

amnesty international

THE KAYIN STATE IN THE UNION OF MYANMAR (formerly the Karen State in the Union of Burma)

ALLEGATIONS OF ILL-TREATMENT AND UNLAWFUL KILLINGS OF SUSPECTED POLITICAL OPPONENTS AND PORTERS SEIZED SINCE 18 SEPTEMBER 1988

August 1989

SUMMARY

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Amnesty International has previously published evidence of torture, ill-treatment and unlawful killings of suspected political opponents seized by the Myanmar army before 18 September 1988, when it and other armed forces assumed direct control of the country's administration and declared martial law.

There have been numerous allegations that people arrested for their non-violent political activities in Yangon and other towns since 18 September 1988 have been ill-treated during interrogation by the military intelligence authorities. Amnesty International has been able to obtain a few first-hand testimonies about alleged ill-treatment since 18 September 1988 of people arrested in the Kayin State who were accused of involvement with insurgent groups or seized there or in the Yangon Division and forced to act as porters in the Kayin State. The organization considers that in at least some cases, seizing and forcing suspected political opponents to work as porters is analogous to detaining them without charge or trial, and that these people are effectively political prisoners.

Four testimonies about ill-treatment of political prisoners and porters are contained in this document. One is by a political prisoner who says he was beaten during interrogation by military intelligence officers in the Kayin State in early 1989, and the others by porters who say they themselves were ill-treated and saw other porters ill-treated or killed during counter-insurgency operations in the Kayin State in October 1988 and June 1989.

This summarizes a six-page document, The Kayin State in the Union of Myanmar: Allegations of Ill-treatment and Unlawful Killings of Suspected Political Opponents and Porters Seized Since 18 September 1988, (AI Index ASA 16/16/89), issued by Amnesty International in August 1989. Anyone wanting further details or to take action on this issue should consult the full document.

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THE KAYIN STATE IN THE UNION OF MYANMAR
(formerly the Karen State in the Union of Burma):

Allegations of Ill-Treatment and Unlawful Killings of Suspected Political Opponents and Porters Seized since 18 September 1988

Earlier Allegations

Amnesty International has previously published evidence of torture, other ill-treatment and unlawful killings of suspected political opponents seized by the Myanmar army before 18 September 1988, when it and other armed forces assumed direct control of the country's administration and declared martial law. This evidence included testimonies that ill-treatment was frequently used by military intelligence personnel and other soldiers during interrogation of political detainees suspected of having had contact with the ethnic minority and communist insurgencies that have been fighting the government for many years in the Kayin (formerly Karen), Shan, Mon, Kachin, Kayah and Rakhine States. (See Burma: Extrajudicial Execution and Torture of Members of Ethnic Minorities, AI Index ASA 16/05/88 and "Burma: Extrajudicial Execution. Torture and and Political Imprisonment of Members of the Shan and Other Ethnic Minorities", AI Index ASA 16/10/88).

According to this evidence, soldiers assigned to counter-insurgency duties sometimes also seized members of ethnic minority groups, including suspected political opponents, as porters for military operations and subjected them to torture or other ill-treatment or executed them unlawfully. The organization considered that in at least some cases, the seizure of suspected political opponents as porters was analogous to detention without charge or trial, and that the persons seized were effectively political prisoners. Most of them were farmers living in remote villages in areas where insurgents have been active.

In 1988 Amnesty International also made public allegations that military intelligence personnel used torture or ill-treatment to attempt to extract information from political detainees arrested in connection with the largely peaceful mass civil disobedience campaign against the political influence of the Defence Forces that emerged between March 1988 and the coup on 18 September. The organization has further reported widespread allegations that the army unlawfully killed thousands of peaceful demonstrators, including women and children, in attempting to suppress demonstrations before and during the coup of 18 September. (See "Burma: The 18 September 1988 Military Takeover and Its Aftermath", AI Index ASA 16/15/88).

Background

The 1988 civil disobedience campaign was mostly led by students from universities and high schools in Yangon (formerly Rangoon), the capital, and other towns. They opposed the continuation of the one-party political system that had been instituted by the military following a coup in 1962, and demanded the formation of a civilian interim government to oversee multi-party democratic elections that would be free and fair. Their campaign spawned the formation of a variety of non-student political opposition groups calling for multi-party democracy, and since 18 September 1988 these have been allowed to register as political parties so they can run in elections which the military authorities have promised for May 1990. Most of these political parties and the student groups that have continued to be active in the towns have advocated non-violent opposition to martial law restrictions on civil liberties imposed by the military authorities, including limitations on the rights of freedom of assembly and expression. Some of them have also advocated non-violent campaigning for the formation of a civilian interim government to replace the existing government. They have expressed scepticism that the elections scheduled for May 1990 will be free and fair unless civil liberties are restored or an interim government is formed, or both.

