

briefing

Burma

Visit to the Thailand-Burma Border, October 2011

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I. Executive Summary

“Whenever the Burma Army comes, they burn villages or shoot people. So whenever the Burma Army comes we run away because we know what will happen to us if we don’t.” – A Karen internally displaced person

Since July 2011, Burma’s new regime has undertaken some important and encouraging steps which may, according to some analysts, lay the preliminary foundations for possible political reform and change in the country. Burma’s democracy leader Aung San Suu Kyi, released from house arrest in November 2010, met President Thein Sein in July, and has since remarked that while “we are not there yet”, she believes “we can see the way clear ahead more than we have ever been able to”.¹

While the regime should be encouraged to go further, and the international community should respond proportionately to events and positively to genuine reform, so far the steps taken are largely symbolic gestures and reformist rhetoric, rather than significant, substantial and long-lasting policy changes. These gestures and rhetoric are welcome, but if the regime wishes to demonstrate its sincerity, it must match its rhetoric with action. President Thein Sein’s meeting with Aung San Suu Kyi; further meetings between her and the Minister of Labour; the President’s decision to suspend construction of the Myitsone dam in Kachin State²; the decision to lift the ban on certain foreign websites and media³; statements regarding an end to censorship⁴ and the legalisation of trade unions⁵, and the release of an estimated 220 political prisoners⁶ are all, in and of themselves, welcome gestures. However, they do not in themselves represent substantial, significant and long-lasting change. There remain, for example, almost 2,000 political prisoners in prison, including Buddhist monks such as U Gambira, who helped lead pro-democracy protests in 2007, and prominent political activists serving long sentences of sixty-five years or more. The regime’s gestures so far, therefore, must be followed with further measures, including the recognition of the existence of political prisoners and their release.

The regime continues to violate religious freedom, most recently attacking churches in Kachin State and imposing new restrictions on church activities. Christians and Muslims continue to face serious restrictions, discrimination and, in some areas, persecution. Among Burma’s ethnic nationalities, religion is a factor in driving the regime’s policies of persecution, particularly among the Muslim Rohingyas, the predominantly Christian Chin, Kachin and Karenni, and the significant Christian population among the Karen. The US State Department continues to rank Burma as a Country of Particular Concern for violations of religious freedom.

¹The Wall Street Journal, “Suu Kyi Notes Progress, Urges More Change,” 25 October, 2011 - http://online.wsj.com/article/SB10001424052970203911804576651051732968950.html?mod=googlene_ws_wsj

²BBC, “Burma dam: Work halted on divisive Myitsone project,” 30 September, 2011 - <http://www.bbc.co.uk/news/world-asia-pacific-15121801>

³Reuters, “Myanmar lifts bans on foreign news sites,” 15 September, 2011 - <http://www.reuters.com/article/2011/09/15/us-myanmar-media-idUSTRE78E2QJ20110915>

⁴The Economist, “Change in Myanmar: Censor starts talking sense,” 11 October, 2011 - <http://www.economist.com/blogs/banyan/2011/10/change-myanmar>

⁵ABC Asia Pacific News, “Burmese government to legalise unions, striking,” 14 October, 2011 - <http://abcasiapacificnews.com/stories/201110/3340486.htm?desktop>

⁶The Irrawaddy, “Burma’s Prisoner Release Concluded,” 13 October, 2011 - http://www.irrawaddy.org/article.php?art_id=22254

If there is to be meaningful change in Burma, the regime must address the appalling human rights situation in the ethnic states, declare a nationwide ceasefire and end violations of human rights, including the widespread, systematic use of rape and forced labour; the forced recruitment of child soldiers; the use of human minesweepers; religious persecution; torture and summary executions, which amount to crimes against humanity and war crimes. International humanitarian organisations and human rights monitors must be provided unhindered access to prisons and to all parts of the country.

The situation in the ethnic states is of particular concern. Christian Solidarity Worldwide (CSW) conducted a five-day visit to the Thailand-Burma border, and met representatives of Karen civil society organisations as well as exiled Burmese political activists. CSW also visited a refugee camp on the Thai side of the border and a camp for internally displaced people (IDPs) inside Karen State. In Bangkok, CSW met representatives of the Kachin Independence Organisation (KIO), and received evidence of the human rights violations perpetrated by the Burma Army in Kachin State since the regime broke a seventeen-year ceasefire with the KIO in June and launched a military offensive against Kachin civilians.

