

briefing

Burma

Visit to Kachin State

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I. Executive Summary

“I want justice to be done” - A Kachin rape victim

Burma's ruling military dictatorship, the State Peace and Development Council (SPDC), continues to perpetrate gross violations of human rights, amounting to crimes against humanity¹, throughout the country. More than 2,100 political prisoners are in jail, subjected to horrific torture and dire conditions, and democracy leader Aung San Suu Kyi remains in detention. In eastern Burma, more than 3,300 villages have been destroyed by the military since 1996, and over a million people have been driven from their homes. Civilians are shot at point-blank range or used as human minesweepers, and children are forcibly conscripted into the Burma Army. Forced labour and rape as a weapon of war are used on a widespread and systematic basis, with impunity, throughout the country.

In Kachin State, the regime continues to perpetrate human rights violations, despite a ceasefire with the Kachin Independence Organisation (KIO) and its armed wing the Kachin Independence Army (KIA) since 1994. Although there is currently no armed conflict, rape, forced labour, land confiscation and religious discrimination remain significant problems. While the Kachin can enjoy comparative peace, and do not suffer mass destruction of villages and displacement of civilians on the scale of eastern Burma, they continue to experience discrimination and abuse. In SPDC-controlled areas, for example, children are not allowed to learn in their own language, but must study in Burmese. There is also reportedly an agenda to impose Buddhism on Kachin students, requiring them to recite Buddhist scriptures, even though the Kachin are 90 per cent Christian. In addition, environmental degradation, drug addiction and human trafficking are major social challenges with which the regime is directly or indirectly associated.

In a significant development, on 28 April 2009 the KIO was given an ultimatum by the SPDC, along with other ceasefire organisations. The KIO was ordered to restrict its activities to a 10km zone along the border with China, and operate as a border security force under the control of the Burma Army. The KIO/KIA currently controls a significant proportion of Kachin State, primarily rural areas, under the terms of the ceasefire. The KIO/KIA fought an armed struggle for autonomy and federalism from 1961 until the ceasefire in 1994, and the regime's proposal would effectively mean a complete surrender. Under the proposal, KIA troops and arms would be surrendered to the control of the Burma Army.

The KIO participated in the regime's National Convention to draft a new constitution for Burma, but KIO representatives who had been part of the delegation to the National Convention told CSW that they had no opportunity to present their proposals and that their submissions were ignored. “Every day we attended, and we only listened to the speeches,” one delegate said. “No discussions were allowed”.

The referendum on the new constitution, held in 2008 in the immediate aftermath of Cyclone Nargis, was widely regarded as a sham throughout the whole country, and Kachin State was no different. A new report by the Institute for Political Analysis and Documentation, *No Real Choice: An Assessment of Burma's 2008 Referendum*, published in May 2009 details the abuses in the referendum process in Kachin and northern Shan States. Elections scheduled for 2010 are equally expected to be a sham. In the words of one Kachin: “There is no freedom of expression. The regime always violates fundamental human rights. The elections cannot be free and fair. During the referendum [this] was obvious”.

¹ These have been documented extensively in previous CSW reports, UN reports and by other non-governmental organisations including Amnesty International, Human Rights Watch and the Thailand-Burma Border Consortium.

2. Recommendations

CSW believes the time has come to increase and intensify international pressure on the SPDC to secure meaningful change in Burma, ahead of the proposed elections in 2010. CSW therefore makes the following recommendations:

2.1. To the United Nations:

- To increase the efforts of the UN Secretary-General Ban Ki-moon, and his Good Offices, to secure the release of political prisoners and facilitate a meaningful tripartite dialogue process between the SPDC, the NLD and the ethnic nationalities;
- To continue regular discussions at the UN Security Council on the political, humanitarian and human rights crises in Burma;
- To secure a UN Security Council resolution setting out specific benchmarks for progress which the SPDC should be required to meet, accompanied by deadlines;
- To clearly and categorically reject the current proposals for elections in 2010 and to insist on an alternative transition plan leading to a free and fair election process, inclusive of all democratic parties, monitored by international observers;
- To secure a universal arms embargo on the military regime in Burma;
- To commission an inquiry into crimes against humanity in Burma, leading to a referral of a case against Senior General Than Shwe to the International Criminal Court (ICC);
- To consider invoking the 'Responsibility to Protect' mechanism in regard to Burma.

