shops or other places of work, are vulnerable to severe exploitation and abuse.

CSW therefore urges the Government of Malaysia, first and foremost, to undertake the following steps:

1. To immediately disband RELA, an armed vigilante force officially sanctioned to carry out immigration department duties including arresting illegal immigrants;
2. To abide by its obligations as a signatory to the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), by ending the practice of detaining refugee women, particularly pregnant women, and children;
3. To end the policies which criminalise refugees, and to stop raiding camps, neighbourhoods and workplaces and arresting, detaining, mistreating and deporting asylum seekers and refugees from Burma;
4. To end the practice of caning, and improve detention conditions;
5. To consider providing asylum seekers and refugees with access to education, affordable healthcare and employment conditions.

CSW urges the Officer of the United Nations High Commissioner for Refugees (UNCHR):

1. To visit the urban and jungle camps regularly, to assess the living conditions of asylum seekers and refugees from Burma and engage in enhanced dialogue with these communities;
2. To provide better protection to asylum-seekers and refugees from Burma in Malaysia, by improving procedures for registration and ensuring that all asylum seekers from Burma have an opportunity to be registered;
3. To consider providing a subsistence allowance to the families of refugees and asylum seekers who have been arrested and are left with no means of support;
4. To expedite and enhance the mechanisms for interviewing and recognising asylum seekers from Burma in Malaysia, and enable a process of resettlement to third countries to be expanded.

CSW calls on the international community, including the US, the UK and the EU:

1. To urge the Government of Malaysia to take the necessary steps to end the abuses summarised above;
2. To open up more countries for resettlement for refugees from Burma in Malaysia.

### **3. Introduction**

#### **3.1. About Christian Solidarity Worldwide**

Christian Solidarity Worldwide (CSW) is an international human rights organisation specialising in religious freedom. With advocacy staff based in London, Brussels and Washington DC, CSW has partners and affiliates in the UK, USA, Australia, New Zealand, Hong Kong, India, Sri Lanka, Norway, Denmark and France. CSW has been working on human rights issues in Burma for much of the past twenty years, making regular visits to the Karen, Karenni and Shan ethnic nationalities on the Thailand-Burma border, the Chin on the India-Burma border, and the Kachin on the Chin-Burma border. CSW funds two orphanages in refugee camps for Karen and Karenni, supports relief for the Internally Displaced People through the Free Burma Rangers, and supports humanitarian projects among the Chin people.

#### **3.2. Purposes**

1. To obtain first hand, up-to-date information and evidence of human rights violations and political developments in Burma;
2. To obtain first hand, up-to-date information and evidence of the situation facing refugees from Burma in Malaysia;
3. To assess existing CSW-sponsored projects and future needs;
4. To express solidarity with the oppressed and persecuted peoples of Burma.

#### **3.3. Personnel**

Benedict Rogers	Advocacy Officer for South Asia, CSW UK
Alexa Papadouris	Advocacy Director, CSW UK (from 6-13 February)
Juliet Rogers	Support for the Oppressed Peoples of Burma
Elana Cheah	Research Assistant to the Shadow Foreign Secretary, the Rt. Hon. William Hague MP (from 6-13 February)

#### **3.4. Itinerary**

Between 4 and 14 February, CSW visited Shan and Karen IDPs inside Burma, Karen refugees in Thailand, former political prisoners and Burmese Buddhist monks who had fled the September 2007 crackdown, and two defectors from the Burma Army. It is important to note that the Thai authorities have prohibited all foreigners from entering Ei Htu Hta camp for Karen IDPs, across the border in Burma, and therefore despite arrangements to do so, CSW was unable to visit the camp this time.

CSW also had meetings in Chiang Mai, Maesot and Bangkok. The delegation met Non-Governmental Organisations (NGOs) such as the Thailand-Burma Border Consortium (TBBC), Earthrights International, Burma Relief Centre, the Free Burma Rangers, Partners Relief and Development, the Alternative ASEAN Network on Burma (ALTSEAN), the Shan Women's Action Network (SWAN), the Chin Human Rights Organisation (CHRO), the Pan Kachin Development Society, the Kachin Women's Association Thailand (KWAT), the All Kachin Student Youth Union, the Mae Tao Clinic and the Committee for Internally Displaced Karen People (CIDKP). CSW also met leaders of the Karen National Union (KNU) including then General Secretary Padoh Mahn Sha Lah Phan; then Joint General

Secretary-1 Htoo Htoo Lay; and Joint General Secretary-2 David Thackerbaw, as well as representatives of the Assistance Association for Political Prisoners-Burma (AAPPB). The delegation met with the British Ambassador to Thailand, the Head of the Political Section, and a representative of DfID in the British Embassy in Bangkok.

In Malaysia, from 14–17 February, CSW met with representatives of the Chin, Kachin, Shan, Mon, Arakan and Karenni communities; visited a jungle camp outside Kuala Lumpur; visited urban flats inhabited by refugees; and met with the Deputy Head of the UN High Commission for Refugees (UNHCR). The visit was hosted by the Chin Human Rights Organisation (CHRO) and the Chin Refugee Committee (CRC).



## 4. Human Rights Violations

CSW obtained further evidence of the continuing use of forced labour, forced relocation, the destruction of villages, the use of rape as a weapon of war and torture in Burma. CSW interviewed victims of human rights violations in Shan, Karen and Kachin States, and their testimonies are detailed in this section.

### 4.1. Shan State

CSW visited a camp for Internally Displaced People (IDPs) inside Shan State, and interviewed several newly arrived people.

#### 4.1.1. *Mr A, aged 62, from Mong Hsat, eastern Shan State*

He arrived thirteen days earlier, on 26 January 2008, having fled his home village due to the SPDC's policies of land confiscation, extortion and forced labour. He left behind his wife, 26 year-old daughter and eighteen year-old son. Since July 2007, every family in Mong Hsat has been ordered by the military to grow at least 1,000 castor oil plants. In the village one acre was shared between 50 and 70 households. As a farmer, he had access to two acres, but it required between three and four acres to grow the quantities required. Each household was forced to buy a basket of castor oil nuts, costing 3,500 kyat. As a result they were left with nothing to feed themselves. Soldiers had promised to buy the castor oil plants for 3,500 kyats once they were grown, but in reality they never paid any money. Villagers were forced to work on producing castor oil crops for the military, and had no rest time. The military also demanded forced labour from the villagers, requiring at least one person per family to do work such as cleaning the military airport at Mong Hsat. If they failed to work, they would be fined 3,000 kyat per family. No materials were provided, and villagers had to arrange their own food and transport to the forced labour sites. Villagers who owned their own plot of land had to pay taxes amounting to eight baskets of rice, or the equivalent in money, per year.