CSW is deeply concerned about the humanitarian and human rights crisis in Burma's ethnic states, in particular Kachin State due to the current escalating military offensive by the regime, and in eastern Burma and along the Thailand-Burma border, due to continued military offensives and cuts in international funding for humanitarian assistance to refugees and IDPs. As a result of reductions in international funding, rations for refugees and IDPs have been significantly cut, with grave implications for the physical, mental health and well-being of those who have fled from the Burma Army and its offensives. Further cuts are anticipated, and will have even more serious consequences for the livelihoods of vulnerable refugees and IDPs.

CSW therefore urges the international community to maintain pressure on the regime to match its reformist rhetoric with substantial action, and to build on the small steps and symbolic gestures it has begun to make by taking concrete initiatives to release all political prisoners, end human rights violations, establish a nationwide ceasefire and enter into a deeper dialogue process with the democracy movement led by Aung San Suu Kyi, and the ethnic nationalities. CSW also reiterates its call for the United Nations to implement the recommendation of the UN Special Rapporteur for Human Rights in Burma for an investigation into crimes against humanity and war crimes, and to ensure that measures are taken to address justice, accountability and an end to impunity. CSW notes that the Special Rapporteur, in his most recent report, concluded that: "a pattern of gross and systematic violations of human rights has existed for many years and continues today". He reaffirmed his view that "justice and accountability measures, as well as measures to ensure access to the truth, are essential for Myanmar to face its past and current human rights challenges, and to move forward towards national reconciliation". Furthermore, he argued that:

*"Investigating and prosecuting those responsible for serious violations of international human rights law and international humanitarian law is not only an obligation but would deter future violations and provide avenues of redress for victims. If the Government fails or is unable to assume this responsibility, then the responsibility falls to the international community. Accordingly, the Special Rapporteur has previously recommended that the international community consider establishing an international commission of inquiry into gross and systematic human rights violations that could amount to crimes against humanity and/or war crimes."*⁷

⁷ UN General Assembly, *Promotion and protection of human rights: human rights situation and reports of special rapporteurs and representatives, Situation of human rights in Myanmar*, 16 September, 2011, A/66/365

From conversations with sources in Rangoon, discussions with other observers and an assessment of recent events, CSW recognises that there may be cause for cautious optimism. After almost half a century of brutal military dictatorship, the seeds of some change may be emerging. However, CSW also believes that it is imperative to avoid any premature conclusions and to recognise that significant, substantial change involves the release of all political prisoners, an end to the crimes against humanity and war crimes in the ethnic areas, a nationwide ceasefire and a meaningful dialogue and national reconciliation process. Until these steps are taken by the regime, we cannot speak of serious change in Burma, and a combination of targeted pressure, high-level engagement and humanitarian assistance must be maintained and strengthened.

2. Recommendations

CSW urges the Government of Burma to undertake the following steps:

- Recognise the existence of political prisoners;
- Release all political prisoners, without condition, and ensure those who are released are freed in a dignified way, with proper provision for transportation from remote prisons to their home towns, lifting of all unjust criminal charges, and permission for them to resume their previous occupations and activities;
- Announce an order to Burma Army troops in ethnic areas, to prohibit the use of rape; forced labour; the recruitment of child soldiers; the use of human minesweepers; looting; burning villages; torture and killing of civilians, and to investigate such crimes against humanity and war crimes, and ensure that the perpetrators are brought to justice;
- End policies of discrimination on religious grounds, restrictions on religious activity, and persecution of religious minorities, and uphold freedom of religion or belief for all;
- Declare a nationwide ceasefire;
- Provide unhindered access for international human rights and humanitarian organisations such as the International Committee of the Red Cross, to prisons, conflict areas and all parts of the country;
- Develop a deeper dialogue process with Aung San Suu Kyi, the democracy movement and the major representatives of all ethnic nationalities, including armed groups, ceasefire groups and non-ceasefire groups.

CSW urges the European Union (EU), Canada, Australia and the United States to:

- Maintain existing sanctions and other forms of pressure until the regime in Burma fulfils the recommendations stated above;
- Develop a set of benchmarks for progress, based on the recommendations detailed above, and prepare to respond positively but proportionately to significant and substantial change;
- Ensure that war crimes and crimes against humanity are addressed, that mechanisms are established to end impunity and pursue justice and accountability, as per the

recommendations of the UN Special Rapporteur for Human Rights in Burma and within the General Assembly resolution;

- Address the humanitarian crises developing in Kachin State and along the Thailand-Burma border, with the provision of increased funding for assistance to refugees and IDPs.