2.2. To the Governments of China, India, Japan, Russia, Thailand and the members of the Association of South-East Asian Nations (ASEAN):

- To clearly and categorically reject the current proposals for elections in 2010 and to insist on an alternative transition plan leading to a free and fair election process, inclusive of all democratic parties, monitored by international observers;
- To urge the SPDC to engage in a meaningful tripartite dialogue with the NLD and the ethnic nationalities;
- To urge the SPDC to release political prisoners, introduce a nationwide unconditional ceasefire and open all parts of the country to unhindered access for international humanitarian organisations.

2.3. To the European Union:

- To maintain existing sanctions and to strengthen targeted sanctions specifically against the Generals and their economic interests through financial sanctions on banking transactions, as recommended by nine Nobel Peace Prize recipients on 19 February 2008;
- To provide urgently needed cross-border humanitarian assistance to the internally displaced peoples in eastern Burma and the victims of famine in Chin State;

2.4. To the United States:

- To maintain current economic sanctions, and consider further targeted measures;
- To support efforts to secure a UN commission of inquiry into crimes against humanity in Burma;
- To continue to lead and support initiatives at the UN Security Council.

3. Introduction

From 26 April-4 May, CSW and the Free Burma Rangers made a fact-finding visit to Kachin State. CSW had made two previous visits to Kachin State, in August 2006 and April 2007.

3.1. Background: Burma

Burma has been ruled by a succession of military regimes since General Ne Win seized power in a *coup d'état* in 1962. The current junta, known as the State Peace and Development Council (SPDC), has been in power since the brutal suppression of pro-democracy demonstrations in 1988. In 1990, the regime held elections which were overwhelmingly won by the National League for Democracy (NLD) led by Nobel Laureate Daw Aung San Suu Kyi. The NLD won 82 per cent of the parliamentary seats, but the regime rejected the results, imprisoned many of the elected Members of Parliament and intensified its grip on power. Aung San Suu Kyi has spent over thirteen years under house arrest and remains in detention today.

The past two years have been among the most significant, and traumatic, in Burma's recent history. In September 2007, tens of thousands of Buddhist monks and civilians took part in demonstrations calling for change, in what became known as the "Saffron Revolution". The regime responded with a brutal crackdown in which thousands were arrested and many were beaten, tortured and killed.

In May 2008, Cyclone Nargis hit Burma, and at least 140,000 people died and 2.5 million were left homeless as a result of the regime's failure to prepare the people prior to the cyclone, or to provide assistance in the wake of the disaster. In addition, the regime is guilty of the deliberate denial, restriction and diversion of aid. On 10 May, 2008 the regime held a sham referendum on a new constitution, in which it threatened, intimidated and harassed voters throughout the country into voting in favour of the new constitution, which will enshrine military rule. Numerous reports have also been received of blatant vote rigging.

The SPDC is continuing a military offensive against civilians in eastern Burma, in which at least 3,300 villages have been destroyed since 1996 and a million people internally displaced. In November 2008, several hundred political prisoners were jailed, some for as many as 65 years or more. The regime has jailed over 2,100 political prisoners in total and continues to use torture on a widespread and systematic basis. Prison conditions are desperate, with poor food and hygiene and the denial of medical treatment.

Burma has among the highest number of forcibly conscripted child soldiers in the world², and rape, torture and forced labour are widespread and systematic. Religious minorities, particularly Christians and Muslims, face restrictions, discrimination and persecution, and Burma is listed as a "Country of Particular Concern" by the US State Department Office of International Religious Freedom. In January 2009, at least 100 house churches in Rangoon were ordered to close, and pastors were forced to sign documents in which they were informed they would be jailed if they resumed their activities.³ Christian-run child care centres have been forced to close in the first six months of 2009.

