

a campaign of brutality

Report and Analysis of Burma Army Offensive and Ongoing Attacks
Against the People of Northern Karen State, Eastern Burma

UPDATED



Free Burma Rangers, April 2008



FRONT COVER: Naw Eh Ywa Paw, a 9-year-old Karen girl who was shot and wounded while her father and grandmother were shot to death by the Burma Army in March 2006.



This report is dedicated to all those who have given their lives to the cause of freedom, justice and human dignity in Burma. It is not in vain.

Thank you and God bless you,

The Free Burma Rangers

These are four of many who died during the making of this report. They were FBR team members.



Saw Chit Doh



Saw Lee Reh



Saw Mu (Mr. Happy)



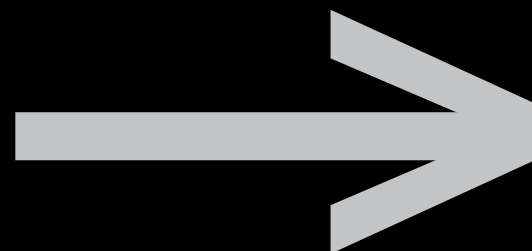
Mya Win with his daughter
before he died

We are grateful to these people who inspire us and we are grateful for all the people and organizations that work in different ways to alleviate suffering now and support positive change for the future. No one is doing this alone. Your prayers, support and actions all give real hope and real help. Thank you and God bless you.



People from Hee Daw Kaw village in Toungoo District flee from Burma Army attacks. September 06.

TABLE OF CONTENTS



I	
Executive Summary	7
II	
Background	11
III	
Burma Statistics	13
IV	
An Appreciation of the Situation for the Displaced People of the Karen and Karenni States of Burma	
<i>Including a Brief Analysis of the Strategy and Tactics of the Burma Army and How the People Counter These.</i>	15
V	
Overview of the Offensive	27
VI	
A Campaign of Brutality	41
<i>Legal Report on the Burma Army's Attacks in Northern Karen State, Eastern Burma</i>	
VII	
Conclusion and Recommendations	63
<i>10 reasons to be involved in Burma and Recommendations for Action</i>	
VIII	
Appendices	69
<i>A. The Free Burma Rangers</i>	
<i>B. Maps and New Burma Army Camp Coordinates</i>	
<i>C. Order of Battle of Burmese Units</i>	
<i>D. Medical Statistics</i>	
<i>E. Civil disobedience, hope and one example of how the Karen people now under attack survive</i>	
<i>F. Resources</i>	

*This book was originally printed in May, 2007. All numbers have been updated to reflect the situation as of November, 2007; Burma Army camp numbers, IDP numbers, maps so labeled, and FBR statistics reflect the situation as of April, 2008.

For over fifty years, the dictators of Burma have waged war against their own civilian population. The demonstrations of 2007 by mostly ethnic Burmans in the cities were put down brutally. The war against the ethnic peoples continues. It is a war backed by a military of over 400,000 soldiers and is supported by 50% of the nation's budget. The Burma Army's methodology is to conduct large-scale offensives like the one described in this report, followed by consolidation of territory gained and expansion of control and then the launching of new attacks.

In spite of this oppression, the people of Burma have not given up. They need immediate protection, humanitarian assistance, and support for their pro-democracy organizations.

I. EXECUTIVE SUMMARY



Mother holds dying baby girl in Mon Township. April 06.

ATTACKS AND CIVIL DISOBEDIENCE

For over fifty years, the dictators of Burma have waged war against their own civilian population. The demonstrations of 2007 by mostly ethnic Burmans in the cities were put down brutally. The war against the ethnic peoples continues. It is a war backed by a military that has 400,000 soldiers and is supported by 50% of the nation's budget. The Burma Army's methodology is to conduct large-scale offensives like the one described in this report, followed by consolidation of territory gained and expansion of control and then the launching of new attacks. There are more than one million displaced people.

During these offensives, the Burma Army attacks and burns villages, rapes, tortures, and kills people, destroys their sources of livelihood, and lays landmines to prevent their return. The people support pro-democracy groups that attempt to resist the attacks and control of the Burma Army. Even under this great oppression, the people have not given up. While in hiding, they help each other set up schools, hold worship services, and organize to best make use of the resources they have. After the Burma Army leaves their village, they return to salvage what they can. This refusal to give up constitutes one of the greatest examples of civil disobedience of our time.

This report outlines one offensive conducted by the Burma Army against the Karen people in northern Karen State, eastern Burma. It also provides an insight into other means by which the dictators attempt to control and exploit the population in the ethnic areas and provides an analysis of Burma Army strategy and tactics and how the ethnic resistance counters these. It describes the situation of the internally displaced people (IDPs) and makes recommendations for action. Finally, it tells the story of a people living on the edge of survival who have not given up and need help.

BURMA ARMY OFFENSIVE: NORTHERN KAREN STATE

The Burma Army's most recent offensive in northern Karen State killed over 370 men, women and children and displaced over 30,000 people, most of whom are now in hiding, in two years of attacks that began in February of 2006 and continue through 2008. Over 33 new Burma Army camps were built in the areas of Papun, Nyaunglebin and Toungoo districts in 2006 alone, with over 103 new

camps by March 2008.

The slow but unrelenting attacks and building of new camps seem to be driven by a plan to dominate, chase out or crush any people in these areas. This was the largest offensive in Karen State since 1997. It began in February 2006, with troops from over fifty battalions attacking through the rainy season, and the construction of 10 new main camps and 42 smaller support camps. The Burma Army is now completing the construction of two new roads that effectively cut the northern Karen State into quarters.

