ALLEGATIONS OF EXTRAJUDICIAL EXECUTIONS, TORTURE AND ILLTREATMENT IN THE SOCIALIST REPUBLIC OF THE UNION OF BURMA

Over the past two and a half years, Amnesty International has been increasingly concerned about the growing number of reports it has received of serious human rights violations in the Socialist Republic of the Union of Burma. These violations have allegedly been committed by Burmese government armed forces and security agencies against mostly non-combattant civilians of ethnic minority origin living in regions where armed insurgent groups are active, notably in Burma's eastern Karen and Kayah States. Similar information has, however, come out of the Shan State in the east, the Rakhine (Arakan) State in the west, the Mon State in the south and, more recently, the Kachin State in the north (see Amnesty International's Reports 1985, 1986 and 1987). The alleged violations include the frequent practice of arbitrary arrest and short-term detention without charge or trial of suspected political offenders and the torture and ill-treatment of political detainees, particularly of civilian villagers taken into military custody during military operations. They also include persistent allegations that civilian villagers suspected of supporting or sympathizing with ethnic rebels, porters and traders travelling through restricted areas as well as prisoners of war captured in combat have been extrajudicially executed for political, ethnic or other reasons.

Amnesty International began receiving the first of many such allegations, mainly relating to the Karen and Kayah States areas, in 1984 (see Amnesty International Report 1985). Their receipt followed the intensification of military activities opposing government forces to armed rebels of the Karen National Liberation Army (KNLA), the armed wing of the Karen National Union (KNU).

The Karen National Union is the successor to an earlier ethnic-Karen insurgent organization that entered into rebellion against the central government immediately after Burma's accession to independence from the Great Britain in 1948. It is also one of the largest elements in a loose coalition, known as the National Democratic Front (NDF), which federates 10 ethnic insurgent groups. The NDF advocates the establishment of a Federal Union of Burma based on the principle of national self-determination and guaranteeing the right of secession to Burma's ethnic minorities.
In January 1984, a series of large-scale military clashes broke out between the Karen rebels and government armed forces at the initiative of the latter. The government's offensive was apparently in response to guerrilla and sabotage operations carried out by elements of the KNLA in Rangoon and other places of the country. Political and military strife continued throughout 1985, 1986 and 1987, with peaks each year during the dry season (from October to April).

On 26 March 1987, an official Burmese radio broadcast stated that as a result of military operations launched against "insurgents" throughout the country between March 1986 and 1987, there had been "a total of 3,160 encounters, including 32 major battles. A total of 651 armed forces personnel laid down their lives for the country while 1,887 others were wounded in the campaigns. Our side found 2538 insurgent bodies and captured 463 others. A total of 781 insurgents also surrendered." These figures give an indication of the seriousness and scale of combats throughout Burma's seven Military Commands over a period of 12 months.

Amnesty International recognizes the difficulties the government of the Socialist Republic of the Union of Burma is facing in dealing with the various insurgent organizations and groupings which are involved in armed opposition to it, including the Karen National Union, the Karenni State Progressive Party, the New Mon State Party, the Kachin Independence Organization, as well as Shan and other ethnic groupings and the Burmese Communist Party. It is also aware of reports that on various occasions, elements of these organizations have resorted to killings and other forms of physical violence against civilians, and in some instances to executions of government military officers and soldiers captured in combat.

Amnesty International does not identify itself with any parties to an armed conflict. It condemns the torture or killing of prisoners as well as unarmed civilians by anyone, including groups opposing governments. It also acknowledges that it is within the jurisdiction of governments to determine criminal responsibility in such cases and to prevent such abuses by bringing those responsible to justice. It believes however that acts of violence by opposition groups can never justify security forces themselves resorting to retaliation in the form of human rights violations of the type allegedly occurring in Burma's border areas.

The fighting since 1984 has resulted in the flow of some 20,000 civilian refugees across the border into Thailand. These refugees are primarily poor farming people from nearby mountainous border areas. They reportedly also include people coming from villages deeper inside Burma where fighting has apparently taken place.