² Human Rights Watch

³ See CSW, *MPs Express Concern At Church Closures in Rangoon*, 10 February 2009 -

<http://dynamic.csw.org.uk/article.asp?t=press&id=824> and CSW *Condemns Crackdown on Churches in Rangoon*, 15 January 2009 - <http://dynamic.csw.org.uk/article.asp?t=press&id=820>

3.2. Background: Kachin State

The population of Kachin State is estimated to be 1.2 million. The Kachin Independence Organisation (KIO) was founded on 5 February 1961 by General Zau Seng, and an armed struggle took place for the following 32 years. The catalyst for the revolution was the declaration by Burma's then Prime Minister U Nu that Buddhism would become the state religion. The Kachins, a majority Christian people, opposed this and began their struggle in response. However, the primary cause of the KIO's prolonged armed struggle was the decision taken by General Ne Win, who seized power in a military coup in March 1962, to suspend the constitution and reject the concepts of federalism and equal rights for ethnic nationalities, as set out in the Panglong Agreement of 1947. The Kachins had been one of the initiators of the Panglong Agreement, along with the Chins and Shans. The KIO advocates the principle of federal democracy, providing autonomy to all ethnic states within a united Burma.

In 1994, the KIO agreed a ceasefire with the SPDC. Under the terms of the ceasefire, the KIO now controls significant areas of Kachin State, including parts of the border with China. The KIO has also maintained its armed wing, the Kachin Independence Army (KIA). The KIO has been permitted to engage in various business activities, including jade mining, border trade and the leasing of part of the town of Mai Ja Yang to China for casinos and other business. When the SPDC's first National Convention was convened in 1993, the KIO sent informal observers. In 2004, the National Convention was re-convened and the KIO attended as a full participant until its conclusion in 2007.

3.3. About Christian Solidarity Worldwide

Christian Solidarity Worldwide (CSW) is an international human rights organisation specialising in religious freedom. With advocacy staff based in London and Brussels, 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 the past twenty years, making regular visits to the Karen, Karenni and Shan ethnic nationalities on the Thailand-Burma border and the Chin on the India-Burma border. CSW has also made one visit to the Bangladesh-Burma border, and two previous visits to the Kachin on the China-Burma border. CSW funds two orphanages in refugee camps for Karen and Karenni, supports relief for internally displaced persons (IDPs) through the Free Burma Rangers and funds humanitarian projects among the Chin people.

3.4. Itinerary and purposes

From 26 April-4 May, CSW, accompanied by the Free Burma Rangers (FBR), visited Kachin State. For security reasons no specific location details can be disclosed. CSW had meetings with representatives of the Kachin Independence Organisation (KIO) and several Kachin civil society and religious groups to discuss the current political, humanitarian and human rights situation in Kachin State. CSW and FBR also provided a three-day training workshop in advocacy and documentation.

4. Political Situation

4.1. The National Convention

The KIO participated in the regime's National Convention to draft a new constitution for Burma, but KIO representatives who had been part of the delegation to the National Convention told CSW that they had no opportunity to present their proposals and that their submissions were ignored. In July 2007, the KIO officially submitted a "Proposal for Constitutional Provisions and Clauses", known as the "19-point Proposal", in which they advocated "a specific constitutional mandate be included for a federal system of union and for its judicious implementation" and "full constitutional guarantees for non-discrimination and non-interference from the State" in religious affairs. Their submission was not discussed as part of the proceedings and received no response from the SPDC. Similarly, the proposal submitted by 13 ethnic ceasefire groups in June 2004 was ignored.

"In the National Convention, we just demanded basic rights, not extra benefits," said one former delegate. However, "every day we attended, we only listened to the speeches," another delegate said. "No discussions were allowed." From 9am until 11am delegates attended the sessions of the National Convention and listened to regime officials delivering speeches. "After that, we took a rest," said one former delegate. "Most delegates brought a book to read during the speeches. For some, such as the Kokang, they couldn't understand Burmese, so they sat reading Chinese books". When asked whether they had achieved anything, one former delegate said: "We learned to play golf!"