#### 4.1.2. *Mr B, aged 62, from Mong Hsat, eastern Shan State*

He left his wife and four children in his home village, and escaped to this IDP camp on the Thai border. He was a farmer, and fled because "it was difficult to survive". He travelled for two days by car and then walked for one hour. "It is better here, but it is not like home". In his village he was regularly required to do forced labour, including cleaning the airport and cutting bamboo to build the military camp. Eleven Burma Army battalions are stationed around Mong Hsat, and troops from Burma Army Light Infantry Battalion (LIB) 333 were very close to the village. Land had been regularly confiscated from villagers by the SPDC, and sold to the Wa, an ethnic group which has at times been allied with the SPDC against the Shan. The Wa had three army bases in the area, with 2,000-3,000 soldiers in each base. The Wa had allowed Chinese since early 2007 to plant tens of thousands of acres of rubber plantations. If villagers' cattle or buffalo went into plantations they would be fined or the animals shot. Villagers were hired to burn the land to clear it for rubber plantations, over a period of twenty days, causing thick smoke over the town.

Since August 2007, he said, SPDC restrictions in the area were tightened. Permission was required for any local activities, including Buddhist religious ceremonies. The villagers had to inform the authorities of which monks were leading ceremonies, the subject of each sermon and who would be attending. "The SPDC were afraid of possible protests," he said. Members of the NLD and the Shan Nationalities League for Democracy (SNLD) were regularly followed and threatened. Following the September 2007 protests and the regime's

crackdown, the SPDC forced villagers in Mong Hsat to participate in pro-regime rallies. Every household had to send at least one person, and if they refused they would be fined 30,000 kyat. At the rallies, an official would shout: “Do you support the government?” to which the villagers had to respond: “Yes we do!”

Since 2004, the villagers have been promised electricity by the authorities but it has never been provided. Instead, every house has been forced to pay contributions in three instalments – first a payment of 135,000 kyat, then a second payment of 40,000 kyat, followed by 57,000 kyat, amounting to 232,000 kyat – with no electricity in return.

Both Mr A (see section 7.1.2) and Mr B produced a map of Mong Hsat which they had drawn themselves, in considerable detail, and were able to highlight the locations of military camps, the airport, rubber plantations, and land on which castor oil plants were grown.

#### *4.1.3. Mr. C, aged 23, a Christian Lahu from eastern Shan State*

He arrived with his wife and child on 30 January 2008. They fled their village following demands for forced labour from the Burma Army. The military confiscated chickens, pigs, food and “anything they wanted” from the village. Villagers were forced to grow five acres of castor oil plants, and if they failed their land was confiscated and they were fined. In March 2006, drunken soldiers came to the village, harassed and pushed people, and raped some women. On Christmas Day in 2007, his wife was raped. “We lived in fear. Even when the dogs barked, we felt scared,” he said. They walked for five days to reach the IDP camp close to the Thai border where, he said, they “feel safe”. After his wife was raped, he said, the family did not want to stay in the village anymore. “In other families, following a rape incident, there has been family breakdown and divorce. I did not want that to happen. No one feels safe.”

#### **4.2. The Karen**

The situation in Karen State has deteriorated significantly in recent years. One KNU leader told CSW that he believed the current offensive is a continuation of the campaign launched by the SPDC in 2006. “They will try to wipe us out in 2008,” he warned. “Their plan is to eliminate the Karen as a people. If we collaborate with them, they will discriminate against us, for example by banning the use of the Karen language and restricting the practice of Christianity. We will be marginalised – and eventually eliminated.” In the armed conflict, in which the Karen National Liberation Army (KNLA) is fighting to defend Karen civilians, the kill ratio between the KNLA and the Burma Army is 1:20, and the wounded ratio is 1:40.

In 2006 and 2007, over 200 villages were destroyed by the Burma Army. “They are burning villages to clear the area of population,” said one KNU source. The SPDC has increased its battalions to over 187 in Karen State this year, compared with 150 in 2007. Over 70 battalions are stationed in three particular districts, Toungoo, Papun and Nyaunglebin. Each battalion has between 120-150 soldiers. The SPDC is working on a major road-building programme, including one road from Toungoo to Nyaunglebin, and a road leading up to the Thai-Burmese border.

In Ei Htu Hta camp for IDPs, opened in Karen State just across the Salween River from Thailand in April 2006, the number of IDPs has risen to 4,000 in 2008 from 200 when it opened. CSW has visited Ei Htu Hta three times previously. However, on this visit we were denied permission by the Thai authorities to visit the camp. It has been reported that the Thai authorities have refused entry to all foreign organisations.

CSW visited Mae La refugee camp, and interviewed new arrivals:

#### *4.2.1. Saw A, aged 22, a Christian from village X in 7<sup>th</sup> Brigade area*

Saw A arrived in August 2007 with his pregnant wife. His baby was born a month later, and is now five months old. The family fled their village because the SPDC attacked it many times. A Burma Army camp was nearby, and soldiers often came to the village to demand forced labour. Saw A was forced to work for the military for two months, and had to cook for the soldiers and carry water and other supplies. He was often kicked by soldiers. He said that his family were so afraid of the demands for forced labour that they “could not sleep at home”.

#### *4.2.2. Naw B, aged 30, a Buddhist from village Y, 1<sup>st</sup> Brigade area*

She arrived at the camp on the Thai border in January 2008, after her husband had been taken for forced labour. He had been forced to work for the Burma Army for ten days. After he had been taken, soldiers came to the village every day. She was afraid that she would not be able to find food to eat, so she ran away with her five children, aged fourteen, twelve, seven, four and two. They walked for ten days. When asked if she had news of her husband, she began to weep and said “I don’t know what has happened to my husband.”