The disruption of their food production, burning of their homes and the shoot-on-sight orders of the Burma Army have made staying in their homeland untenable for thousands of people. Of the over 30,000 displaced, over 7,000 have already left their homes for the Thai border.

STORY: NAW EH YWA PAW

The dictatorship of Burma has dehumanized the ethnic peoples of Burma, killing, raping and terrorizing the population with impunity. The power of the oppressor is unrestrained.

Naw Eh Ywa Paw ("The Flower That Loves God") is a 9-year-old Karen girl who was shot during the offensive by the Burma Army in an attack that killed her father, Saw Maw Keh, and grandmother. This is her story.

The attack itself took place on 27 March, 2006, as the people from Ka Ba Hta village were fleeing the advancing Burma Army, which had been sweeping the entire area. The villagers had been hiding in a gully, but, thinking that it would be safer to climb higher, had begun to leave the gully and climb to the top of the ridge. They did not know the Burma Army was waiting for them. Saw Maw Keh was carrying his mother up the steep slope and was in the lead of the group. Behind him was his family, including Naw Eh Ywa Paw.

From where the Burma Army was waiting there is a clearing (it is the villagers' own rice field) that is about 40 yards wide and 15 yards deep down to the edge of the jungle above the gully. The Burma Army soldiers were waiting at the top of the ridge and looking down into this clearing towards the gully.

Saw Maw Keh carried his mother up the ridge out

of the gully and into the clearing. The Burma Army soldiers waited until he and his mother were in the cleared area, about 10-15 yards away from their position behind the logs, and then opened fire. The shock of having a line of troops open fire at point-blank range must have been tremendous. Saw Maw Keh dropped his mother (we are not sure if she was shot off his back or fell). She cried out to him saying, "Don't leave me!" As he turned to help her they both were shot dead. The others scattered and, as they tried to flee, Naw Eh Ywa Paw was shot through the back, with the bullet exiting near her stomach.

We met them 13 days later on our way to their area and treated the wounded girl. Fortunately, the bullet had passed from her back out through her side without hitting any organs. During their escape, the girl's wounds were treated by another family and due to their care there was no infection. We prayed for the girl and her family and they cried and cried for their father (husband), and grandmother.

She eventually recovered and, with her mother, brother and sisters, moved to a new hiding place near their old village in Mon Township, Karen State. The Burma Army is now attacking the place where she and others are hiding, and so she is on the run again.

The Burma Army needs to be stopped, and she, her family and the other Karen people need to be able to go home. This is an emergency situation and Naw Eh Ywa Paw and her people under attack need immediate protection, humanitarian assistance, and support for their pro-democracy organizations.

God Bless You,
A Relief Team Leader



Naw Eh Ywa Paw receiving treatment from FBR relief team medics. 10 April, 2006.



Naw Eh Ywa Paw recovering in late April 2006. In November 2006 she had to flee again.

“We have a right to stay in our own homes and farms, as we always have. We don’t need the dictators’ army to control us. We want to be free.”

A Karenni grandmother whose village has been attacked four times in the last six years but who refuses to leave her land.

II. BACKGROUND



Children from Po Mu Der village fleeing attacks, Toungoo District. December 06.

The conflict in Burma is as complex as it is long.

With a military dictatorship in power, many in opposition are either imprisoned or killed. Demonstrations by the Burman population have been put down, some ethnic groups forced into ceasefires and surrenders, while in the other ethnic areas the regime's army continues to conduct large-scale offensives against the people. There are over 1 million internally displaced people, and over 2 million refugees who have fled the country. There is continual environmental destruction, an HIV/AIDS epidemic, the ongoing laying of landmines, human trafficking and religious persecution. Because of the government's mismanagement and corruption, it is the world's second largest opium producer and the main producer of methamphetamines in SE Asia. Daw Aung San Suu Kyi, a Nobel Peace Prize recipient and the leader of the democracy movement, continues to be under house arrest.

The army extends their control over the ethnic minorities by building roads and camps in ethnic homelands, thereby forcing people to relocate or flee into the jungle. There is documented forced labor. They lay landmines to keep villagers from returning home and supporting the resistance. They aim to dominate the population, assimilate them and exploit them. They do this directly through military attacks, selective cease-fire agreements, and the use of proxy ethnic forces allied with the regime.

One devastating result is the internally displaced people, who are forced to flee their homes because of the army's ongoing attacks. Some are forcibly relocated and now living under the government's

control. Some are attacked by the regime's army but are able to return to their homes after the army leaves. Others who are not able to return live in temporary sites nearby. Many are on the run or in hiding now.

All of these people lack security, food, education for their children, and suffer increased health problems.

Yet the people of Burma have not given up. The internally displaced people's unwillingness to give up their homelands is one of the greatest examples of civil disobedience to the dictators. The pro-democracy movement is still active. In the war zones the ethnic resistance attempts to protect their people. They help villagers escape pending attacks, clear landmines and help people cross army-controlled roads. There are also many non-governmental organizations and community-based organizations that work together to help provide basic services.

"We have a right to stay in our own homes and farms, as we always have. We don't need the dictators' army to control us. We want to be free."

—A Karenni grandmother whose village has been attacked four times in the last six years but who refuses to leave her land.



Naw Nay Kaw, whose one-legged son and husband were shot and killed by the Burma Army.