CSW urges the Governments of China, India, Japan and Russia to use their influence with the Government of Burma to encourage it to undertake the steps detailed above.

CSW urges the Association of South-East Asian Nations (ASEAN) to ensure that if Burma is selected to hold the Chairmanship of ASEAN in 2014, certain conditions must be met, based on the recommendations above, and that if these conditions are not met and significant progress on human rights, humanitarian issues and political reform is not made, ASEAN withholds the right to review and reject Burma's proposed Chairmanship.

CSW urges the UN Secretary-General and UN bodies to:

- Increase high-level diplomatic efforts to encourage the regime in Burma to introduce significant and substantial reforms, based on the recommendations above;
- Ensure that measures are introduced through the General Assembly to address war crimes and crimes against humanity, and establish mechanisms to end impunity and pursue justice and accountability, as per the recommendations of the UN Special Rapporteur for Human Rights in Burma;
- Ensure that no refugees will be forcibly repatriated to Burma until significant and substantial change has been implemented in the country, landmines and other security risks are removed, and there is lasting peace and national reconciliation in all parts of the country.

3. About Christian Solidarity Worldwide

Christian Solidarity Worldwide (CSW) works for religious freedom through advocacy and human rights, in the pursuit of justice. With advocacy staff based in London, Brussels and Washington, DC, CSW has partners and affiliates around the world, including in the UK, USA, Hong Kong, India, Sri Lanka, Nigeria, Norway, Denmark and France. CSW has been working on human rights and religious freedom in Burma for twenty years, and has made many previous fact-finding visits to the Thailand-Burma border, as well as to the India-Burma border, the China-Burma border, the Bangladesh-Burma border and inside Burma. CSW is primarily an advocacy organisation, but to complement our advocacy, we provide financial support to three projects: an orphanage in a refugee camp on the Thailand-Burma border, the work of the Free Burma Rangers, providing humanitarian relief and documenting human rights violations in the conflict zones of eastern Burma, and the work of the Chin Human Rights Organisation (CHRO) in documentation and advocacy.

4. Itinerary and Purposes

CSW visited Bangkok, Mae Sot, Mae Sariang, a refugee camp on the Thai side of the border and a camp for internally displaced peoples across the border in Karen State, Burma, from 11-18 October, 2011.

In Bangkok, CSW had meetings with the European Union (EU) Ambassador, the British Embassy, the Thailand-Burma Border Consortium (TBBC)⁸ and the Thai representative to the ASEAN Inter-Governmental Commission on Human Rights. CSW also met a representative of the Kachin Independence Organisation (KIO), and a Chin human rights activist.

In Mae Sot, CSW met the Assistance Association for Political Prisoners (AAPP), the National League for Democracy-Liberated Area (NLD-LA), the Burma Partnership, the Burma Lawyers Council, the Karen Women's Organisation (KWO), the Karen Human Rights Group (KHRG), the Backpack Health Workers Team (BPHWT), Human Rights Watch and Democratic Voice of Burma (DVB).

In Mae Sariang, CSW met the Committee for Internally Displaced Karen People (CIDKP).

The purposes for the visit were as follows:

1. To obtain up-to-date information on the current political, human rights and humanitarian situation inside Burma;
2. To obtain up-to-date information on the current political, human rights and humanitarian situation along the Thailand-Burma border;
3. To assess current needs and explore future opportunities for assistance;
4. To discuss strategies with pro-democracy and ethnic nationality representatives.

5. Violations of Human Rights in Burma

5.1. Karen State

According to the Karen Human Rights Group (KHRG), there has been an increase in violations of human rights in Karen State in 2011, particularly forced labour, land confiscation, restrictions on movement and summary executions. While some of the testimonies of individuals interviewed by CSW appear to include experiences of human rights violations that are less severe than those documented by CSW in previous years, this does not represent a reduction in the Burma Army's offensives or human rights violations. Instead, as a representative of the Backpack Health Worker Team (BPHWT) told CSW, there has been no decrease in human rights violations and no change in the military's behaviour, but rather an improvement in the capacity of Karen civilians to protect themselves, usually by fleeing a village before the Burma Army reaches it. "This is a form of forced relocation," the BPHWT representative told CSW.