### **4.3. The Kachin**

The Kachin Independence Organisation (KIO), and its armed wing the Kachin Independence Army (KIA), were formed on 5 February 1961 in response to the decision by the Burmese government to reject federalism, a system agreed by the major ethnic nationalities in Burma in the Panglong Agreement in 1947 prior to independence, and instead impose a unitary system of government. The decision to impose Buddhism as the national religion was also a factor in sparking the resistance struggle by the predominantly Christian Kachin. Since 1961, the KIO has entered into ceasefire negotiations four times, finally securing a ceasefire with the regime on 24 February 1994, which has held until the present day. During the conflict period it is estimated that over 100,000 Kachin civilians died. However, although the ceasefire has meant an end to military offensives, it has not resulted in a cessation in human rights violations. In the words of one Kachin civil society activist: “The ceasefire is one sided, it is not peacemaking or peace building, and there is political deadlock – no improvement politically.” The Burma Army continues to carry out sporadic attacks on KIA soldiers, despite the ceasefire. For example, on 21 March 2001 eleven KIA soldiers were tortured and killed. On 2 January 2006, in Naung Heng village, eight KIA soldiers were killed and the SPDC burned their bodies. Despite the ceasefire, the SPDC has increased its military presence, from 26 battalions in Kachin State before the ceasefire to 41 battalions in 2006 and probably even more now.

The KIO has participated in the regime’s National Convention, even though everyone regards it as a “sham”. Out of over 1,000 delegates in the National Convention, the KIO only had five representatives. In 2004, proposals put forward by thirteen ethnic nationality groups were ignored by the SPDC, and in 2007 the KIO’s proposed nineteen points were also rejected. One Kachin delegate said that the National Convention was like a “religious” ceremony where a sermon was preached but absolutely no dialogue or debate took place.

Human rights violations in Kachin State include forced labour, child labour, the forcible conscription of child soldiers, land confiscation, forced relocation, religious persecution and rape. Drug addiction and HIV/AIDS are widespread and the SPDC has done nothing to tackle these problems. Evidence suggests that the SPDC is complicit with the drugs trade, as a deliberate policy to wipe out the Kachin through non-military means. According to Kachin

sources, over 100,000 Kachin youth have died between 1997 and 2007 as a result of drugs and HIV/AIDS. In Myitkyina prison, 98 per cent of the prisoners were HIV-positive. In every Kachin village, at least four or five people suffer full-blown AIDS. Drug addiction is rife due to “hopelessness, depression and unemployment”.

In addition to human rights violations, the SPDC’s policies have resulted in severe environmental degradation, including major deforestation and a failure to re-plant systematically. Gold mining has resulted in an outflow of mercury polluting the rivers, particularly the Malika river.

CSW met two young Kachin women who had been gang-raped by the SPDC, but whose stories must remain confidential for security reasons.

#### **4.4. Political Prisoners**

An estimated 2,000 prisoners of conscience remain in jail in Burma today, subjected to regular torture and harsh conditions.

Some prisoners have extraordinarily long and disproportionate sentences. The leader of the Shan Nationalities League for Democracy (SNLD), Hkun Htun Oo, aged 64, has been sentenced to 93 years in prison. He suffers from prostate problems, diabetes and high blood pressure, and yet he is denied proper medical assistance, despite his health deteriorating. Other SNLD activists have received sentences of between 75 and 106 years. As Hkun Htun Oo has said, “We didn’t commit any crime. We reaffirm our aim to empower our people to bring peace, justice and equality to the people.”

CSW will continue to campaign for the release of all political prisoners in Burma, for fair trial, and for an end to torture and mistreatment.

## 5. The Saffron Revolution

According to one KNU leader, the protests in Burma in September 2007 were the “starting point, not the end”. More demonstrations are predicted in 2008, as the political, economic and social crisis in Burma worsens. Small acts of defiance continue: for example, people have hung pictures of the Senior General Than Shwe around the necks of stray dogs, as a deliberate insult to the regime, and a group of businessmen refused to pay taxes. One NGO noted that such acts show that people are continuing to take risks to demonstrate their opposition to the regime.

CSW interviewed several people, including three monks in Thailand, as well as three Chin activists now in Malaysia, who had participated in the ‘Saffron Revolution’. These interviews are documented below. CSW also interviewed a man who works with the underground democracy movement, and assisted in organising the September protests<sup>2</sup>.

### *5.1.1. Mr X, aged 49, a former school teacher from Bago (Pegu) Division*

He arrived in Thailand on 28 September 2007, having fled the regime’s crackdown on protestors in September. He graduated from university in 1981, and became a school teacher in 1982. As a teacher, he participated in the 1988 pro-democracy demonstrations, organised a strike in Bago Division in 1988 and helped to form an organising committee for the protests. In the 1990 elections, he helped the NLD and the Democratic Party for a New Society (DPNS). In 1992, when the regime’s National Convention began, he organised opposition to it and participated in anti-National Convention protests. He was detained for three months in an interrogation centre, and then released but forced to resign as a teacher. Every year, he was involved in organising memorial ceremonies for some of the key political events in Burma’s history, notably the 1988 uprising.

In August 2007, he tried to travel from Rangoon to his home town, but due to fuel price rises the bus fare had increased from 50 kyat to 150 kyat. “Ordinary people, including workers, face difficulties,” he said. He took part in a peaceful march led by the ‘88 Generation’ Student leader Min Ko Naing, “to express our suffering due to the fuel price rise”. This demonstration was followed by protests by NLD youth, women activists such as Su Su Nway and others in Rangoon, which were met with a violent crackdown led by the Union Solidarity Development Association (USDA), a civilian militia organised by the junta. The Buddhist monks then rose up in response to the violent assaults on protestors, particularly the attacks on monks in Pakokku. The Alliance of All Burmese Buddhist Monks was formed, and demanded an apology from the regime for its attacks on monks by 17 September. On 18 September, when no apology came from the regime, the monks began to demonstrate. He took part, and helped to organise monks on 19 September. In his town, 35 monks and twenty civilians protested. On 23 September, another demonstration took place in his home town, with 135 monks and 200 people. The number of protestors soon rose to 6,000.