!6-year-old shot by Burma Army. His brother and father were shot and killed. His mother is in the picture to the left. April 06.

III. STATISTICS

General Statistics

Refugees who have fled Burma _____ over 2,000,000 people
 Internally Displaced People _____ over 1,000,000 people
 Villages destroyed or forcibly relocated _____ over 3,000 in the last ten years
 Political prisoners _____ over 1,100

NARCOTICS

- Second largest producer of illegal opium
- A leading producer of methamphetamines in S.E. Asia.
- 80 % of the country's income is related to the drug trade

HEALTH

- 190th out of 191 countries in World Health Organization(WHO)'s assessment of health care systems.
- 1 in 5 children die before their 5th birthday in areas under attack (BPHWT, KHRG*)
- 1 in 29 adults are living with HIV (Johns Hopkins).

*BPHWT-Backpack Health Worker Teams
 KHRG-Karen Human Rights Group

Specific Statistics for Northern Karen State Offensive, February 2006 - November 2007

Civilians killed _____ over 370
 Villagers displaced _____ more than 30,000
 New Burma Army camps _____ 52
 Prisoner porters used _____ more than 2,200
 Porters killed _____ over 265 reported dead
 Villages destroyed, abandoned or relocated _____ 275
 Forced labor _____ more than 3,000 people
 People used as human shields and minesweepers _____ more than 100 people

DISPLACEMENT BY STATE IN EASTERN BURMA, 2006 (since 1997)

Shan State: _____ over 300,000
 Karenni: _____ 80,000
 Karen: _____ over 100,000
 Mon: _____ over 41,000
 Tenasserim: _____ over 80,000
 TOTAL (eastern Burma): _____ over 600,000

Girl in the ruins of her burned home. Mon Township, 2007.



Karen child at the burned ruins of his home. January 2007.



Burma Army patrolling in Kaw They Der. 2007.

The dictatorship of Burma attempts to control all the peoples of Burma and is in an ongoing and brutal program of domination, assimilation and exploitation.

III. AN APPRECIATION OF THE SITUATION FOR DISPLACED PEOPLE OF KAREN AND KARENNI STATES OF BURMA



A relief team member carries a child. April 06.



Grandmother being carried by her son. April 06.



IDPs from Mon Township. Their father was killed by the Burma Army. March 06.

KAREN STATE, BURMA

(RELAYED DIRECTLY FROM A TEAM LEADER IN THE FIELD)

The following was written by a relief team leader in January 2006, immediately before the onset of the Burma Army offensive which this report describes. It is an analysis of the base-level of oppression and violence endured by the internally displaced people of eastern Burma for over 50 years. It describes what life is like in between the sporadic large-scale offensives conducted by the Burma Army; it represents the status quo of life for millions of villagers in eastern Burma.

27 January, 2006

I am writing this to try to give a picture of what the situation is for people who are displaced by the attacks of the Burma Army. These people, technically called Internally Displaced People, or IDPs, number over 1 million in Burma and over 600,000 in the Shan, Karenni and Karen States alone. The most recent major offensives of 1997, 2000, 2003-2004 and the smaller-scale attacks since then have only added to the suffering of the people.

There are some places in the Karen and Karenni areas of displaced persons that have not been attacked in years and where life looks almost normal. There are schools, clinics and churches, some even made of wood. Rice fields are in full production and livestock abound.

Sometimes you will not hear the sound of gunfire for 2-3 months at a time. In these areas there are

not even any landmines to worry about and you could think there is no war in Burma. And then, often only a half-day's walk away, there is killing, burning of villages and direct oppression by the Burma Army. The Burma Army continues its expansion of roads and camps, making it more difficult and dangerous for people to move freely. These roads surround many of the "peaceful" areas, and the people there feel it is only a matter of time before they are attacked. The growing road network allows greater control of the area as well as acting as a series of obstacles for villager and IDP travel in many areas. These roads are garrisoned, patrolled and mined by the Burma Army. We have had to cross these roads multiple times during this relief mission and it is always dangerous as well as logistically challenging for the movement of relief supplies and sick or injured people.

We are currently in the northern Karen State and have just returned from a humanitarian relief

mission to the northwestern Karen and southern Karenni areas and are moving with two Karenni families who are fleeing the Burma Army. This is one appreciation of the situation and a ground-level view of what things are like for people in hiding from the Burma Army. Every situation is different but the examples and stories below, while not inclusive of all situations, are representative of what is happening right now in the ethnic areas of Burma.

Much of what is happening is difficult to capture with photos, video and reports. It is generally a slow and insidious strangulation of the population rather than an all-out effort to crush them. While the campaign of control against the ethnic villagers and IDPs meets the UN definition of genocide, it is not the kind of genocide that occurred in Cambodia or Nazi Germany. There are rarely massacres nor are there attempts to annihilate the people. Many areas of Burma have large ethnic populations who are not subject to direct military action or the attempts to kill them. These areas are generally where there is no organized resistance to the government or areas where ethnic armies have entered into some form of ceasefire with the Burma Army.

The dictatorship of Burma attempts to control all the peoples of Burma and is in an ongoing and brutal program of domination, assimilation and exploitation.

While they try to wipe out the resistance and fight them whenever they see them, there seems to be more of an effort to dominate the population. This is done in order to cut off support for the resistance as well as to expand the dictators' control over the people.