4.2. The referendum

The referendum on the new constitution, held in 2008 in the immediate aftermath of Cyclone Nargis, was widely regarded as a sham throughout the whole country, and Kachin State was no different. A new report by the Institute for Political Analysis and Documentation (IPAD), *No Real Choice: An Assessment of Burma's 2008 Referendum*, published in May 2009 details the abuses in the referendum process in Kachin and northern Shan States. Intimidation, harassment, bribery and ballot rigging were widespread throughout the process, and the referendum law itself did not meet minimum international standards. For example, religious officials were wrongly denied the right to vote, while "thousands of minors and non-citizens were wrongfully allowed to vote".⁴ The constitution was only published in Burmese, and was not made available in ethnic nationalities' languages, making it very difficult for Kachin voters to understand what they were voting on. "Most residents of Kachin State were never provided with an opportunity to read the draft constitution," the IPAD report claims. "Indeed, most had never seen it. Copies of the draft constitution were released on 9 April, just one month before the referendum".⁵

Media was used to promote a 'yes vote' for the constitution, but no media opportunities were provided to opponents of the constitution. Indeed, the referendum law imposed a three-year prison sentence on anyone campaigning against the referendum process. Government employees were threatened with imprisonment if they did not vote in favour. Police at polling stations intimidated voters, and in one case, according to IPAD, "a polling station officer stretched out the hand of an 80 year-old man and forced him to vote yes. Local authorities promised villagers that if they voted yes then the village would receive

⁴ Institute for Political Analysis and Documentation, *No Real Choice: An Assessment of Burma's 2008 Referendum*, p.23

⁵ *Ibid.*, p.26

development assistance for the building of necessary infrastructure”.⁶ In many areas, multiple voting took place, and in other areas, family members were told to vote on behalf of absent relatives. “The National Referendum Commission (NRC) not only violated every minimum standard for a free and fair referendum, its officials blatantly cheated. Three fraudulent practices appear to be particularly widespread: ballot stuffing, the falsification and corruption of advance ballot voting, and the systematic cancellation of no-voters,” IPAD concludes.⁷ The Kachin State Referendum Commission claimed that 98.58 per cent of voters turned out on polling day, and in eight out of eighteen townships in Kachin State one hundred per cent of the electorate voted. “These statistics defy rational belief,” IPAD claims.⁸ Kachin State is one of the most remote and sparsely populated parts of Burma, in which transportation is severely limited, so the idea that one hundred per cent of the population could reach polling stations is absurd.

Elections scheduled for 2010 are likewise expected to be a sham. In the words of one Kachin: “There is no freedom of expression. The regime always violates fundamental human rights. The elections cannot be free and fair. During the referendum process it was obvious”. Another described the regime’s ‘Roadmap to Democracy’ as “fake democracy”.

It should be noted, however, that the KIO decided on 8 May – two days before the referendum – to support a vote in favour of the new constitution. The KIO had previously adopted a stronger stance, initially declaring its intention to abstain and boycott the process and then moderating that position to a neutral view, in support of the referendum process but without an expressed view on how its members should vote. Its ultimate reversal, probably made under pressure from the regime, and its order to members to vote in favour, has caused significant damage to its reputation among Kachin people.

4.3. The future for the KIO/KIA

In a significant political development, on 28 April 2009 the KIO was given an ultimatum by the SPDC, along with other ceasefire organisations. CSW met KIO officials the following day and discussed the situation. The KIO was ordered to restrict its activities to a 10km zone along the border with China, and operate as a border security force under the control of the Burma Army. The KIO/KIA currently controls a significant proportion of Kachin State, primarily rural areas, under the terms of the ceasefire. The KIO/KIA fought an armed struggle for autonomy and federalism from 1961 until the ceasefire in 1994, and the regime’s proposal would effectively mean a complete surrender. Under the proposal, KIA troops and arms would be surrendered to the control of the Burma Army. The KIO/KIA have until October 2009 to decide their response, and the whole transition process must be completed by June 2010. A KIO official told CSW that no military agreement can be made without a political solution. “This demand shows that the regime is not pure-hearted,” he said. “Asking us to disarm without solving the political situation is cheating us. They didn’t discuss a political solution, but demanded the submission of our arms to be under their control. They want us to surrender not only our arms but also our troops. It is like a joke”. A political solution must come first, he emphasised. “If the political situation is solved properly, then we won’t want to retain our arms. But we have been waiting for a real federal Union for a long time. The SPDC is destroying the essence of federal Union. Even though we try to speak about a Union, they do not....The government is creating a situation to force us back to war. We do not want war, but they may force us into that situation”.