Recent reports from the Committee for Internally Displaced Karen People (CIDKP) provide examples of continuing violations. On 2 October 2011 for example, soldiers from the Burma

⁸ The Thailand Burma Border Consortium (TBBC) is the primary provider of humanitarian assistance in the refugee camps along the Thailand-Burma border, and provides some assistance to IDPs inside eastern Burma.

Army Infantry Battalion 357 forced seventeen women and one man from Sakawet village in Kawkariak Township to walk in front of them as human shields, before reaching Au Lerr village. On 15 October, according to CIDKP, troops from Burma Army Infantry Battalion 310 tortured one villager, Pah Dah, aged twenty, who was simply walking home from work. On 18 October, troops carried out an operation in Ta Oak Hta village, Myawaddy Township. They shelled the village, forcing villagers to flee. On 20 October, fighting broke out between the Burma Army and a DKBA unit between Pa Kyi Gon and Wa Mae Htathe, and soldiers forced villagers to serve as human minesweepers, to check for landmines in the area. Three villagers were injured as a result.⁹

According to the TBBC, more people in south-eastern Burma have been forcibly displaced during the past year than any other year since 2002. The TBBC's most recent survey, *Displacement and Poverty in South-East Burma/Myanmar*, finds that two-thirds of households in rural areas in south-east Burma are unable to meet their basic needs. At least 3,700 villages have been destroyed, forcibly relocated or abandoned since 1996, including 105 villages in the past year alone. At least 112,000 people were forced to flee their homes in the past year, and the total number of people internally displaced in south-eastern Burma is now estimated to be over 450,000.¹⁰

Speaking about the potential political changes in Burma and Aung San Suu Kyi's dialogue with the regime, a representative of the Karen Women's Organisation (KWO) said that so far, there has been no evidence of change on the ground in conflict areas in Karen State. "The National League for Democracy (NLD)'s activity is for democracy. But in the IDP places, there is continued war, women are at risk and forced labour continues". On the subject of repatriation of refugees, she said: "Refugees want to return to their villages, but if there is to be repatriation, it must be handled safely. They need protection. The UN must look after them". It is worth noting, however, that Aung San Suu Kyi wrote to President Thein Sein in July 2011, offering herself as a mediator between the regime and the ethnic non-ceasefire organisations,¹¹ and President Thein Sein has proposed peace talks with the ethnic nationalities at a state, rather than nationwide, level¹². However, no further progress has been made on these offers.

5.1.1. Testimonies from new arrivals in a Karen refugee camp

CSW visited one major refugee camp along the Thailand-Burma border and interviewed several new arrivals. The following testimonies provide evidence of the situation in some parts of Karen State in recent months:

Ms. X, aged 39, from village A, Pa-an District

Ms. X comes from an area close to the headquarters of the Democratic Karen Buddhist Army (DKBA). She lived there for seven years. On 9 October 2011 she arrived in a refugee camp on the Thailand-Burma border, having walked for four days. CSW interviewed her three days later. She has six children, aged between two and seventeen years old, but her husband, who was a DKBA soldier, disappeared in 2009.

⁹ Information provided by the Committee for Internally Displaced Karen People (CIDKP) in email reports to CSW.

¹⁰ Thailand-Burma Border-Consortium, *Displacement and Poverty in South-East Burma/Myanmar*, October 2011 – www.tbtc.org

¹¹ Radio Free Asia, "Ethnic Groups Support Ceasefire, Dialogue," 28 July 2011 - <http://www.rfa.org/english/news/burma/support-07282011174857.html>

¹² Democratic Voice of Burma (DVB), "Government offers peace talks with ethnic armies," 19 August 2011 - <http://www.dvb.no/news/govt-offers-%E2%80%98peace%E2%80%99-to-ethnic-armies/17130>

“There was fighting everyday between Burma Army soldiers and Karen soldiers. I was so scared, I could not go out. I could not work in the fields. So I fled, along with many other families. There were more than 100 people in the village. Many families left.

The fighting started this year. Previously, whenever the Burma Army came they forced the men to work as porters. I left my native place, between Rangoon and Mandalay, because there was fighting, and the army caused problems and disturbance in the village. Now I am in the refugee camp, I don't want anything. My children have no complaints. We didn't bring anything with us, and we have only received rice in the camp – besides that, we have no money to buy extras. The children are small, so they cannot work.”