Under attack is a people's way of life and their ability to stay in their homes and farms. The Burma Army regularly, about once a month in the Karen and Karenni States, launches 1-4 battalion-sized sweeping operations in villages and areas where IDPs are suspected to be hiding. These troops harass civilians, loot homes, beat, rape and torture indiscriminately and sometimes burn homes or entire villages. They also place landmines in areas that they want to deny to the people and the resistance.

For example, in a typical area of 10-15 villages, in one month, the Burma Army may send 2 battalions that will patrol an area, steal from homes, maybe burn a few field huts and rice barns (sometimes an

entire village or villages), lay landmines on main trails, threaten the population, then return to their base. During these sweeps the resistance will try to protect the population and 3-5 skirmishes will typically break out, resulting in 2-5 dead and 5-10 wounded Burma Army soldiers and 1-2 wounded resistance fighters total. These are usually meeting engagements or ambushes of attacking Burma Army columns by the resistance. They usually last only a few minutes but buy time for villagers and IDPs to escape into the jungle with some belongings before the Burma Army can arrive at their villages or hide sites. The pro-democratic resistance (in this area, the Karen National Union and Karenni National Progressive Party), are made up of dedicated men and women who take great risks to defend their families and people and who run mobile clinics, schools and small-scale relief services. Most of their families and relatives are IDPs or are already refugees. While they cannot usually stop the Burma Army, they do provide early warning of attacks and can often delay these attacks. It is only through them that relief can reach the peoples under attack by the Burma Army. They provide the information, communication, transportation, logistical and security support needed for the provision of humanitarian relief.



IDPs moving to the Salween River. April 06.



Family hiding in Toungoo District. May 06.



IDP children finding shelter from the rain. June 06.



IDP family arriving at the Salween River. March 06.



Family from Toungoo District at temporary shelter on the banks of Salween River. March 06.

WHAT IS IT LIKE TO BE AN IDP?

There are many kinds of IDPs. It is possible however to offer some general description of the most common situations in which people now find themselves. Three are described below.

I) IDPS whose villages were burned and now live in less accessible places where they are living and farming at the bare subsistence level.

The village of Maw Tu Der in Toungoo District of northwestern Karen State was burned down by the Burma Army in 2004. The villagers hid in the jungle for 3 months before they moved to their present site. They have built crude shelters hidden in the trees off of trails that have deliberately been kept small and difficult to travel on. The people have a kind of security in these hiding places due to the difficulty of access and with the help (mostly early warning) of the local resistance forces. But there is a definite loss in food production and available cash to purchase clothes, blankets, cooking utensils and farm implements. There is also a dramatic negative impact on their health because of decreased nutrition, greater exposure, and the close sharing of inadequate water sources.



IDP child holds baby sibling in rain. April 06.

In "new" Maw Tu Der, the people were dressed in rags and many were sick. There was a mother who had a small child who could not walk; it was not clear whether this was due to some disease or malnutrition. There is no nearby clinic and Burma Army patrols make it difficult for medical teams to arrive here with regularity. (Both the Karen Human Rights Group and Backpack Health Workers have extensively documented this direct correlation between Burma Army oppression and the negative impact on health of the population.) The setting is bleak, dirty, crowded hovels in dark corners of the jungle. A redeeming feature is the people themselves, who are almost invariably cheerful and want to share even their last chicken. When one protests and says that if they really must give a chicken to eat with them then they must be paid, they reply, "Are you not our guest? We always take care of our guest. It is our way, and it makes us happy."

II) IDPs whose village was attacked, but people have returned to the same site.

There is a different but also representative situation within two days walk from these Karen IDPs. The path crosses over the mountains that make up the Karen/Karenni border and descends to the Karenni village of Gwe Ga Per, which is situated in a broad and beautiful valley. The fields are irrigated and terraced and there are buffalo in every field. Most of the houses are made of wood and have tin roofs.

This was once an even more prosperous valley, but due to the attacks of the Burma Army there has been little improvement in the past 30 years. On 23 December, 2005, the Burma Army along with a small contingent of Karenni (Karenni National Solidarity Organization (KNSO)--a breakaway Karenni faction now loyal to the Burma Army), attacked Gwe Ga Per village. They first shelled the village with 60mm mortars from a nearby ridge and then they entered the village. They looted each home and then began to set fire to them. By this time the Karenni resistance was able to respond and seven of them launched a counter attack against the over 300 Burma Army troops. The Burma Army forces immediately withdrew and thus were only able to burn down 25 houses before they fled. The villagers were then able to return to the same village site.

This fleeing in the face of small resistance is very common and has many possible reasons. The Burma Army troops are not cowards and when motivated are an aggressive adversary. They are tough and move well in the mountains using map and compass and often avoiding trails. They outnumber and out-gun the resistance in every area, so why the frequent retreats in the face of the resistance?

There are many reasons and these are outlined in the “Brief analysis of the strategy and tactics of the Burma Army and how the people counter these” section of this document.

III) IDPs on the run, in hiding, or attempting to flee the country completely, is another situation we find many people in.



Flight usually happens immediately before an attack, if the people get a warning, or after the attack as the villagers or IDPs attempt to escape. In both these cases people flee with only what they can carry and for most families this is their infant children, some utensils, a blanket or two for the entire family, some plastic sheeting, and a few days' supply of rice.

Coming face to face with these people reveals a heart-rending scene of very obvious desperation.

One example is three Karenni families fleeing for their lives from the Burma Army who joined a relief team on their mission.