On 24 September, early in the morning, local police and military intelligence came to his home and knocked on the door. He escaped through the back door, and hid in a nearby village. In the evening he travelled by bus to Rangoon, where he witnessed the events of 26 and 27 September. On 26 September, he travelled from Insein, just outside Rangoon, by train into the city, arriving at Rangoon Central Station at 1pm. The crackdown in the area around the Sule Pagoda had begun, and many were running to escape. Security forces blocked the exits of the railway station and did not allow passengers out or protestors in. However, a train from Moulmein arrived and the passengers did not know what was

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<sup>2</sup> His interview is not included in this report, for security reasons

happening in Rangoon. They arrived in such large numbers that the security forces were unable to prevent them from leaving the station, so they got out and he left the station with them. He witnessed the military shooting unarmed peaceful civilian protestors, and kicking and beating others, near the station. He saw two people, one of whom was a monk, jump at least eighteen feet from a bridge, to escape the shooting. Several monks broke their legs trying to escape. Another monk, he said, jumped onto a train and escaped uninjured. On 27 September, he returned to downtown Rangoon. He said: "There were so many bloody spots on the street. So many discarded flip-flops." He claimed that USDA forces involved in the crackdown had been given amphetamines by the military to make them carry out violence. That evening, at 6pm, he escaped from Rangoon, and travelled by bus for one day to the Thai border. "I believe there will be more demonstrations in Burma," he said. "So many people dislike the SPDC. The monks and the people are trying to organise more demonstrations, to demand that the SPDC respect the results of the 1990 elections and hand over power."

### *5.1.2. Venerable (Ashin) A, aged 28, from Rangoon*

Venerable A fled Rangoon on 29 September 2007 and arrived in Thailand on 5 December. His involvement in the movement began on 7 September when he distributed leaflets around monasteries, and joined the Alliance of All Burmese Buddhist Monks. He joined the protests because, he said: "In our country our people face many difficulties to survive in daily life. The SPDC oppresses all the people. The monks rely on the people for survival, through the giving of alms." He took part in peaceful demonstrations in Pakokku, where monks recited Buddhist chants about "Metta" or "Loving Kindness". The military attacked the monks, and tied some to lamp-posts to beat them. In response, the monks demanded that the SPDC apologise, free Aung San Suu Kyi and all political prisoners, and engage in national reconciliation. The monks set a deadline of 17 September for their demands to be met. The SPDC failed to apologise or to accept any of the demands; and so on 18 September the monks launched an alms boycott, refusing to accept alms from members of the regime. At 10am on 26 September, he participated in a protest in front of the Shwe Dagon Pagoda in Rangoon, and was beaten on his head. He was a leader of the protest, using a loudspeaker to encourage the demonstrators. "I was beaten, but I did not take any notice because I was looking after other demonstrators who were being beaten," he recalled. "I only accepted medical treatment at 5pm the following day."

On 26 September, the SPDC raided fifteen monasteries and arrested approximately 600 monks. On 27 September the Maggin Monastery, where he lived, was closed by the SPDC and so he fled into hiding in Rangoon. He said the monastery had been raided by 100 soldiers and 70 USDA members, although initially only five USDA members – in civilian dress – knocked on the door of the monastery and so the monks opened the door, at which point the soldiers charged in. The monastery was raided three times, and all the monks had been driven out. "Many monks have disappeared, and we do not know where they have gone," he said. "Some have been sent to forced labour camps. There used to be 100,000 monks in Rangoon, and now we can hardly see any. The SPDC checks all the young monks aged between 18 and 40, and has arrested many."

Prior to the protests on 26 September, he helped to lead a march down University Avenue past the home of Nobel Laureate Daw Aung San Suu Kyi on 22 September. In his words: "We went to University Avenue, which was closed off with barbed wire and a police check-point. The monks told the police to open the road-block, and at first the police refused. But then 1,500 monks arrived and the police opened the road-block. The monks told the police that 'We won't do anything violent. We will only chant'. There was a little rain. We arrived in front of Daw Aung San Suu Kyi's house, and chanted the Sutra. The entrance was barred by police with shields and batons. Then Daw Aung San Suu Kyi came out, and paid her

respects to the monks. Some people tried to go to her, but I controlled them. She seemed to be healthy, but also looked sad. She did not say anything. The crowd shouted to her: 'Don't worry. We are with you. We have come out for you.'"

On 29 September, he fled to Bago Division by bus, dressed in civilian clothes. At every check-point the military were checking to see if there were monks on the bus. The bus drivers generally turned monks away, because there were so many checks. "Even when there were plenty of seats on the bus, drivers would tell monks that there were no seats available," he said. "It is very difficult now for monks to travel. Monks are required to obtain permission from the local authority. Monks are always followed now. All monks are under watch. Life has become more dark, more difficult in Burma today."

### *5.1.3. Venerable (Ashin) B, aged 53, from Bago Division, Burma*

He arrived in Thailand on 14 December, 2007, having been involved in demonstrations in Rangoon and Bago.

On 21 September 2007, Min Ko Naing, the 88 Generation Students and the All Burma Federation of Student Unions (ABSFU) announced new protests. That night, Min Ko Naing and other democracy leaders were arrested. The SPDC deployed security forces around Bago city. Venerable B travelled to Rangoon on 22 September, along with 50 other monks, and joined in demonstrations at the junction in front of Rangoon University, because they were unable to protest in Bago. Security forces and USDA members were present at the protest in Rangoon in large numbers, and took photographs of demonstrators, but did not act with violence at that time. Following the demonstration, he went to Sule Pagoda at 5pm and joined in further protests there, before returning to Bago.

On 24 September, he organised monks in Bago Division, and distributed leaflets to monasteries. "We decided we must lead the people," he said. At 2pm on 24 September a protest started in Bago, with a total of approximately 50,000 people, including 30,000 monks plus civilians. Five monks were later arrested the same day.

The largest monastery in Bago, Khyat Win monastery, faced many problems as a result of the protests. USDA threw water bottles at the monastery, pretending to be protestors angry that the monastery had not joined the protests – an attempt to create divisions among the monks.