⁶ Ibid., p.34

⁷ Ibid., p.36

⁸ Ibid., p.37

5. Human Rights Violations

In Kachin State, the SPDC continues to perpetrate human rights violations, despite a ceasefire with the Kachin Independence Organisation (KIO) and its armed wing, the Kachin Independence Army (KIA), since 1994. Although there is currently no armed conflict, rape, forced labour, land confiscation and religious discrimination remain significant problems. While the Kachin can enjoy comparative peace, and do not suffer mass destruction of villages and displacement of civilians on the scale of eastern Burma, they continue to experience discrimination and abuse. In SPDC-controlled areas, for example, Kachin children are not allowed to learn in their own language, but must study in Burmese.⁹ In Myitkyina, the capital of Kachin State, it is claimed that there is effectively a curfew in place from 9pm, because the police randomly arrest people after that time and then seek bribes for their release. The police apparently have a quota of arrests they have to make every month, and to fulfil their targets they arrest innocent people at random. In addition, environmental degradation, drug addiction and human trafficking are major social challenges with which the regime is directly or indirectly associated.

5.1. Religious discrimination

Religious discrimination is a serious theme for the predominantly Christian Kachin people. According to several sources, it is almost impossible to obtain permission to build new churches, or repair existing churches. However, the situation is worse in remote, rural areas. “The more international influence there is, the less problem, because it is then easy to get the information outside,” said one Christian leader. “As a result of documenting and making a noise, the situation [regarding religious freedom in Kachin State] has improved,” he claimed.

The church, one senior pastor explained, is at the centre of Kachin society and culture. The Kachin Baptist Association consists of 300 local churches and 300,000 church members. “These become our structures, upon which our identity, our lifestyle, are based”. The regime takes every opportunity to undermine this cultural identity by discriminating against those with Christian beliefs. In schools in SPDC-controlled territory, according to one source, “Christians are forced to accept Buddhist traditions, to recite Buddhist scriptures. It is a clever strategy – a sort of [subtle] forcible conversion”.

5.2. Property rights abuses

Property rights abuses, particularly land confiscation resulting in displacement, are widespread in Kachin State. “When you look at the policy from above, it looks like development,” said one Kachin. “But when you look closely, you see that it equals land confiscation and displacement.”

Gold mining is widespread and results in displacement. Those displaced receive no compensation, and if they complain to the authorities they generally encounter further problems. “After the mining is finished, the land is destroyed, mercury pollutes the rivers, there are no trees – but people are told they can return to their land!”, said one Kachin.¹⁰

⁹ It should be noted, however, that in some SPDC-controlled areas of Kachin State, the Kachin people are not necessarily a clear majority of the population, and therefore in government-run schools there are many non-Kachin children.

¹⁰ It is important to note that while companies associated with the regime are exploiting the environment in Kachin State, the KIO is also involved in mining.

One key example is the impact of the Yuzana Company in the Hukong Valley. The Yuzana Company, a corporation believed to have links to the Senior General Than Shwe, is engaged in developing rubber, physic nuts, teak, tapioca and sugar cane plantations. CSW interviewed a Kachin man who reported widespread land confiscation, and other associated abuses, in the Hukong Valley as a result of the Yuzana Company's presence. He claimed that the Yuzana Company has confiscated land without offering farmers compensation. He also alleged that one Shan man was killed in May 2007 in a dispute with construction workers. However, in June 2007 he organised a petition, signed by 1,300 villagers, calling for 36 acres of wet paddy rice farmland to be returned to them. He sent the petition directly to Senior General Than Shwe, and copied it to the Ministries of Forestry, Agriculture, Telecommunications, the Burma Army Northern Region Commander, the management of the Yuzana Company in Kachin State, the KIO and the Kachin National Consultative Assembly. The organiser of the petition was put under house arrest, harassed by members of the local Union Solidarity Development Association (USDA), a proxy militia group for the regime, and by the police and fire service, and was interrogated. He escaped and went into hiding in the jungle for a period of time. However, he then returned to his village, met with the local authorities and eventually the land was returned to the farmers. Approximately 373 acres of farmland was still confiscated, however, in three townships adjoining the Ledo Road, and no-one has received any compensation in that area.