Ms. Y, aged 35, from village B, Thaton District

Ms. Y has three children, aged between eight and fifteen years old. They arrived on 8 October 2011, and CSW interviewed her four days later. The family had walked for five days from their village to the refugee camp on the Thailand-Burma border.

“The situation was not good in our area. Fighting had started and we could not work in the fields. It was difficult to survive. We had no income. The fighting started in the first month of the rainy season this year, and occurred every two or three days. The soldiers did not come to the village, but if we went outside, they would arrest us and use us as porters. I fled alone, with my children, but many families left. The village had one thousand families altogether and many left.

I was born in my village, so I miss it. But I had to leave – I could not do anything. I left relatives in the village, but some have moved into the town and found work. Until this year, it had been peaceful.”

Mr. Z, aged 32 and Mrs. W, aged 36, from village C, Nyaunglebin District

Mr. Z and Mrs. W arrived in the refugee camp on 16 July 2011 after a six or seven day walk, with their four children, aged between two and eleven years old. Mr. Z said:

“We left our village because we could not work there. We had to work for the Burma Army, who had a camp in the village. There were 20-30 soldiers, and the camp had been there a long time. We had to do construction work, portering and guard duty. Often the Burma Army would call for ‘volunteers’ from the village, to cut bamboo and build buildings for them. They did not pay. If we did not work properly, they scolded us and threatened to beat us. They did beat people. I was beaten. When you are on guard duty, guarding the camp, if you fall asleep, they tie your hands behind your back and then beat you. Then they demand you give them a chicken. I experienced this. I was tied up for one day, my legs in stocks, my hands tied behind my back. It happened to me more than ten times. We could not send our children to school regularly because we could not afford it. We were the first family to leave, but others will wait and see what the situation is, and then decide what to do. Now that we are in the refugee camp, we are able to send our children to school. We feel more secure. There is no more beating, no more forced labour and the children have education.”

5.1.2. Testimonies from new arrivals in a camp for Internally Displaced People inside Karen State, Burma

CSW also visited a camp for Internally Displaced People (IDPs) inside Karen State. On the banks of the Salween River, this camp has a total of 4,131 IDPs from 629 families. The majority come from Toungoo, Papun or Nyaunglebin districts in Karen State. There are 1,072 students and 45 teachers. Under the age of five, there are 222 boys and 242 girls; over the age of six, there are 1,836 boys and 1,831 girls.

Conditions in the camp are very poor. Due to inadequate funding for its overall budget, the TBBC has had to cut all its programmes, including reducing rice supplies to IDPs from 16kg per month to 13.5kg per month, and salt by half from 300 grams to 150 grams per person, or one kilogramme per seven people per month. Cooking oil has been cut completely, and fish paste is provided twice a year by a Thai-based Christian organisation.

In the school, teachers' stipends have been cut to 200 Baht (US\$6.50) a month, or 1,000 Baht (US\$32) for five months with no guarantee of funding for the next five-month period. In 2010, teachers received 8,000 Baht (US\$260) for a ten-month school year.

Approximately thirty percent of the camp population is able to cultivate some vegetables for consumption, but otherwise people have to rely on bamboo shoots, raw leaves and roots that they find in the forest. Some IDPs can earn money in January and February by collecting falling leaves and selling them for roofing.

The malnutrition rate for young children has increased. At least ten children under the age of five are suffering malnutrition. Malaria, diarrhoea and malnutrition are major problems. The camp has received no new clothing, blankets or mosquito nets since 2008. This data is consistent with wider survey data by TBBC which found that in 2010 sixty per cent of households in eastern Burma had an inadequate diet, while acute malnutrition rates amongst children represent a serious public health problem.¹³ In 2011, TBBC report that one in five children in eastern Burma is categorised as "thin or wasting".¹⁴

"We are concerned about security all the time. We have been able to survive here since 2006, but there is no guarantee. We have to be alert all the time," said one of the camp leaders. "We want the international community to put more pressure on the Burmese regime, to introduce genuine democracy and stop human rights violations."