On 25 September at night, 35 monks travelled from Bago to Rangoon again. A small town, Hleguy, between Rangoon and Bago, was blocked by troops from LIB 77, but the monks walked around the town by a different route. They walked all night, a distance of 35 miles, arriving on 26 September at Tamway Township. After arriving at Business Education School No. 3 in Tamway Township, the monks witnessed the arrival of seven truckloads of soldiers. The school was open and some children were leaving the school gates. Some of the children were hit by the trucks. Eight children and a teacher were killed. The monks tried to rescue the dying children, but the soldiers stopped them. When the monks persisted and defied orders, the soldiers shot the monks. Two girls aged fourteen were also shot by soldiers. When Venerable B took some of the children to rescue them, a soldier beat him around the head, knocking him unconscious. The children who had been shot or crushed by the trucks were taken and put into the truck, including some who were injured but not dead. The children who died, he says, were cremated by the SPDC. Their parents were warned not to mourn, weep or hold any funeral ceremony for them. The SPDC gave 20,000 kyats compensation to the family of the teacher who was killed, but warned them not to tell anyone. "If you tell anyone, we will kill you," they told her relatives.

Venerable B sustained serious head injuries, but did not dare to seek medical treatment because he had already heard that some monks who had gone to hospitals for treatment were arrested. He went into hiding instead, and friends treated his injuries with lime, using saffron robes as bandages.

On 28 September, he went to the Sule Pagoda, where he witnessed soldiers shooting people and monks. He hid in a public toilet, still in pain from his injuries, for much of the night. The next day lay people helped him to move to a hiding place, where he hid until 10 October. He then went back to his monastery, but he did not dare to go to other places. On 7 November he was arrested by soldiers and police, but escaped to Mon State, then travelled through Karen State to Thailand. He disguised himself as an insane person, grew long hair, a moustache and wore an old saffron robe.

#### *5.1.4. Venerable (Ashin) C, from Kyauk Padaung town*

He arrived in Thailand on 4 November. The demonstrations in August and September 2007 were sparked by the regime's decision to increase fuel prices. "Most people experienced problems with their livelihoods as a result," he said. "When we went house to house collecting alms, people complained about their livelihoods." On 22 August peaceful protests took place, and demonstrators were beaten [by the regime's civilian militia groups]. The 88 Generation Student leaders were arrested. On 5 September, monks protested in Pakokku. "They chanted 'loving kindness'. Soldiers arrested the monks and tied them to lamp-posts, where they kicked and beat them with guns," he recalled. Three monks were reportedly arrested, he said, and were tortured, interrogated and disrobed. On 9 September the Alliance of All Burmese Buddhist Monks issued a statement demanding an apology, as well as lower commodity prices, the release of Aung San Suu Kyi and meaningful political dialogue, with a deadline of 17 September for the regime to accept the demands. The SPDC ignored the demands, and so tens of thousands of monks began to demonstrate. Smaller protests began on 14 September. Venerable C returned to Pakokku to organise demonstrations, and then travelled to his home town to discuss the next steps with the chief monks. On 18 September he joined in demonstrations. On 22 September some monks and civilians marched down University Avenue, past Daw Aung San Suu Kyi's home, while he joined a separate protest in the downtown area of Rangoon. By 24-26 September, an estimated 100,000 people and 105,000 monks were marching. On 26 September, the crackdown began. The military used teargas on demonstrators. "I saw many monks with head injuries, and tried to help them," he said. "We then tried to march in another direction, wearing protective masks against the tear gas. Soldiers shot at the marchers many times. There were many trucks of soldiers. Many people died." On 27 September, he went into hiding in Rangoon, and on 28 September he left the city and hid for a month in a village in Karen State, and then travelled to the Thai border.

Following the protests, on 28 and 29 September, the SPDC arrested not only protestors, but ordinary people who had given the monks water and medicine. During the protests, SPDC agents took a lot of photographs, and then began to arrest people they had photographed. In his home town, the military attempted to raid the monastery, but the monks rang the bells and civilians came to protect the monastery. The SPDC troops did not continue with their attack.

In one town, a military truck ran over innocent people, including a teacher and children crossing the road. In another town, one monk said: "Our country is getting poorer and poorer. All of our people are suffering." A Burma Army officer told him: "Don't talk politics," and the monk replied: "Your family is also suffering". The soldier clasped his hand over the monk's mouth, and the novice monks were scared and ran away.



Altogether, he claims, over 100 people were killed, including at least 50 monks, during the crackdown in September 2007. “Some of my friends were detained and beaten. Many monks have been tortured,” he said. “There are so many human rights abuses. We cannot stay silent any longer. Our country has so many natural resources, but the SPDC only spends money on themselves. We knew the dangers involved in protesting – but we had to act.”

*5.1.5. Mr X, aged 28, a Chin law student at Rangoon University now in Malaysia*

He arrived in Malaysia on 5 November 2007, having participated in demonstrations in Rangoon between 25 and 28 September 2007. He is originally from Thantlang, Chin State.

On 25 September, he and a friend donated water to the marching monks. The following day he took part in a demonstration, and walked around Rangoon hand in hand with other marchers in a human chain. On 27 September he donated food to the monks, and on 28 September he joined the demonstrations again. When he and 200 others whom he was with saw the military approaching, they took a different route, but were again confronted by the army, who used teargas and fired bullets into the air. The crowd dispersed. “I didn’t see if anyone was shot – I was running too fast,” he said. He did not dare return to his home, because he knew that the security forces had taken photographs of protestors and might be searching for him. On 29 September, he telephoned friends to enquire about the situation, and they told him that the police and army had gone to his office and his home to look for him. In his apartment building, photographs of each resident were displayed, and the police came and pointed to a photograph of him and asked residents where he was. The police then said: “I saw him yesterday [in the protests]. Where is he?” His friends warned him that it was very dangerous for him to remain in Rangoon, and advised him to leave. He left the city and moved to a nearby town. On 12 October, he telephoned his friends again, and they informed him that security forces had come to his office with a photograph of him donating water to the monks. On 16 October, he telephoned his wife, whom he had left in Rangoon, and she advised him to leave Burma for his own safety. She informed him that the authorities had come to their home again on the night of 12 October. They had asked her where he was. Then on 16 October, government officials came to his wife and told her to sign a statement agreeing to assist in the search for her husband. He fled Rangoon, and arrived in Malaysia on 5 November 2007. When asked whether he had received any news of his wife, he broke down in tears. He said he had had no contact with his wife since he left.