Amnesty International has been increasingly concerned about the refugees' reports of human rights violations covered by the organization's mandate. It is particularly concerned by persistent allegations that in the last three years, and as recently as June-July 1987, field elements of the Burmese armed forces (tatmadaw) have extrajudicially executed and tortured or otherwise severely ill treated or abused unarmed civilian villagers, including Karen and other porters and traders. The organization has received many specific reports about non-combatant Karen villagers being arbitrary killed, sometimes after torture and other ill-treatment, in the Karen State regions encompassed by the towns of Papun, Pa-an and Kya-in-seikkyi.
According to other reports, Karen civilian villagers suspected of being involved in supporting or having knowledge of KNU/KNLA activities have been tortured or otherwise seriously ill treated or abused by elements of the tatmadaw, either to extract "confessions" or information from them, or to punish them for their suspected support or sympathy for the rebels. In some cases, victims have reportedly been executed in front of other villagers, apparently as a way of intimidating them.

Amnesty International is also giving serious attention to allegations that, on various occasions since mid-1984, Karen and other porters and traders have been arrested and summarily executed by tatmadaw firing squads while travelling through zones suspected of being under KNU/KNLA's control or influence. Amnesty International is similarly concerned about allegations that field military units have frequently been involved in the sexual abuse of Karen and other women and in the illtreatment of conscripted porters, in some cases resulting in the death of the victims. The organization is also examining reports it has received alleging that since 1984 Karen civilians, including women, have been severely injured and sometimes killed as a result of being forced to march at the head of government military columns operating in areas mined by the KNLA.

During the past twenty months, Amnesty International has also received via various sources reported refugee testimonies which allege similar abuses against Mon, Kayah, Shan and Kachin civilians living in regions where insurgents are operating.

With regard to Kachin State, Amnesty International is now examining information it has received alleging numerous human rights abuses against Kachin civilians, apparently on account of their alleged or suspected involvement with the Kachin Independence Organization (KIO) or sympathy for its proclaimed goals.

The KIO was founded by Christian ethnic Kachin rebels in 1961. They claimed to be the victims of religious discrimination following an attempt by the civilian government of then Prime Minister U Nu to institutionalize Buddhism as the State Religion. The KIO is a member of the NDF and is regarded as one of the strongest ethnic rebel organizations that are involved in armed opposition to the central government.

The information received relates to several dozen alleged instances of extrajudicial execution and severe illtreatment of apparently non-combatant Kachin villagers. These are said to have taken place in the context of a recent government military offensive apparently aimed at capturing the respective headquarters of both the Kachin Independence Organization (KIO) and its military wing the Kachin Independence Army (KIA). The offensive, codenamed operation "Yan Myu Aung", apparently took place between mid-May and mid-July this year. It reportedly resulted in the takeover by government forces of the Kachin rebels' strongholds of Pajaw and Naphaw near the Chinese border in western Kachin State and the flow of several thousands civilian refugees across the border into China.

The information relating to allegations of human rights violations received by Amnesty International since 1984 comes from a variety of sources, most of them independent of rebel organizations or groupings. In many cases, the allegations are based on transcripts of eyewitness made available to the organization by foreign investigators with a professional interest in human rights and humanitarian issues. The testimonies they
have gathered often include details specifying the name, age, sex, occupation and village of origin of the victims, the date and place of alleged abuses, and in some cases the precise designation of the military units allegedly responsible for them. Amnesty International has not yet been in a position to conduct its own investigation into these reports and is therefore unable definitively to evaluate all the allegations they contain. However, the organization considers that the information it has received is sufficient to merit responsible international concern and careful attention on the part of the Burmese government. A number of testimonies have been corroborated independently, and the numerous others are generally consistent as regards times, places and types of abuses alleged. Some illustrative examples of the allegations about which Amnesty International is concerned are given in appendix to this document.