They had to flee with only what they could carry and, as many of the children were too small to walk, the fathers and mothers had to carry these children. The other children carried small bags and baskets, their life's possessions. The families arrived at dusk after two days of hard walking. They were

exhausted from being on the run and one of the fathers, Saw Nu Nu, told this story.

The Burma Army and their helpers, the KNSO (Karenni National Solidarity Organization—a group loyal to the Burma Army), were on their way to kill me. They had already killed one of my friends and cut off his head last month, in December. At that time they captured me and three others from our village of Pa Haw Ko as well as three from other villages. We were gathered together from ten surrounding villages for a prayer meeting when the Burma Army forces appeared and captured some of us. We were tied up, beaten, and punched. Then we were given electric shocks to our body. They struck us with rifle butts and one of them used a pistol to beat us. One man's jaw was broken, one man's skull was broken and for me I was not able to endure the torture. They did this to us one by one. One of us was then forced to go with the soldiers and my friend Saw Gwe was killed. I may have been killed just as my friend was but I managed to escape. The Burma Army accused us of being in the resistance but we are not. They said informers had given them this information. We are farmers. It is true that years ago my friend who was killed served as a Karenni soldier, but he was retired, as he had to work his farm to support his sick mother and his family. I am just a farmer. Our family had to run now because we got word that the Burma Army and KNSO were on their way to capture me again and this time they would be sure to kill me. We now cannot stay here and so we will go to a refugee camp. I do not want to take revenge. I am just a villager, I will move away from them.

Two more families came in behind Saw Nu Nu's family and joined the relief team. The Karenni resistance who had helped them to escape escorted them.

The son of one of the families, Saw Naw Ku, had been captured at the same time as Saw Nu Nu and six others. All were tortured and one man killed and decapitated, but Saw Naw Ku managed to escape after Saw Nu Nu escaped. This family of five—Saw Naw Ku, his two young sisters and mother and father—were very weak and sick. The mother was vomiting and collapsed as they walked. She cried and it was obvious that she was not just physically sick but also very distraught to be leaving her home, farm and homeland. She was given an IV, the team prayed with her and rigged a hammock stretcher and carried her over the mountains to a safer area. She was able to rest at a mobile clinic and though seriously sick with malaria and a

respiratory infection she is improving and began smiling again within a day. When she fully recovers, she and her family will be moved on to a refugee camp. The other two families will be escorted all the way out.

IV) Brief analysis of the strategy and tactics of the Burma Army and how the people counter these.

The dictators of Burma have divided Burma into three zones, “white”—those areas under their total control; “brown”—contested areas; and “black”—areas the resistance has control over. Black areas are designated “free-fire” zones and the Burma Army can kill any man, woman or child it finds in these areas. The area described in this report is a black zone.

The Burma Army’s strategy is to terrorize the people into submission and to stop all support for the resistance. The Burma Army attacks the population and attempts to force them into relocation sites in order to have total control over them. If this step fails the population is chased continuously until they run out of food and submit or flee to a different country. Those that refuse relocation or who will not flee are killed by the Burma Army. The Burma Army calls this strategy the “Four Cuts”: cut off all support for the resistance, cut off all communications, cut off all food and supplies, and cut off all new recruits.

The Burma Army continues the expansion of military camps and roads, and attempts to force the population outside of the areas of total control into submission by random patrols and attacks. It uses the tactics of patrols, ambushes and raids. They also place landmines in areas (trails, villages, hide sites) that the population uses in order to force them to leave or comply. They usually operate in company-sized elements. For larger operations 1-4 battalion-sized task forces are sent out of their forward camps to attack all villages that have resisted control, as well as to find and destroy IDP hide sites. These task forces move on foot and are supported by mortars and light, crew-served weapons. They operate for 2-4 weeks and then return to their camps where they are re-supplied and then launch new attacks.

The Burma Army numbers over 400,000 and is relentless in its attacks. In the Karen State, the resistance (Karen National Liberation Army, which is the army of the Karen National Union) and local militia

number approximately 5,000. Villagers also try to defend themselves but have very few weapons. The total number of those in the different ethnic pro-democracy groups still fighting the Burma Army is between 10,000 and 15,000. The resistance is greatly outnumbered but still manages to protect most of the people, provide early warning, help people escape and deny total control of the area to the Burma Army.



A group of 5 porters tied together and being guarded by Burma Army troops. Nyaunglebin District. April 07.



Burma Army bulldozer arriving at Muthey Village. Nyaunglebin District. April 07.



Burma Army officer with troops bringing travel passes into Kaw Thay Der village. June 06.

ANALYSIS

How can such a small group of people with no significant outside military support keep the dictators' army from victory? Some of the reasons are below:

Note: This analysis uses the examples of the Karen and Karenni situations for context.

1) The pro-democracy resistance (in this case Karenni) fighters are fighting for their own homes and families. The Burma Army forces are not. The resistance is willing to risk death to protect their loved ones and villages. The Burma Army, as the aggressor, has no such motivation.

2) The resistance is also fighting for the ideals of ethnic rights, autonomy and democracy. The Burma Army does not share these ideals nor do they seem to have any ideals high enough to risk dying for.

3) The resistance groups, while poorly armed and equipped, are fighting in their native land, which they know intimately. They are inured to the tough life of living in the mountains and can survive with very little. They are very quick, and, as many grow up hunting, they are natural jungle fighters. They also enjoy a very supportive base among the local population and can find food, shelter, information and assistance in almost every village.