Dam construction also leads to displacement, and there is concern about the potential impact of several dams currently planned or under construction on the Mali Hka, N'Mai Hka and Irrawaddy rivers.

5.3. Drug abuse

Drug addiction is another significant social problem for Kachin State, and there is a widespread belief that the regime, directly or indirectly, is involved in encouraging the distribution of drugs among the Kachin. One source claimed that it is a deliberate policy "to destroy Kachin young people through drug abuse". When young Burmans are caught by the police with drugs, he added, they are jailed, but Kachins are not arrested. For example, it was widely known in Myitkyina University that a young female student was injecting heroin in the toilets, but the police did not arrest her. They reportedly claimed that if they did, it would spark an uprising. Government agents are involved in distributing drugs, it is alleged, and police receive bribes from drug dealers. It is also claimed that the police encourage the dealers to continue, and threaten them with arrest only if they stop dealing. The SPDC claims this is due to corrupt officials, but many Kachin believe it is part of a wider policy. However, CSW has not yet been able to verify these reports.

5.4. Human trafficking

Trafficking in persons is a particularly prevalent issue in Kachin State, and, according to one source, "almost every day" people disappear. From 2006 until the present day, 138 cases of trafficking have been documented, but many more go unreported. In 2009 so far, there have been 29 reported cases. The cases primarily involve women between the ages of fifteen and 30 years.

In almost all cases, women are lured by the promise of a better job in China, where wages are higher than local salaries in Kachin State. The women are then trafficked into China, and most are taken to the far northern part of the country – to Beijing, Hunan, Shandong and Dongbei (Manchuria) – and sold as "wives" to Chinese men. Often they are sold on by their owners multiple times.

While most cases involve the sale of women as wives, in some cases women are sold for sexual entertainment. In extreme cases, they are allegedly subjected to grotesque treatment. Kachin sources claim one thirteen-year-old girl who was rescued reported having been forced to have sex with dogs.

Victims of trafficking are also vulnerable to rape. One victim reported having been gang-raped by ten men, after she had been purchased as a sex slave. Her owner decided he did not like her, and ordered her to repay the money he had paid for her. When she told him she could not refund the money without a job, the owner arranged a job for her in an isolated location. She stayed there for 28 days and, it is claimed, she was gang-raped every night. She eventually escaped, but was chased by her captors with dogs. She fled into the forest and wandered for five days without food or water, before reaching a town. She found the police station, and was rescued and returned to Kachin State.

According to Kachin sources, the Chinese authorities are very cooperative in helping to rescue the victims of trafficking. If the women are able to telephone, the number can be traced and the police can locate them. In most cases, the women are not allowed out by their captors, but in some cases they are and are sometimes recognised by the police as being foreign. However, returning the women to Burma is a very expensive process, and the Chinese authorities are now saying that they will only rescue them if the travel expenses involved in returning them to Burma can be covered. The travel costs can be up to 10,000 Renminbi (\$1,500). If rescued, the women often do not have any clothing, so they also need money to buy clothes.

The SPDC may not be directly involved in human trafficking, but it is doing little to stop the trade, and victims are afraid to inform local authorities. In one case in 2007, a woman victim of trafficking was rescued and returned to Myitkyina, where she identified the trafficker and filed a law suit against him. In an ultimate injustice, the trafficker reportedly won the court case, and the woman was jailed for one month for violating immigration laws, including passing the border illegally. After her release from prison, she had to move to another location due to the risks she faced in Myitkyina. The wife of the SPDC Kachin State Commander, who serves as Chair of the Kachin State Women's Affairs Organisation, was informed, but she said that the case was untrue.

While most cases involve women, some children are also victims of trafficking. Towards the end of 2008, a five-year-old boy from Laiza disappeared, and in Myitkyina a baby was abducted and sold. In a recent case, an eleven-year-old boy was trafficked, and taken to Yijiang, in Yunnan Province, three hours from the border. Potential buyers came to examine his height, but, after deciding that he was taller than their requirements, abandoned him in Yijiang, un-sold. He started crying, having no idea where he was, and was eventually found by a woman who helped him return to Kachin State.