Because of its concern, Amnesty International wrote on 15 June 1987 to U San Yu, the Burmese chief of state, to draw the government's attention to such allegations. The letter requested the government's comments about the organization's concerns. It also made a number of preliminary recommendations to the government relating to investigation of the alleged abuses and ways of ensuring their prevention.

The letter pointed out that extrajudicial executions by security forces are a violation of internationally recognized human rights standards, in particular Articles 3 and 11 of the Universal Declaration of Human Rights. These state, respectively, that "Everyone has the right to life, liberty and security of person", and that "Everyone charged with a penal offence has the right to be presumed innocent until proven guilty according to law in public trial at which he has had all the guarantees necessary for his defence". It added that they are also contrary to the provisions of international humanitarian law, notably common Article 3 to the four Geneva conventions, which states that "... violence to life and persons, in particular murders of all kinds against persons taking no active part in an armed conflict of not an international character, is prohibited." It further pointed out that torture constitutes a violation of Article 5 of the Universal Declaration of Human Rights and Article 7 of the International Covenant on Civil and Political Rights, both of which state that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment". It added that such ill-treatment is similarly contrary to humanitarian law provisions as set forth in the four Geneva conventions. These international human rights and humanitarian instruments prohibit torture under all circumstances, including states of war and during times of public emergency threatening the life of the nation.

In addition to the allegations discussed above, the letter also expressed concern about the cases of some 34 Muslims of Bengali ethnic origin detained since 1956 or following years in connection with accusations of illegal entry into Burma. Amnesty International's concern is that despite allegations that they had entered Burma illegally from what was at that time East Pakistan, they may in fact be Burmese citizens native to the Rakhine (Arakan) State and may therefore have been arrested by local authorities on account of their ethnic minority origin or religion. Many of them have reportedly been detained without charge or trial since their arrest, and others are understood to remain imprisoned although sentences handed down against them and which reportedly ranged from 1 day up to several months expired decades ago. The letter urged the government to review their cases and to release them if they are indeed Burmese citizens.
To date (September 1987) no response has been received to this letter. Burmese diplomatic representatives abroad have also declined the opportunity to discuss its contents with Amnesty International. The organization is however continuing to seek a dialogue with the government about its concerns.
APPENDIX

SOME ILLUSTRATIONS OF AMNESTY INTERNATIONAL’S CONCERNS IN EASTERN BURMA
ILL-TREATMENT OF CIVILIAN VILLAGERS IN THE KAREN STATE

1. Tharpwar Dah Bu (male, 72)

This ethnic-Karen villager was allegedly extrajudicially executed in November 1984 in military custody by elements of the armed forces operating in the region of Hlaing Bwe township, Karen State. The killing reportedly occurred near his home village of Kyaw-htau-lay-Ko, Hlaing Bwe township, after a military detachment entered the village. After allegedly opening fire on fleeing villagers, killing three on the spot, the soldiers arrested Dah Bu on suspicion of involvement in Karen rebel activities. He is said to have been blindfolded, dragged across the village with his hands tied behind his back and subsequently beaten to death at a nearby stream.

2. Phan Lan Le (male, 16)

Pha Lan Le was a 16 year old wood-cutter from Nah-kay-klar village, in Karen State. He was brought up by one of his aunts after his parents had died in an accident. According to a report we have received, he was working in the forest with a friend when a group of soldiers surrounded them. His friend apparently attempted to escape but was shot dead in the back while running away. Pha Lan Le is said to have been captured by the soldiers and to have been forced to dig a hole. They then allegedly beat him, broke his legs, gouged his eyes out and disembowelled him, after which they are said to have taken his head to his aunt at Nah-kay-klar village. After the soldiers left, villagers reportedly went into the forest and found his body lying in the hole, which had been covered with leaves.