4) Due to local support in some areas, the resistance has a very well-developed and accurate information/intelligence network. The Karenni soldiers, for example, can move between and around Burma Army camps and even between moving troop columns without being detected while the resistance knows almost every move of the Burma Army troops in advance. The underground networks in towns controlled by the Burma Army are very good and thus the resistance is rarely surprised.

5) The Burma Army is conducting what they call a counter-insurgency. More than anything it seems that the Burma Army's main interest is to establish control over the population. They attack ethnic resistance forces when they can or on specific orders, but generally they seem content to harass villagers and IDPs and attempt to put all the people of an area under their control. It may be that they believe that if the people are completely submissive, then the resistance will have no sup-

port and thus be easily defeated. And attacking civilians is less risky and costly than trying to find and attack the resistance.

6) The Burma Army uses proxy forces. Just north of Gwe Ga Per (the Karenni village previously described), is an area under the control of another Karenni group loyal to the Burma Army, the Karenni Nationalities People's Liberation Front (KNPLF). As long as the KNPLF remains loyal to the Burma Army and complies with their demands (for taxes, free labor, attacks on the Karenni resistance when ordered, and support of all Burma Army policies), the people can live in a kind of peace. Thus in some areas under Burma Army or proxy control, there still is no protection from forced labor, rapes, extra-judicial killings and forced relocations.

However, no villages have been burned in the KNPLF area mentioned above since 2000 and that is not the case in the areas where the resistance still operates. In resistance areas, almost every village has been attacked at least once since 2000. In spite of these attacks there is a reservoir of empathy for the resistance in some areas under proxy or Burma Army control. As was reported from an area that is under control by the Burma Army and their proxy the KNPLF, "If for no other reason than history, we sympathize with the resistance. The resistance has always stood for our right to live free and has tried to help us, and share our aspirations to live in our own homeland in our ways. So even if we do not agree with all of them, or some of the things they do, we sympathize with them. Even if we cannot help them we want them to continue." In spite of these positive views in some areas under proxy control, this usually does not result in direct support for the pro-democracy resistance.

7) IDPs support the resistance. Field experience indicates that most IDPs support the resistance indirectly or directly. A typical response from an IDP living in an area fully supporting the resistance was by a Karenni grandmother interviewed by a relief team. Her home has been burned 3 times since 2000. Question: "What do

you think about the resistance and some people's claims that they bring on the attacks of the Burma Army?" She replied, "Those (the resistance) are all my sons. We have a right to stay in our own homes and farms as we always have. We have a right to have our sons to defend us and our freedoms. We don't need the Burma Army to control us. We want to be free." And as one pastor asked, "Why do the Burmese soldiers come to burn our villages? We do not go to burn theirs. Why do they want to come and bother us? We only want to have our farms, do our work and live in peace. Our life in the mountains is already very hard, why do they want to make it harder?"

Even in areas under the control of the Burma Army and in areas where they exert indirect control through their proxies like the KNSO and KNPLF, the people want self-determination. They do not want to live under the rule of the dictatorship with the restriction of freedom and human rights abuses that occur there. But many do support the proxies as they feel there is no alternative and that this is the best and most realistic course of action. Some support the proxies for personal gain, some because of real and perceived injustices by the resistance and many because their family members are with the proxy forces. Most support the proxies because their families live in the areas of proxy control and they are loyal to their families.

8) A mitigating factor is economic interests and corruption. In many areas the Burma Army has corrupted itself through the desire for economic gain and often leaves certain areas of resistance alone as long as it can tax products going through the area. The Burma Army often sells its own supplies and makes false reports of attacks against resistance forces. In some areas the Burma Army avoids contact with the resistance and makes its priority the development of local business beneficial to the army. It is a combination of corruption, inefficiency, low morale and lack of logistical support that makes this war look like a fifty-percent war. One day everything is fine and a villager or IDP can go to a Burma Army-controlled market and trade, the resistance can help farm fields, rest and visit their families. Then the very next day, the Burma Army is on patrol, a village is burned, one or two people shot, and one or two people step on landmines laid by the retreating troops. Then a few days later, the Burma Army returns to its base and the people try to go back to their fields and go to the market again.

9) Another constant factor in this is the slow expansion and addition of Burma Army camps and thus the expansion of control of the surrounding area. They tell the villagers, "Don't let the resistance fight us in this area, if they do we will hold you responsible and burn your homes and kill you." This puts the resistance in a very difficult situation and makes it very difficult to stop the advances of the Burma Army.

With or without resistance activity, the Burma Army will oppress civilian populations. This is our experience

after 10 years of providing relief in the field and is well documented by the Karen Human Rights Group, the Committee for Internally Displaced Karen People, as well as many other human rights and relief organizations.

In the face of this, some families who have been attacked are too terrified to stay and they will move deeper into the jungle to what is usually less arable land or move out of their homeland to refugee camps in neighboring countries. The result is the expansion of control by the Burma Army and the loss of the local population as people flee to refugee camps, or hiding places deeper in the jungle. The original population is further reduced by the forced relocation of people and villages to areas controlled by the Burma Army.

Conclusion:

The dictators are intent on complete domination of all the peoples of Burma and the Burma Army continues its slow, corrupt but relentless attacks on the people. In the face of this, we, as anyone who has been with these IDPs and villagers can testify, find hope. This hope is in the spirit of the people who help each other in the face of attacks, carry those who have stepped on landmines, share food with those in hiding, organize relief, run schools, try to protect their people and never give up hope for a free life in their own homes and villages.