Ms. A, Christian, from village M, Mon Township, Eastern Pegu

Mrs. A arrived at the IDP camp in August 2011, after walking for one week. She has four children, aged between two and nine years old. She left her village after the rice supplies ran out, because she had been unable to farm due to sickness and also as a result of the Burma Army's movements in the area. She told CSW:

"My husband and all my children were sick from malaria and diarrhoea, and so I was unable to farm and lost my paddy supply. The Burma Army came to the village, and we had to hide in another place because we did not dare to stay in the village. We had to hide two or three times, and sometimes we hid for one week. Every time we hid in the jungle, we lost our paddy. The Burma Army came in April 2010, again in August/September 2010 and again in October/November 2010. Whenever the Burma Army come, they burn villages or

¹³ Thailand-Burma Border Consortium, *Protracted Displacement and Chronic Poverty in Eastern Burma*, 2010 – www.tbtc.org

¹⁴ Thailand-Burma Border Consortium, *Displacement and Poverty in South-East Burma/Myanmar*, October, 2011 – www.tbtc.org

shoot people. Ten years ago, our house was burned down and we ran away. So whenever the Burma Army comes, we run away because we know what will happen to us if we don't.

We faced many difficulties. Sometimes we worked as wage labour, to buy rice. When my children and husband were sick, we bought medicines from the shop, but there was no clinic or hospital nearby. Now in the IDP camp, at least when we are sick we can go to the clinic. We depend on the rations here, although sometimes my husband works as a labourer and gets 50 Baht or 100 Baht, so we get some income, but it is not regular. We survive by collecting bamboo shoots in the forest. We face many problems. For example, we did not bring cooking pots for cooking. We did not bring much with us, because we had to carry our children. I asked my husband to look for some, and so he worked to get income to buy a cooking pot. Now we have two cooking pots. We had to rely on friends to provide blankets and mosquito nets.”

Asked how she feels about her situation, she said: “We feel very tired in our hearts and minds. We cannot think about what we're going to do. We're very tired.”

Ms. B, Animist, from village N, Mon Township, Nyaunglebin District, Eastern Pegu Division

Mrs. B came to the IDP camp in 2007, but her elder sister arrived in August 2011. She has five children, aged between four and twenty years old. She fled her village when the Burma Army began operations in the area in November 2006. She had fled her original village many years previously, and had been forced by the Burma Army into a relocation site when she was six years old. She had been used as forced labour. In 2000, she left the relocation site, aged over 30, but was on the run for several years. She does not know her exact age, but is now over 40. “We had to move two or three times, living in the jungle. But at harvest time, we lost our crops because we had to leave the village,” she said.

Her elder sister, who has two children, walked for five days to get to the IDP camp in August 2011. She came to seek medical treatment, because she has an illness and was unable to receive treatment in the village. There were no Burma Army operations in her area at the time, but she had previously fled the Burma Army many times. “Whenever the Burma Army came to the village, they took away cooking pots, utensils, and burned rice barns. This happened at least twice,” she said.

Mr. C, Christian, aged 28, from village O, Papun District

Mr. C arrived in the IDP camp in June 2011 with his three children, aged between seven months and six years old. The family walked from Pyu, near Toungoo, to his original village, where they stayed for one or two months, and then walked for one day to the IDP camp.

He had left his home village in 2001, to go to Pyu, to get married. While living in Pyu, earlier this year the Burma Army came to forcibly recruit villagers into the military, and so he ran away.

“The army told us ‘if you refuse to join the army, you have to give one million kyats, or face five years in jail. They announced on the radio that all people, male and female, above the age of fourteen years would be forced to join the military. I did not want to be a soldier, I had no money, so I ran away. Many in the village fled, some as individuals and some whole families. Even the Reverend did not dare stay – he hid, and came back only for communion services. In the Pyu area, the Burma Army constructed dams in nearly all the rivers, and so the land was flooded and there was no land for farming. They built three or four dams. When I fled to my original village, there was no farm, no job, and so I came to the IDP camp. Here I have a small business buying and selling products. I can earn barely enough to survive.”