*5.1.6. Mr Y, aged 24, a Chin law student from Rangoon*

He took part in protests on 25 September, marching hand in hand in a human chain with monks and other civilians in Rangoon. They met first in the Shwe Dondai teashop, and then marched from the Sule Pagoda to the Zona Plaza. On 8 October, the local government-appointed ‘block officer’ (Ya-Ya-Ka) for his residential area came to his apartment, but he was not at home. Friends informed him that the government was looking for him, and he decided not to return home. A pastor told him that government officials searching for him had a photograph of him. Friends advised him to flee. “Even though I wanted to stay in Burma, the conditions made my decision to escape unavoidable,” he said. On 13 November he left Burma, and arrived in Malaysia on 27 November. He chose to flee to Malaysia, because he was afraid of the situation in India and knew no one in Thailand, whereas he had friends in Kuala Lumpur.

*5.1.7. Mr Z, age unknown, a Chin student from Rangoon*

He arrived in Malaysia on 14 November. He was General-Secretary of the organisation of Chin University Students in Burma, and was active in various underground political activities focused on environmental and human rights issues. He participated in demonstrations in Rangoon between 24 and 28 September, including a protest without the monks on 28 September near the Sule Pagoda. Soldiers opened fire without warning, he recalled, and so he fled Rangoon. He went to his family’s home in Chin State, but the SPDC came to his

home searching for him. "My father told me to make a decision," he said. "If I wanted to stay in Burma, I had to give up politics. If I wanted to do politics, I had to leave Burma."

He said that Christians were discriminated against on university campuses. "We have no rights to practise our religion on campus. Worship on campus was not allowed. When we sang Christian songs on campus, people warned us not to."

He believes more protests will take place in the future. "The will of the people cannot be suppressed forever. The military regime will fall." The international community should support education and the development of democratic principles among Burmese people. "We need knowledge."

## 6. Refugees in Malaysia

Over 40,000 refugees from Burma, including Chin, Kachin, Mon, Arakan, Karen, Karenni, Shan, Rohingya and Burman, are registered with UNHCR, with tens of thousands more asylum seekers unregistered. They are living in dire conditions and in an extremely vulnerable situation in Malaysia. Barely surviving in jungle camps or urban flats in cramped conditions with poor sanitation, no health care and little food, they are at grave risk of being raided by the Malaysian immigration authorities, police and the officially-sanctioned vigilante force RELA. If arrested, the Burmese refugees face appalling conditions in detention, caning, beatings and other forms of abuse, and ultimately deportation. Women and children, including pregnant women, have been detained and mistreated. On 17 February 2008, for example, a UNHCR-recognised Kachin refugee, 43 year-old Mrs Kai Than and her four year old daughter, who suffers from polio, were arrested by RELA, along with 45 year-old Mrs Htu Mai, who has a 45 year-old daughter<sup>3</sup>. If deported, some are then returned to Burma by the Thai authorities. Some return to Malaysia if they can pay traffickers on the Malaysian side of the border to help them, but in doing so they become vulnerable to abuse and exploitation. In some cases immigration officials have themselves been involved in trafficking, "selling" the refugees on to traffickers. A report by Radio Free Asia recently claimed that: "Burmese migrant workers in Malaysia live at the mercy of international human-trafficking gangs who sell them back and forth as slave labour with the full knowledge of Malaysian and Thai immigration officials"<sup>4</sup>. Those who are able to find work in Malaysia, in restaurants, construction sites, shops and other places of work, are often exploited and abused. Sometimes they do not receive the payment they are due.

CSW met community leaders from the Chin, Kachin, Mon, Arakan, Shan and Karenni ethnic groups. They reported the following breakdown of numbers:

- 25,000 Chins – approximately 8,000-10,000 registered with UNHCR, and 5,000 recognised by UNHCR. In 2007, approximately 4,000 Chins were resettled to third countries from Malaysia. In 2007-8, an estimated 1,584 Chins have been detained, including 178 women and 60 children. At least 84 of those detained have reported being caned.
- 2,500 Kachins – 65% male, 35% female – 600 registered with UNHCR, 300 recognised by UNHCR and 150 resettled to third countries. There are 150 families with children, including 120 children under ten, and 200 between ten and eighteen years old. There are twenty people over 50 years old.
- 20,000 Mons – only 4,000 registered with the Mon Refugee Organisation, and only 500 registered with UNHCR. Only 200 have been recognised by UNHCR as refugees, and only twenty have been resettled to third countries.
- 700-800 Shans, 30 per cent of whom are women – only ten recognised and 40 registered as Persons of Concern by the UNHCR, and only two have been resettled to a third country.
- 6,000 Arakanese registered with the Arakan Refugee Relief Centre – figures of those registered and recognised by UNHCR have not yet been obtained.

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<sup>3</sup> Kachin Development Organisation, *Being Refugees in Malaysia increasingly unsafe*, 19 February 2008

<sup>4</sup> Radio Free Asia, *Human Traffickers Get Free Rein with Burmese Migrants in Malaysia*, 8 February 2008 - [http://www.rfa.org/english/burmese/2008/02/08/burma\\_malaysia/](http://www.rfa.org/english/burmese/2008/02/08/burma_malaysia/)

- 3,000-7,000 Karens – an estimated 300 registered with UNHCR; 100 recognized by UNHCR; eight – ten resettled to third countries.
- 500 Karenni registered with Refugee Committee for Karenni – only 80 registered with UNHCR, fifteen recognised by UNHCR and only one person resettled to a third country.

The UNHCR plans to resettle over 6,000 refugees from Malaysia to third countries in 2008.

### ***6.1. Visit to an unofficial jungle camp for Chin refugees, 80km outside Kuala Lumpur***

CSW visited a camp for Chin refugees in the jungle, 80km from Kuala Lumpur. The camp has already been attacked and raided by RELA once, and although hidden, it is vulnerable to future raids. The camp consists of 61 Chin refugees, living in desperate conditions, sheltered only by a sheet of tarpaulin and a very basic bamboo structure. Only ten of the refugees work on nearby farmland, but many are not working and are not able to go into the city in search of work for fear of being arrested, detained, caned, and deported.