In a Karenni village recently, the Burma Army burned 25 of the villagers' homes to the ground. But the church is still standing and the people gather to sing and pray every Sunday. There were five services and as the villagers walked back from each one, they were still singing hymns in groups of three and four. The cheerfulness and generosity of these villagers is typical and is a testimony to their culture and faith. They expect another attack, but they will hide and then come back and re-build again. "This is our homeland and is a gift from God for us to take care of," one woman said.

The very act of civilians defying Burma Army attempts to force them to move to relocation sites or comply with orders is one of the greatest acts of resistance to the dictators in Burma. This takes tremendous courage and hope. They do have hope and it is rooted in the dignity of the human spirit and a love of the highest gifts of life.

We are grateful to these people who inspire us and together we are working, even if we can only do this in very small ways, for something better in Burma. There are tremendous obstacles but we are grateful for all the people and different organizations inside and outside this country that work in different ways to alleviate suffering now and support positive change for the future.

No one here or anywhere in Burma or other countries is doing this alone. Your prayers, support and actions all give real hope and real help.



Naw Bee Ko, mother of 9-year-old Naw Eh Ywa Paw (shown on front cover) who was shot on 27 March, 2006, and widow of Saw Maw Keh who was shot and killed on the same day.

Villagers from Saw Wah Der fleeing Burma Army attacks. Toungoo District. June 2006.



IDPs worshipping one week after being attacked by the Burma Army. January 2007.



Woman exhausted after walking for more than a week towards the Thailand border. November 2006.



IDP boy and others at the Salween River. March 2006.

While the scale of displacement and destruction is large, people die individually, each death an irreplaceable loss.

IV. OVERVIEW OF THE OFFENSIVE

FBR REPORT: Burma Army Attacks Against the Karen People in Northern Karen State, Eastern Burma



Ka Ser Doh villagers fleeing attacks in Toungoo District. December 06.

Note: This overview of the offensive was initially sent from the field by the Free Burma Rangers during the attacks of the Burma Army. The Free Burma Rangers are providing humanitarian relief to the people under attack and it has been updated to reflect the situation as of November 2007 by FBR teams still on the ground.

In This Report

Over 370 men, women and children have been killed, 30,000 displaced, people are being used as human shields, over 103 new Burma Army camps have been built and the Burma Army is building two new roads.

The following is an analysis of the ongoing offensive in northern Karen State, eastern Burma. This report was originally sent directly from the areas under attack. For detailed reports, photos and maps sent from the field please see: www.freeburmarangers.org.

- 1) Introduction
- 2) Character of the attacks
- 3) Patterns
- 4) Nyaunglebin District (Kler Lwe Htu)
- 5) Papun District (Muthraw)
- 6) Toungoo District (Taw Oo)
- 7) Conclusion
- 8) Appendix A: Burma Army units involved in this offensive

1) INTRODUCTION

The Burma Army's offensive in the northern three districts of the Karen State has killed over 370 men, women and children and displaced over 30,000 people—many of whom are now in hiding. Over 103 (as of April 2008) new Burma Army camps have been built in this area of Papun, Nyaunglebin and Toungoo districts. The slow but unrelenting attacks and building of new camps seem to be driven by a plan to dominate, chase out or crush any Karen people in these areas. This is the largest offensive against the Karen people since 1997. This offensive began in February 2006, with troops from over 50 battalions attacking right through the rainy season and continuing into 2008, and the construction of 103 new camps. The Burma Army is now constructing two new roads that when complete will cut the northern Karen State into quarters.

While the scale of displacement and destruction is large, people die individually, each death an irre-

placeable loss. On the first of November 2006, a father of six, Saw They Shur, was burned alive by Burma Army soldiers in his home at Play Hta Village, near Hoki, Toungoo District. He was 47 years old and married with 6 children. His wife and children are now in hiding with the others who escaped the village while it was burned to the ground. And earlier, in April 2006, a 9-year-old girl was shot and her father and 80-year-old grandmother killed as her family fled the attacking Burma Army. The disruption of their food production, burning of their homes and the shoot-on-sight orders of the Burma Army, have made staying in their homeland untenable for thousands more.

Of the over 30,000 displaced, over 7,000 people have already left their homes for the Thai border. The people here need immediate protection and the freedom to return to their homes. Because of these attacks they also need food, medicine, shelter and help to rebuild their homes, schools and lives.

2) CHARACTER OF THE ATTACKS

During this offensive the Burma Army has deployed over 50 battalions into the northern districts. These battalions have been attacking in 2-4 week cycles throughout the rainy season. 2-4 battalion-sized task forces with limited objectives conduct most operations. Once these objectives are met, the units return to a base to re-supply and then re-deploy on another series of attacks. The time between attacks is usually 2-4 weeks. Attacks are usually two-pronged sweeps with the task force split into two columns, moving in parallel on separate terrain features and linking up at an intermediate objective. One column of 1-2 battalions will attack along an axis of advance, destroying villages and chasing the displaced. The other column of 1-2 battalions conducts a parallel movement to contact and then both units meet at the limit of their advance then return to their base of origin or move together to a different support base.