5.2. Kachin State

On 9 June 2011 the regime in Burma ended a seventeen-year ceasefire with the Kachin Independence Organisation (KIO) and its armed wing, the Kachin Independence Army (KIA), and launched a new war against the Kachin people. Since then, CSW has received reports of grave violations of human rights, including the use of rape, forced labour, forced displacement, torture, religious persecution and the killing of civilians. According to the Kachin Women's Association-Thailand (KWAT), at least 25,000 civilians have fled their villages and are living as internally displaced persons in makeshift camps along the China-Burma border, or hiding in the jungle.¹⁵

KWAT's report, *Burma's Covered Up War: Atrocities Against the Kachin People*, published in October 2011 details many of the Burma Army's abuses. CSW has received reports from sources in Kachin State in October 2011 that the Burma Army are directly attacking churches in Kachin State, beating pastors and church members, setting homes alight and raping, torturing and killing civilians. According to CSW's sources, on 16 October soldiers from Light Infantry Battalion 438 seized control of a Roman Catholic Church in Namsan Yang village, Waimaw township, where 23 worshippers, mostly women and elderly people, had gathered for the 8am Sunday service. The worshippers took refuge from the gunfire behind the Maria prayer sanctuary. When the troops saw them, they shot several rounds of bullets into the sanctuary. The Catholic assistant to the priest, 49 year-old father-of-four Jangma Awng Li, decided to speak to the troops as he is fluent in Burmese. He was beaten in his head with a rifle butt, and injured his forehead when he hit a concrete wall. He and four other men were handcuffed and detained by the soldiers.

The troops, who were later joined by soldiers from Light Infantry Battalion 121, continued to march through the village shooting, and reached the Baptist church compound in the evening. During the march the detainees, including four from other villages who had been with the troops for two weeks, were used as forced labour. The detainees had to stay with the troops overnight and were temporarily stationed in the Baptist church compound. The whole northern part of village was burned and both church properties were destroyed.

On 19 October, soldiers from Light Infantry Battalion 121 shot 72-year-old Maru Je Hkam Naw in the arms and legs whilst he was erecting a fence around his house in Namsan Yang village. Houses in Namsan Yang were burned by the Burmese Army and Mr Jangma Awng Li and other detainees, too afraid to return home, fled the village. At least 21 villagers were detained and used for forced labour, and a nineteen-year-old Rakhine boy was shot dead. His body was burned and thrown into the mine in Namsan Yang where he worked.

On 18 October, a nineteen-year-old girl, Maran Kawbu, was detained, tortured and gang-raped by soldiers from the same battalion in Namsan Yang. Her body was left on the river bank, but subsequently disappeared and her fate is unknown.

In Momauk, approximately 500 internally displaced persons (IDPs) have fled the conflict and are seeking temporary accommodation in the church. On 19 October, one man, a Shan farmer named Mr Tintun, was shot dead by soldiers from Light Infantry Brigade 601, while fishing.

¹⁵ Kachin Women's Association-Thailand (KWAT), *Burma's Covered Up War: Atrocities Against the Kachin People*, 2011

6. Political Prisoners

CSW discussed the situation of political prisoners with the Assistance Association for Political Prisoners (AAPP) and with the National League for Democracy-Liberated Area (NLD-LA), two days after the regime had released an estimated 220 political prisoners.¹⁶

It is important to note that the regime released 6,359 prisoners altogether, but according to AAPP only 220 of these were political prisoners. They were not, however, recognised by the regime as political prisoners, and were released alongside thousands of criminal prisoners. Those who were released were given just 1,000 kyat (approximately \$1) for transport to their homes, and for those held in remote prisons far from their hometown, this presented serious difficulties for them and their families.

It should also be noted that while the release of an estimated 220 political prisoners is welcome in itself, it is not a sufficient indicator of meaningful change. Only a few prominent activists serving long jail sentences were released, including the comedian Zarganar and the labour activist Su Su Nway, while many prominent activists, particularly '88 Generation leaders Min Ko Naing, Ko Ko Gyi and Ko Mya Aye, leaders of the 2007 protests by Buddhist monks, including U Gambira and the leader of the Shan Nationalities League for Democracy (SNLD) Khun Htun Oo, serving a sentence of 93 years, remain in prison. While the regime said it was releasing prisoners who were elderly or in need of medical treatment, it failed to include prisoners such as Htay Kywe, Min Ko Naing and Khun Htun Oo, who are believed to be in poor health and are serving long sentences.

The recognition of the existence of political prisoners, separate from prisoners jailed for criminal activity, is a very important benchmark of change, according to AAPP. The AAPP has indicated its willingness to work with the regime to help clarify the names and numbers of political prisoners. It is also essential that prisoners be released in what AAPP calls “a dignified way” – without any conditions, with permission to resume their previous employment or find new employment, or continue their studies, with all unjust charges under criminal law to be lifted, and by relocating the prisoners, prior to their release, from remote jails to prisons closer to their hometown. Access to prisons for the International Committee of the Red Cross (ICRC), without hindrance, including the ability to meet prisoners and assess conditions, is essential.