5.5. Rape

Rape is also widespread, although the extent of its use as a deliberate policy is difficult to verify. In the past year, CSW has received several reports of cases, some of which have been publicised.¹¹ Most cases go unreported. One Kachin claims that the use of rape is a deliberate policy aimed at "mixing blood", designed to achieve "ethnic cleansing". This is also difficult to verify, but at the very least a clear culture of impunity prevails. CSW interviewed

¹¹ See www.csw.org.uk for further details.

one victim of rape who has been seeking justice since December 2008, hitherto without success.

5.5.1. Interview with Ms. X, a victim of rape

Ms X, aged 21, is a student at a Bible School in Kachin State. In December 2008, she took part in an evangelistic programme organised by her Bible School, sharing songs and Christian teachings with fellow Christians among the Kachin. All the participants wore a particular uniform for the programme or campaign. On 26 December, she attended the programme in Myitkyina, and the following day she learned that one of her family members was sick. Worried, she decided to return to her home village by the 3pm train from Myitkyina. As the train approached her village, she looked at her watch and it was 6pm. The train was not scheduled to stop in her village, but it slowed down, so she jumped off the train just outside the village. Two soldiers also jumped down from the next carriage. She describes what happened next:

“When I jumped, I felt very dizzy. I couldn’t see around me properly. The two soldiers who also jumped from the train came over to me, and asked what was wrong. They pretended to take care of me. I told them I felt dizzy, and I sat down for a while beside the railway line. The soldiers asked me how I felt. The big soldier started to massage my head. After a few minutes I felt ok. I said ‘don’t touch me, I am ok’. Then I asked the soldiers where my luggage was. I had previously asked the passenger next to me, before jumping, to put my luggage down from the train. But I couldn’t remember where she had put it. The soldiers were very nice and helpful, and they pointed behind the train and said my luggage was there. They tried to touch me again, and I told them not to touch me. The big soldier said ‘we are patriotic,’ and I believed them – I thought they were good people. But it was getting dark, so I decided to go home without my luggage and collect it in the morning.

Then the younger soldier pulled me and held me very tightly. The big soldier then pushed me to the side of the railway line, onto the ground. He raped me, and then squeezed my neck, trying to strangle me. I struggled as much as I could. The soldiers said they had a knife and would kill me. Finally, I lost consciousness as a result of being strangled. I do not remember what happened next..

At 10.30pm I regained consciousness, and found I was in a bush, in the mud. The soldiers must have assumed I was dead, and thrown me into the bush. My skirt and underwear were gone. I was half-naked. I didn’t know where I was. I covered my lower part with part of my [evangelistic] campaign uniform, and walked along the railway line. Along the way I met an old man from the village, and asked him for help. ‘I’m in trouble, please help me,’ I said. He thought I was crazy – I was barefoot, half-naked, walking slowly due to the pain of the rape. But he heard the sound of suffering in my voice and had sympathy. He instructed me on how to go home. I walked home alone. A little later I met the local administrative council secretary, and he took me home the rest of the way. My whole body was muddy.

The soldiers had taken my rings, wallet, watch and registration card. When I got home, I went to wash the mud off. The water was very cold, and I couldn’t clean all the mud away. Some mud was on my head and back, and I couldn’t clean it off. As I was washing, my elder sister came out with a torch and asked ‘who is there?’ I said: ‘It is me. Don’t shine the torch light on me’. Then I went to sleep. My elder sister asked me so many times what had happened, but I felt shy. I just told her I had lost my luggage, and I asked her to go and look for it.

In the early morning my sister went to look for my luggage, and she found my underwear, longyi and other clothing spread about. She collected it up, and brought it home. She asked again and again what had happened, but I couldn't tell. I felt so shy. My elder sister and neighbours kept asking, but I felt angry, upset, frustrated and shy. Finally, I decided to tell my case to the clerk of the local administrative council. On 28 December, I went with my sister to look for the two soldiers. Around 2pm, I found them and identified them. My family, and the local authorities, asked him if he had raped me, but he denied it. He said as we had accused him, we would be accused of damaging his reputation. But I remembered him – he had a bad tooth, and that helped me recognise him.