3. Mong She (male)

According to reports received, a former Karen political prisoner who was held for several days in Shwegyin prison in March/April 1985 before being assigned to work for six months in a local military camp, and who claimed to have been beaten and threatened with execution during interrogation, said that he witnessed the death in detention of one of his fellow-villagers named Mong She. Mong She was apparently arrested at approximately the same time on suspicion of possessing weapons and was taken to Thayagon military camp for interrogation. He was allegedly tied with a bamboo pole between his knees and arms and hung upside down for a day, during which time he was regularly beaten and kicked by the soldiers who interrogated him. Burning plastic was allegedly dropped on to his eyes and parts of his body. After this treatment, he was apparently taken to a detention facility located in Shwegyin and imprisoned in a collective cell where several other Karen suspected political offenders were being held. He was said to be extremely weak with swellings on his body, and to be unable
to stand or walk on his own. He is said to have died suddenly, a few hours after his transfer in the cell, at about 4 am. According to his fellow inmate, the post-mortem examination revealed that he had died from internal injuries.

4. Saw Tommy (male, 32)  
Poh Paw Moh (male, 45)  
Saw Htoo Paw (male, 27)  
Saw Richard (male, 27)

These four men, all said to be non-combatant civilian villagers, were allegedly executed in military custody on 5 December 1985 by elements of the armed forces in Hsaw-bwe-der village, Papun township, in Karen State, apparently in retaliation for an ambush of an army column from Regiments 29 and 30 carried out by a KNLA guerrilla unit in the vicinity of the village. Saw Tommy and Poh Paw Moh, both farmers, and Saw Htoo Paw, a school-teacher, are said to have been killed on the spot. Saw Richard, another school-teacher, apparently survived the execution. He is alleged to have been badly beaten by the soldiers before being beheaded.

5. Patahwee (male, 10)  
Suphalee (male, elderly)  
Napolay (female, 32)

According to reports received, a family of 6 including the three above mentioned persons, were gathered in their hut on the outskirts of Kho-mahta village in late December 1985, when a group of soldiers who had entered the village approached the hut and opened fire on it, apparently without warning. Three of those inside are said to have been hit, including Patahwee, aged 10, who was wounded in the shoulder, Suphalee, an old Karen, who was hit in the thigh, and Napolay, a young pregnant mother, who was hit in the chest and the stomach. Posayba is reported to have taken his son Patahwee and crawled out of the hut, escaping from the soldiers. Suphalee was apparently beaten and left bleeding to death by the hut. Napolay is reported to have been captured and dragged across the village by soldiers until she died. While they were dragging her across the village, the soldiers are said to have told the villagers that they suspected her of being the wife of a Karen soldier, in an attempt to intimidate them.

6. An unnamed Karen woman and two unnamed male villagers

In July 1986, elements of government armed forces camping in Ti-kawhtaw village are reported to have captured a young Karen woman, mother of four, stripped her, raped her and killed her by inserting a bamboo pole in her vagina and ramming it into her abdomen. Her body was reported to have been discovered later in the forest by her husband and children. Several days later, soldiers, apparently from the same unit, opened fire in the forest on a group of villagers, killing a young man. The young man's father is said to have gone to look for his son following the incident, and to have been captured by the soldiers. Villagers reportedly found his body several days later, tied to a tree in a sitting position, his mouth filled with dirt and pebbles and with a plastic bag over the head.
7. **U Maung Maung (male, 57)**

On 22 November 1986, U Maung Maung, a 57 year old Karen farmer, is reported to have been arrested along with 10 other villagers from Kyet-thaung-seik village, Bilin township, by elements of the 70th Infantry Regiment. They are said to have been accused of having arms in their possession and to have been interrogated by the soldiers. They were reportedly tied up and asked to lead the soldiers to Karen rebel positions. U Maung Maung, the elder of the group, apparently argued that the paths to Karen positions were mined. He is said then to have been tied to a long rope with his hands behind his back and ordered to walk in front of the army column as a mine detector. He apparently attempted to walk on the side of the path but stepped on a mine after being pulled back on to the path by the soldier holding the rope. Both he and the soldier were apparently injured by the explosion. U Maung Maung is said to have been abandoned in the forest where he was later found by villagers in search of him. His left foot was apparently blown off so that his leg had to be amputated below the knee.