There have been thousands of political arrests since 18 September 1988. Most of those arrested appear to be leaders and members of student groups and political parties that do not use or advocate violent opposition to the martial law regime. However, there have also been official and unofficial reports of continued arrests of people suspected of connections with armed insurgent groups. These groups now include some students who fled the towns after 18 September because they feared arrest, or who decided that it was necessary to use force of arms to compel the authorities to step aside and allow free and fair elections. One group which believed this formed the All Burma Student Democratic Federation (ABSDF). It is an umbrella organization which administers students along the Myanmar-Thailand border and which is formally allied with several veteran insurgent groups including the Karen National Union (KNU), which operates in the Kayin State.

Allegations of Ill-treatment Since 18 September 1988

There have been numerous allegations that people arrested for their non-violent political activities in Yangon and other towns since 18 September 1988 have been ill-treated during interrogation by military intelligence authorities. Amnesty International has so far found it difficult to assess these allegations because the Myanmar authorities have not allowed the organization to visit the country to talk with those who have direct knowledge of the treatment of such prisoners during interrogation, and because few such people have been able to leave the country.

Amnesty International has been able to obtain a few first-hand testimonies about alleged ill-treatment since 18 September 1988 of people arrested in the Kayin State who were accused of involvement with insurgent groups or seized there or in the Yangon Division for portage in that state. These testimonies come from people who have fled to border areas. Their reliability is difficult to confirm because there is currently little possibility for cross-checking such allegations. However, Amnesty International considers that they should be taken seriously by those concerned about the human rights situation in Myanmar and urges the

authorities to ensure that military intelligence personnel and soldiers assigned to counter-insurgency duties in the Kayin State not to commit human rights violations similar to those for which they were responsible before the coup.

Because Amnesty International's sources say they fear that if their identities were revealed, they and relatives or friends might become victims of government retaliation, the organization is not making public their names or details about their experiences that would allow them to be identified.

Testimony of a Political Prisoner Arrested in the Kayin State

One person interviewed by Amnesty International told the organization he had been ill-treated by military intelligence personnel in Hpa-an (formerly Pa-an), capital of the Kayin State, after his arrest in early 1989. He had participated in demonstrations for multi-party democracy.

He said he was arrested by soldiers of Light Infantry Division 22. This unit has been assigned to counter-insurgency operations in the Kayin State and to suppressing demonstrations in Yangon. Its soldiers have been persistently accused of committing extrajudicial executions and other unlawful killings of people suspected of contacts with the insurgent Karen National Union (KNU) and of non-violent demonstrators. Its soldiers have also persistently been accused of torture.

According to this interviewee's account, he was arrested at night by soldiers armed with automatic rifles and pistols who awakened him at his home and put him into a military vehicle. They took him to the offices of Military Intelligence Number 5, which he said is located near Kan Thaya Lake behind the Hpa-an golf course.

He said that after being photographed and finger-printed he was taken into a small interrogation room with barred windows where he was seated before a table.

He claims that he was then interrogated virtually non-stop for the next three nights and days by military intelligence officers, working in two-hour shifts. He claims that throughout this period he was denied food and sleep and held incommunicado with no access to a lawyer or family.

He told Amnesty International his interrogation began with questions about his participation in the demonstrations of 1988, which were followed by questions about visits he had made to areas controlled by the KNU where the student insurgents of the ABSDF had camps. He says he admitted having visited KNU-controlled areas since 18 September 1988, but claimed that he had gone there only to trade at a KNU-administered "black market". He says he was then accused of having been trained by the KNU in setting off demolition bombs and of hiding explosive devices intended for use in urban sabotage. He said that when he denied these allegations, his first interrogator, a major, began beating him. He says he was struck repeatedly because this interrogator made these same allegations over and over again, and each time he denied them, "the major hit me with his fist in my rib cage". He said that the major also warned him that he was accused of an offence carrying a possible death sentence. and that a captain who interrogated him next told him that if he provided the information the authorities wanted, he would be "set free". He said "the third interrogator asked the same questions, and he beat me more severely than

the major.... he hit me more often and harder, all in the body." He says the questions and the beatings continued with subsequent interrogators over the next three nights and days, and that he was allowed only brief periods of rest for urination and defecation. He claims that by the end of the interrogation: "I was unable to walk. I had to be supported by two men in order to be able to move."

According to his account, he was then transferred to a police prison in Hpa-an. He was held there for several months without charge or ever being brought before a court, although he was allowed visits by his family and never ill-treated. He says the police told him that his continued detention was illegal because he had not been accused of any specific criminal offence, but that they had no choice but to follow orders from the military to continue to hold him.

Testimonies of People Seized for Porter Duty in the Kayin State

According to several reports, in October 1988 security forces patrolling Yangon and other towns began rounding up, sometimes at gun-point, urban residents who were then taken to combat zones where the army is fighting ethnic minority and communist insurgencies. They were made to serve as porters carrying ammunition or food for the army. On 17 October the government announced it had rounded up 1,120 Yangon residents and confirmed that this informal impressment was punitive. It claimed these sweeps were aimed at reducing criminality by punishing gamblers and other "law-breakers" and clearing the streets of "petty criminals", "unsavoury elements" and "waifs and strays". Despite official denials there have been serious allegations that those taken away to front lines have included high school and university students and other civilians suspected by the military of being political activists or simply of having taken part in the demonstrations for multi-party democracy. Some of those taken were apparently singled out because of their suspected roles in opposition political activities, often peaceful. The available information suggests that some of these people may have been seized to punish them for having participated in demonstrations or to prevent them from engaging in further anti-government political activities. These forcibly conscripted porters reportedly also included numerous Muslims of Indian ethnic origin who are believed to have played an active political role as a group during the demonstrations.