On 29 December, the Light Infantry Battalion (LIB) 383 Commander Bo Kyi Aung Ne Win summoned us to come at 8am to meet with him alone. A village elder, the church pastor, my two elder sisters and the president of the local administrative council came with me. We told him that Sergeant Soe Than had raped me, but he said no, it was not possible, he has a kind attitude. We then went to the township police station, and submitted a case at 2pm on 29 December. But while we were there, I felt uncomfortable. My neck swelled up and I vomited. The soldiers denied putting a knife in my mouth, but that is what they had done. I went to hospital for medical checks, and then went home. My family did not have enough money for medical treatment, but on 1 January 2009 I went to hospital for further checks. The next day, the district Strategy Director ordered us to meet him at the LIB 105 base, and although my health was not good, I obeyed his order. He told me that this case should be kept quiet. He said because I am a student, I face many stresses in my theological education and so this case should be resolved in a proper way. He gave 100,000 kyats for the costs of medical checks. He said he had given instructions to other officers to solve the case as quickly as possible.

On 6 January, a Major ordered me to come to LIB 384 and he ordered the soldiers, in uniform, to stand up. He asked me to point out which one had raped me, and I pointed at the right one. But then he ordered the soldiers to change uniform. They changed clothes three times. First they wore their rank and insignia, then they changed into the uniform of a private soldier, and then they changed into civilian clothing. Each time, I was still able to point out the right person, but then I lost consciousness. I remember nothing more.

On 15 January, a village elder was ordered to go to LIB 382. Captain Win Kyaw Kyaw started to ask completely unrelated questions, including questions about my sister's marriage. They were completely unrelated questions, designed to annoy. On 20 January, the Captain came to the hospital to question me. He said he had been appointed as president of the investigation board, and he asked me so many questions. Then on 21 and 22 January he ordered me to go and meet him, and he asked me so many questions including how many chapters are there in the Bible! On 22 January he questioned me from midnight until 2am. He was smoking a cigarette the whole time and he asked so many questions. He would light a cigarette, and sit silently smoking it until it was finished, and would then ask another question. Most questions were unrelated to the case. At 2am he asked me if I was hungry, but I could not eat anything that night. I was sick and very uncomfortable.

The next day the questioning continued. I was sick again. The case was transferred to a military court, but on 14 March the Captain told me he was re-investigating the case. Sergeant Soe Htun denied that he had been on the 3pm train on 26 December, and claimed he had been on the noon train. So he denied the accusation. He told me: 'You are going to be a religious person, so you must consider carefully about me.'

On 18 April, Captain Soe Nyunt was appointed to investigate the case. He ordered me to come for questioning. He arranged some soldiers to sing a military song, and asked me to identify the rapist by listening to his singing voice, without seeing him. I told him I am a

student, I have no money, no time, I cannot come for questioning very often. Then Soe Nyunt said the case was finished.

I have been through three different military courts and investigations, and until today there has been no action, no compensation, no sympathy. All I received is 100,000 kyats for medical care, and a rice bag and cooking oil sent to my family by the district head of strategy. My family has not used the rice or oil. I spent over a month in hospital. The military are protecting the soldier who raped me. His name is Sergeant Soe Than, and his accomplice was Private Kyaw Than Win. Soe Than's military number is 527649 and Kyaw Than Win's is 368484. I have heard that Soe Than has raped so many girls, but no action has ever been taken against him.

Every woman should be careful. My experience should be an example for other girls. Captain Soe Nyunt told me he knew that my life had been destroyed, but he said that these two soldiers are not the criminals. He said he will call me back later. I want justice to be done.”

6. Conclusions

It is clear that, even in ceasefire areas, civilians continue to be severely oppressed by the military regime. While they may not suffer some of the worst violations on a widespread scale as seen in the conflict zones of eastern Burma, nevertheless rape continues to be perpetrated with impunity; religious discrimination, land confiscation and forced labour are widespread; and these are crimes actively committed by the regime's personnel. In addition, whether by intent or neglect, the regime is responsible for the major social issues of environmental degradation, drug addiction and human trafficking. The dividends of peace are limited – an end to armed conflict and widespread killing is welcome, but it comes at the cost of a climate of intense restriction, discrimination and subjugation.