8. **Patumwe (male, teenager)**

In February 1986, a group of four villagers including Patumwe and his 18 year old brother is said to have encountered a military column while proceeding from their village of Kamahta to the Thai-Burmese border to seek asylum. The soldiers reportedly opened fire on the group without warning, killing instantaneously Patumwe, a young Karen teenager. The three other villagers managed to escape by hiding in the forest.

9. **Saw Ni Po (male, 20)**
**Saw Ren Htoo (male, 20)**

plus 31 villagers from Htee Bla village, Schwegyin District

On 3 January 1987, a total of 220 people from 43 families from the villages of Htee Bla, Ma Wa Ki, Ma Daw Kaw, Aw Mu Ki, and So Oh Ki, a small cluster of settlements in the region of Shwegyin, Pegu Division crossed the border into Thailand. According to their elders, military operations and related harassment of villagers in this area had reached an unprecedented level in the previous months. A woman from Maw Da Kaw village reportedly described how her 20 year old son Saw Ni Po had been arrested in October 1986 while walking in the forest and executed, apparently on suspicion that he was a rebel simply because he was Karen. In the first week of November, another young villager, Saw Ren Htoo, aged 20, with no connection with the Karen National Union, had apparently been arrested by a group of soldiers while fishing in the forest and executed, his body being found later riddled with bullets. Another villager from Ma Wa Ki reportedly told how two of his daughters had been abducted by soldiers in March 1986 and taken to Shwegyin township, since which time he had had no word of them. Villagers from Htee Bla village alleged that since 1975, date of the first military operations of the "Four Cuts" campaign in this area, 31 villagers from this village had been arbitrarily killed. "Each year 3, 4, or 5 villagers have to lay down their life with no reason. They are arbitrarily killed. We finally decided to leave", some Htee Bla villagers said.
List of 31 villagers from Htee Bla village, Shwegyin township, allegedly executed by tatmadaw field units between 1975 and 1986:

1. Pah Kler Htoo
2. Ta Baw
3. Saw Da Tee
4. Aung Than
5. Maw Che
6. Tha Htoo
7. His nephew, Maung Aye De
8. Naw They Po
9. Baw Dee
10. Saw Tha Oo
11. His wife, Naw Paw Me (both killed in their home together)
12. Saw Khin Maung
13. Naw Mu Po
14. Naw Aung Myet
15. Naw Shwe Than
16. Khin Me ) all killed
17. Thaw Htoo Htoo (son of Khin Me) ) together in
18. Saw Mu Se (son of Khin Me) ) their farmhouse
19. Khin Oo
20. Pah Bley Wa
21. Saw Kyaw Hla
22. Saw Kyar Hie
23. Saw Dee Sey
24. Ma Than
25. Tha gpi
26. Pah Chi Paw
27. Saw Pah Hey
28. Saw Pah Du
29. Saw Du Po
30. Saw Khar Nya
31. Saw Ner Dot

10. Maung Ohn Nyunt (male, 50)
   Naw Kyi Kyi Po (female, 41)

On 12 January 1987, 18 villagers from Pwo village, Thaton District, crossed the border into Thailand and claimed in an interview that during the two previous years, the army had begun to force villagers to leave their villages and to relocate them in new settlements under military control in the vicinity of towns. According to their accounts, several villages in the area of Bilin Township were evacuated and relocated into "strategic villages" near Leke and then in 1986, moved again to another camp at Paw Gaw. According to the 18 villagers, elements from the 81st Regiment of the 66th Division had entered their village, provoking the flight of almost all the villagers. They said that two villagers who stayed, 50 year old Maung Ohn Nyunt and 41 year old Naw Kyi Kyi Po, were arrested, tortured on suspicion of being in contact with the K.N.U, and executed.