For example, an 18-year-old ethnic Burman vegetable seller who was seized in Yangon in mid-October 1988 described how he and a 35-year-old mechanic of Indian ethnic origin seized in the capital at the same time were ill-treated later that month. He said they were among hundreds of porters seized in the working class district of South Okkalapa and held overnight in Insein Prison before being bound and transported in army trucks to Hlaing Bwe Township in the Kayin State. They were then taken into combat by soldiers of Light Infantry Division 66, which was conducting counter-insurgency operations against the insurgent KNU in the area of Methawa, an outpost on the Thai-Myanmar border. The KNU had reportedly captured Methawa with the help of ABSDF members. He said that when he complained that the load of mortar shells he had been given to carry was too heavy, he was repeatedly slapped by the soldiers. He said he saw another soldier bayonet the mechanic in the thigh to punish him for dropping his load of ammunition. He quoted the soldier as saying to the victim: "You want democracy in the cities; now you know what it is like for us in the army in the jungle."

In addition, reports of unlawful killings and ill-treatment of members of ethnic minorities seized as porters in rural areas have continued since 18 September. In November 1988 Amnesty International interviewed a 50-year-old Kayin Buddhist farmer from Kuan Be village in Hlaing Bwe Township, one week after he escaped from a Burmese army column that had seized him and many Karen men and women from his and nearby villages as porters. He said the soldiers suspected them of cooperating with the KNU, and that the soldiers seemed angered by the uprising in the towns. He said the soldiers seized him and his fellow villagers to use them as porters in the counter-attack of Methawa. He said the soldiers had beaten him when they thought he was not working hard enough, and had shot and killed Sein Thi, a 47-year-old friend of his from Kuan Be, "because he couldn't walk any more ... because he sat instead of walking".

Amnesty International has also obtained testimony about the seizure of a suspected political opponent in the Kayin State capital Hpa-an and the ill-treatment of him and others taken as porters by troops conducting counter-insurgency operations along the Thailand-Myanmar border. He told Amnesty International that he had previously been arrested for suspected contacts with insurgents, and that upon his release he was required to sign in daily at the Hpa-an military intelligence office. He said he believed he was taken as a porter because of his previous political arrest, in order to punish him because he was a political suspect.

According to his account, in June 1989 soldiers came to his home on the pretext that he was wanted for further interrogation in connection with his alleged contacts with the insurgents. Instead, he said, he was seized and taken to a police station where he was turned over to troops of 33rd Light Infantry Division. Like the 22nd Light Infantry Division, this unit has been repeatedly accused of torture and unlawful killings in Yangon and rural areas. He said its soldiers took him and about 20 other prisoners to the headquarters of the local township Law and Order Restoration Council, where some 50 more people who had been seized were waiting. He said he recognized some of the people in the two groups as participants in anti-military demonstrations in 1988, and he believed they had probably also been seized to punish them for their political activities.

All 70 were then transported to a small village near the border with Thailand where soldiers were preparing to attack Wankha, another KNU and ABSDF base. They were ordered to carry heavy weapons and ammunition, such as rounds for 75mm artillery and 81mm mortars throughout several days of fighting.

According to the former porter interviewed by Amnesty International, soldiers routinely used ill-treatment to discipline him and others in his group who were unable to carry the heavy arms and ammunition assigned to them. He said:

"I had to carry the gun up the mountain, and I slipped. I wasn't able to stand back up quickly, so the soldier kicked me four or five times, until I was able to stand back up. The soldier said ... that I had to be able to carry my load....

"One porter fell behind while we were climbing a mountain, because he could not carry his load. The soldier hit him with the butt of his carbine, a US made carbine. The soldier said to the porter that he had to

be able to carry such loads. In fact, it was impossible for him, and so he got struck on the side of his face with a carbine butt. He was knocked out, and got left behind."

Amnesty International's Recommendations

Amnesty International urges the authorities to investigate allegations that military intelligence personnel and other soldiers in the Kayin State are continuing to ill-treat political prisoners during interrogation and people seized for porter duty, including people apparently seized on account of their suspected political activities. It urges that any members of the armed forces in the Kayin State against whom there is credible evidence of ill-treatment be brought to justice in accordance with international standards for fairness. It also urges that people suspected of political offences not be punished by arbitrary seizure as porters. If there is evidence that they may have committed recognizably criminal offences such as acts of violence against the security forces or the population, they should not be detained without charge or trial, but should be promptly charged and tried in accordance with international standards for fairness.