#### ***6.1.1. Mr A, aged 25, from Kalay Valley, Sagaing Division, western Burma***

Mr A arrived in Malaysia on 20 June 2006, and came from an area near the Kalay valley in Sagaing Division. He fled because he had been used for forced labour. The Burma Army ordered him to cultivate land, using two cows. Eventually both his cows and he became tired, and he tried to rest. The soldiers beat him and would not allow him to rest. They also shot one of his cows. Then on 5 June 2006, he was arrested and detained in an army camp near the village. His brother came to the camp and helped him escape. Soldiers chased them and shot at them, but they escaped, and he fled to Malaysia, travelling overland through Thailand. He went to Malaysia because he knew friends there. Following his escape, his father was arrested, and died in prison on 15 April 2007. His mother and wife are still in Burma.

#### ***6.1.2. Mr B, aged 33, from Tamu, Sagaing Division, western Burma***

On 16 May 2007, he left his village and fled to Malaysia, arriving there on 28 May. On 13 May, he went to church to pray. On the way, soldiers stopped him and three friends and ordered them to work as porters for the army. After two days of portering, on 15 May, he asked to be given exemption because he needed to cultivate his land otherwise his family would have no food for a whole year. The soldiers refused, beat him, and told him it was his own problem if his family had no food. They did not allow him to go back to his village. However, the soldiers then became engaged in a battle with Naga rebels, and he escaped during the battle. He was not able to return to his village, because he knew the soldiers would search for him, and so he fled to another town in Sagaing Division. A man in the village provided some assistance and he travelled to Mandalay, and on to Rangoon. His wife's relatives helped him to reach Ko Thau in southern Burma on 19 May, and from there he travelled to Malaysia. He left his wife, whom he had just married, in Burma with her family in another town. "If the SPDC knew she was my wife they would certainly arrest her," he said. "Many friends who have supported me have already been resettled to third countries. But I don't know what will happen to me. I have no idea how to approach the UNHCR. I just stay in this camp. If I leave the jungle camp, the Malaysian police will arrest me. I don't speak any Malay, and have no friends in the city. I have no money."

## **6.2. Meeting with refugees and community representatives in Kuala Lumpur**

Following a visit to a flat in which 27 people from eight families were living in desperately cramped conditions in two rooms, divided into 8ft by 5ft spaces for each family, CSW met with individual refugees and ethnic community groups in Kuala Lumpur, and were able to obtain the following testimonies:

### **6.2.1. Mr C, from Mindat, Chin State, western Burma**

He came to Malaysia in 2006. He was a Buddhist who converted to Christianity, and became a pastor. He ran two churches. The SPDC destroyed one of the churches, Wat Ma Mah church in Me Sa Wa village, in 1998. Despite having received permission to build the church, a Captain from the Burma Army ordered it to be destroyed. "We cannot worship freely in Chin State. Christians face pressure from the military government," he said. "The SPDC tries to influence people to convert from Christianity to Buddhism. We face Burmanisation." He has been waiting for two years for UNHCR registration in Malaysia. On 9 October 2007, he was arrested by RELA and the police, and held in a detention camp. In court, he was not provided with an interpreter. Instead, he was sentenced to two months in jail and one caning. He was stripped naked, his hands and legs tied to bars at an angle, and he was blindfolded. "When they removed the blindfold, I could not see clearly. I felt giddy," he said. He was caned on his backside, which left a scar. After the caning, anti-septic medicine was applied carelessly to the wound, with a pad on the end of a stick. "They treated me like an animal," he said. He stayed in prison for 50 days and was then deported to the Thailand-Malaysia border.

### **6.2.2. Mr D, from Mon State**

Mr D described the SPDC's violations of human rights in Mon State. "From the beginning until now, Mon people have been suffering under the military regime. The regime has destroyed all schools run for Mon people in the Mon language. Mon people are not allowed to learn our own language. The only place we can go to learn our language is the monasteries, but if the SPDC finds out, they chase us and arrest us. Even in the monasteries, when we write exams, we are not allowed to write them in our Mon language. If we dance Mon traditional dance and sing songs on Mon national day, we are not allowed to sing in Mon, we have to sing in Burmese. If we do not have our language, then we have lost our race. The SPDC is using techniques of Burmanisation to destroy Mon people." He gave accounts of land confiscation, forced labour and sexual violence. Women are taken from villages to provide 'entertainment' in the military camps. Men are used as human minesweepers, forced to walk ahead of Burma Army soldiers so that if there are landmines they will be killed first. Child labour is widespread. The SPDC actively encourages Burmans to populate Mon State, and to marry Mons, to 'dilute' their ethnicity.

### **6.2.3. Miss E, from Sittwe, Arakan State**

Miss E participated in the demonstrations in September, in Sittwe, Arakan State. She fled to Malaysia in November 2007. In Arakan State, an agricultural-based economy, a sack of rice costs 600 kyat, but a day's wages for one person is 400 kyat. The SPDC's policies of land confiscation and sale of agricultural produce to Bangladesh have made it very difficult for people to grow rice for themselves. People have no money to give alms to monks, and so Buddhist monks struggle to feed themselves. "That is why the monks in Arakan State started to protest," she said. Rape is widespread, and if women report incidents of rape to the authorities they are arrested and imprisoned. "There are no laws in Arakan State," she said. The number of Arakanese fleeing the country has increased significantly since 2006, when the SPDC prohibited local fishing boats from working due to the development of oil and gas projects in Arakan State. The study of Arakanese language is forbidden. In Malaysia, many

Arakanese have been arrested and have no protection from UNHCR. “We are helpless,” she said.

#### *6.2.4. Mr F, from Falam, Chin State*

He worked as a driver, and was often forced to drive vehicles for the military, but was not provided payment or fuel. “In Falam, when the military comes, they always take our vehicles,” he said. Soldiers often stole other property, including rice, and beat him if the car broke down. “The military never does good things for people. They always just do things for their own benefit. This is how a brutal military government treats its people,” he said. Medical care was very expensive, he added. When his youngest son was born, the hospital charged 60,000 kyat. After three days, his baby son was sick and was diagnosed with Hepatitis B. He returned to hospital, and was kept in for ten days. The hospital charged 100,000 kyat.