7. Humanitarian assistance to refugees and IDPs

The United Nations High Commissioner for Refugees (UNHCR) estimates that at the end of 2010, at least 415,700 refugees fled Burma, making Burma the fifth-largest refugee producing country in the world.¹⁷ Some of these refugees have fled across Burma's borders to neighbouring countries, especially Thailand, India and Bangladesh; some have travelled further, to Malaysia, Europe, Canada, the United States or Australia. According to the TBBC, as of June 2011 there are a total of 147,019 refugees in ten camps along the Thai side of the border¹⁸, although it is likely that the total refugee population is much higher. The TBBC also documents 19,723 IDPs in eight camps inside Burma, although the total IDP population is estimated to be 450,000 in south-eastern Burma.¹⁹

¹⁶CSW, “Burma: CSW welcomes limited prisoner release but urges amnesty for all political prisoners,” 12 October, 2011 - <http://dynamic.csw.org.uk/article.asp?t=press&id=1242>

¹⁷ UNHCR Global Trends 2010, p.15 - http://www.unhcr.de/fileadmin/user_upload/dokumente/06_service/zahlen_und_statistik/UNHCR_GL_OBAL_TRENDS_2010.pdf

¹⁸ Thailand Burma Border Consortium, Programme Report, January-June 2011 – www.tbtc.org

¹⁹ Thailand-Burma Border-Consortium, *Displacement and Poverty in South-East Burma/Myanmar*, October, 2011 – www.tbtc.org

The TBBC has seen no increase in its budget in Thai Baht for six years. During that time prices have increased and TBBC has started new activities to try to pursue the new objectives of self-reliance (livelihoods), which has meant they have had to stop funding all non-food items. This year, TBBC has actually had to cut its programme by twenty per cent (£4.5 million). For the first time, TBBC has had to implement cuts in basic support which fall below international standards. Food provision, for example, is now under 2,000 kilocalories (kcal), compared with the World Food Programme's standard of 2,100 kcal; provision of shelter has been reduced by fifty per cent.

The outlook for 2012 is potentially worse. Food prices are rising rapidly, refugee numbers are increasing and yet funding is likely to be lower than in 2011. Unless more funds can be found, TBBC may have to make further cuts of up to another twenty per cent, reducing food and shelter provision well below international standards as well as cutting IDP assistance to around fifty per cent of 2009 levels.

8. Conclusions

“We feel very tired in our hearts and minds. We cannot think about what we're going to do. We're very tired.” – A Karen internally displaced person.

In a report published in April 2011 CSW quoted a military intelligence officer, who said that the situation in Burma was one of “no change, no change”. It is no longer accurate to make that claim. The question for the international community now is not whether there is change in Burma, but what kind of change, how significant is the change, what potential there is for the changes to develop into something significant, what the benchmarks of significant change should be, and how to encourage real change.

For as long as political prisoners remain in jail, and the military conducts offensives against civilians and perpetrates war crimes and crimes against humanity, it is not possible to speak of meaningful change. Instead, the most that can be perceived based on the evidence so far are some tentative indicators of potential change. The international community must therefore develop a co-ordinated strategy that would encourage meaningful change, through a combination of continued pressure and high-level engagement. Aung San Suu Kyi has said clearly that “obviously now is not the time” to lift sanctions.²⁰

Ending the violations of human rights and addressing impunity, as well as providing assistance to the humanitarian crises along Burma's borders and inside the country, must be priorities in securing the change for which the people of Burma have struggled for so long. Ending the policies of restriction, discrimination and persecution of ethnic and religious minorities is an important step towards lasting change for all the people of Burma. It may be that finally, there is an historic opportunity to see such change in Burma, but that requires a careful, proportionate response which avoids rewarding the regime for its crimes and prematurely embracing the new Government's rhetoric, while at the same time rejecting extreme cynicism which refuses to accept the possibility that there could be a potential for change. The key test that must be applied is in the regime's actions, and therefore the onus is on the regime to undertake the significant and substantial steps outlined in this report. If it does, the international community should be ready to respond positively; until it does, the international community must maintain and strengthen targeted pressure.

²⁰The Wall Street Journal, *ibid.*,