In April 2006, he travelled from Falam to a seminary to attend Bible training. On the bus, he sat next to a man wearing a white shirt, who began to talk about the political and economic situation in Burma with him. The following day, on his way to church, the man called him to the nearby military camp, saying that they had not finished their conversation. “I did not recognise him as a spy, but at the military camp he asked a lot of questions. He asked me if I was a student or an activist, and if I was involved in politics. Then he told me he would take me back to Falam. I was afraid, and so on the way I jumped from the truck and ran away into the jungle. From that day, I was afraid – and that is why I fled. The SPDC always says that all religions are free in Burma, but the reality is that no one is free. Even if we say the smallest thing, we can be arrested.”

He fled Burma and travelled through Thailand to the Malaysia border, where he had to stay for five months because he had no money. He is currently waiting to be registered with the UNHCR. On 7 July 2007, he was arrested by RELA and held for four months in a detention camp. He was deported to Thailand, and returned to Kuala Lumpur in November 2007. The day before we met him, he had been arrested again, along with eight others, by the police, while working on a construction site. He had to pay 50 Ringgit. “If you don’t have a UNHCR card, you are vulnerable to arrest. Having a UNHCR card gives some protection. I therefore want to ask you to urge UNHCR to register all refugees, in order to provide proper protection,” he said.

#### *6.2.5. Ms. G, half-Chin, half-Karen, married to a Chin, and her 10-month old baby girl*

She arrived in Malaysia with her husband on 13 April 2005, and was arrested by Malaysian immigration the next day. She was detained and then deported to Thailand, but she returned to Malaysia. She was arrested again in Putrajaya on 13 October 2006, by RELA and Immigration, when she was three months pregnant, and sent to Semenyih detention centre for five months. She was then transferred to Terengganu detention camp, where she spent another five months. When she was arrested she informed the authorities that she was pregnant, but they still required her to work every day in detention cleaning the rooms and toilets. She was denied adequate drinking water. UNHCR visited her once a fortnight in Semenyih, but when she informed them about her situation, the authorities in the detention centre were angry with her and made her work more. At Terengganu, she was eight months pregnant, but was still forced to sweep the floor and clean the rooms. She was verbally abused by the prison guards, denied proper medical treatment, and given no fresh clothes to wear. UNHCR only visited her two months after she had been moved to Terengganu. When she went into labour to give birth, she was taken by four women police to the prison hospital, with chains around her arms. In hospital, she was chained in bed. She gave birth on 5 April 2007, and five hours after giving birth she was taken back to the prison. Her baby was kept in hospital for another day. She was not permitted to have any visitors. During this time, her husband was also in detention but they were not able to see each other. Following

the birth of her baby, UNHCR came and secured her release and that of her husband, when her baby was four months old.

*6.2.6. Mr H, aged 23, from Thantlang Township, Chin State*

He arrived in Malaysia on 25 January 2007, having fled his home town for fear of being arrested by the SPDC. He was a student at Kalay University, where the military had forced him to grow castor oil trees on campus, and after three months he was at risk of being arrested for defying orders and encouraging other students to do the same. After completing his final year tests, he fled to Rangoon. While in Rangoon, he learned from his family that the authorities were searching for him to arrest him. The military had come to their home in Chin State at night in search of him.

However, once in Malaysia, he was unable to gain access to the UNHCR. He approached UNHCR five times, but was unable to enter the office to register and was told that only asylum seekers with medical letters would be allowed to register. He then went to the Cameron Highlands to work in vegetable farms, where he earned twenty Ringgits a day and slept in a tent in the jungle with five friends. On 6 September 2007, RELA raided the camp at night and he was arrested along with others. They were taken to Langkap Immigration Detention Camp and detained for thirteen days, before being sentenced in court to five months in prison and one stroke of caning. He was interviewed by immigration officers four times, the first three times without an interpreter. He was beaten several times in prison and caned. Then on 2 February 2008, he was deported to Thailand, along with 30 other deportees. With the help of brokers, and at a cost of 1,800 Ringgits (\$550), paid by friends in Kuala Lumpur, he was able to re-enter Malaysia two days later<sup>5</sup>. He has still not been registered by UNHCR.

*6.2.7. Mr I, from Tahan township, Sagaing Division*

He arrived in Malaysia on 12 January 2006. He had worked as a driver in Burma from 2003–2006, and was often required by the Burma Army to work for them. On one occasion, soldiers came to demand the use of his car, but he informed them that the car had a problem and was not available. The soldiers did not believe him, and ordered him to come to the army camp. On 1 January 2006, he was arrested by the military, and kicked and beaten by five soldiers. He managed to escape at 9pm and travelled across Burma to Thailand and on to Malaysia. On 12 October 2006 he was arrested by RELA, and detained for fourteen days in a detention camp. He was then jailed for one year.

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<sup>5</sup> He was previously interviewed by the Chin Human Rights Organisation (CHRO), and some of this information comes from that interview.

## 7. Conclusions

Padoh Mahn Sha Lah Phan embodied a vision of a federal, democratic Burma in which all the ethnic nationalities lived in peace with one another. He stood for tolerance, unity and freedom. He fought resolutely for autonomy for his Karen people, but always embraced a wider vision of ethnic unity and harmony in a federal democracy which granted each ethnic nationality a degree of self-governance. It is appropriate that we conclude this report by emphasising that vision, in his memory. It is a vision shared by Daw Aung San Suu Kyi – and a vision that can be fulfilled, if we accept her request to use our liberty to promote the liberty of the people of Burma.

The immediate needs are urgent – the dire humanitarian conditions and vulnerability of IDPs in eastern Burma, Burmese refugees in Malaysia, and others displaced throughout Burma and its borderlands; almost 2,000 prisoners of conscience, including men like Hkun Htun Oo, leader of the Shan Nationalities League for Democracy (SNLD), who has been sentenced to 93 years in prison; the widespread use of torture and degrading treatment in Burma's prisons; and the SPDC's policies of ethnic cleansing, crimes against humanity and attempted genocide against Burma's ethnic nationalities. The international community must address the crisis in Burma as a matter of the utmost urgency, and adopt the recommendations set out earlier in this report.

As Padoh Mahn Sha Lah Phan's daughter Zoya Phan has said: *“Promoting human rights and democracy is not imperialist. It is not a cultural issue. It is everyone's business. It should be a priority for every country.”*

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