When the Burma Army arrives near a village, they often mortar and machine-gun the village first and then enter the deserted village to loot and sometimes destroy the homes. Landmines are then laid in the village and on the routes that villagers use in and out of the village. If a villager is seen, he or she is shot on sight. Due to the slow progress of the Burma Army and the security provided by the KNU resistance, most people can escape. However, over 370 men, women and children have been killed

"The past few months the Burma Army has attacked so much that many of the hiding places were overrun and we could not direct all the people—many were scattered in the jungle. Now it is a little better as the Burma Army is busy building up their new camps. But when they are finished with the new camps they will come again. This is a very bad offensive for us all and we do not know how we will manage it. But we must try and we will not leave our homes."

with 27 of these in Mon Township, Nyaunglebin District alone.

When the Burma Army launches these attacks, people in the path of the advance flee into the jungle—usually to prepared hiding places if possible. Once the Burma Army's initial objective—for example, the patrolling of a given area, the destruction of villages and chasing out of the population, or the building of new camps—is completed and troops return to their camps, the villagers try to return to or near their fields and villages. During this offensive there have been many Burma Army units attacking on different fronts. As one resistance leader said, "The last few months the Burma Army has attacked so much that many of the hiding places were overrun and we could not direct all the people—many were scattered in the jungle. Now it is a little better as the Burma Army is busy building up their new camps. But when they are finished with the new camps they will come again. This is a very bad offensive for us all and we do not know how we will manage it. But we must try and we will not leave our homes."

The resistance, Karen National Union (KNU), is trying to protect the people and provide early warning. The villagers try to sustain themselves and their communities by gathering food, even under the guns of the Burma Army. The numbers displaced at any given time vary depending on the activities of the Burma Army. When the Burma Army



IDPs fleeing from Toungoo District. April 06.



Villagers hiding in Toungoo District. December 05.



Children hiding. 2006.

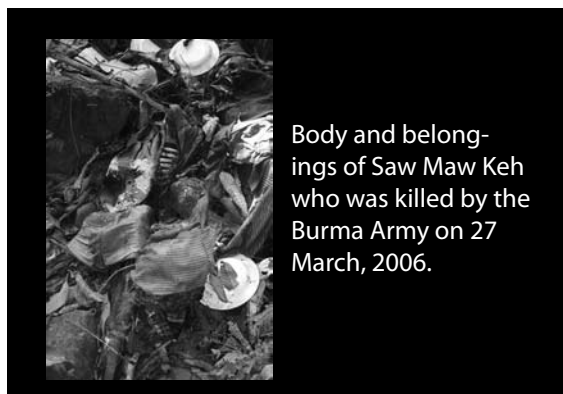
troops are out on operations, the people flee. When the troops go back to their camps the people try to come back.

3) PATTERNS:

Some patterns are clear and constant:

a) Displacement of the Karen people and willingness to kill civilians:

The displacement of the Karen people in this area has not relented and of the over 30,000 displaced, many will not be able to go back to their homes even if the offensive slows. This is because of the over 103 new Burma Army camps that dominate the area. The Burma Army has killed over 370 men, women and children during these attacks. The Burma Army seems more focused on driving out the villagers of these areas than engaging the resistance directly. Direct results of these attacks are people being killed or displaced, villages, farms and food supplies being destroyed and trails mined.



b). Food shortage and increased rates of sickness among IDPs:

Indirect results of these attacks have been increasing malnutrition and a higher rate of sickness. Food supplies are very low and without outside help it will be very difficult for the people in hiding to survive. There are many sick people here due to the attacks. Along with increased rates of sickness and mortality, the people here are now much more susceptible to all types of disease, especially dysentery, skin diseases and malaria. This is a result of living on the run, lack of shelter and clean clothes, poor nutrition and sometimes crowded hide sites. (The Backpack Health Worker Teams and Karen Human Rights Group have published reports that show the correlation of human rights abuses and the resultant drop of health in the areas under oppression.)

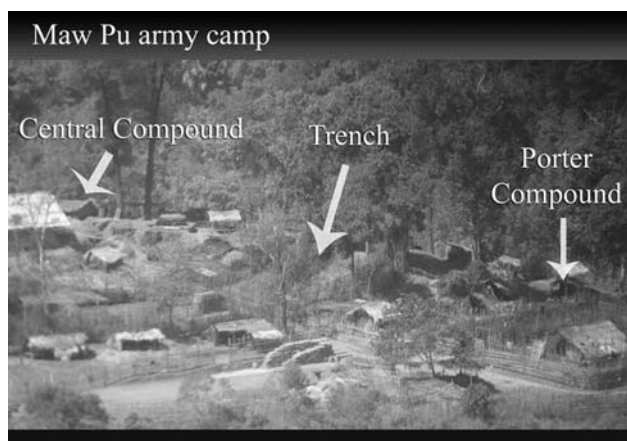
Note: Due to an unusually high patient load, in some areas the FBR relief teams are now going through one medical unit (standardized medical unit for FBR and

Backpack Health Worker Teams) in one week. This unit can serve over 1,000 people and usually lasts 3-4 weeks.

c) New Burma Army Camps:

(please see the complete list of coordinates for these camps in Appendix B of this 'A Campaign of Brutality' report.)

There are 103 new Burma Army camps in 2006-2008 alone. These camps are mostly placed along road lines and planned new road lines.



I. Nyaunglebin District: 39 new camps

II. Papun District: 38 new camps

III. Toungoo District: 26 new camps

Total: 103 new camps

Once the Burma Army establishes a new camp, it shells surrounding rice fields, patrols, and shoots anyone it sees on sight. In spite of the new camps and ongoing operations the people here have not given up and daily try to get to their fields to harvest the remaining rice. For example, in early December villagers abandoned two villages and some fields where the Burma Army had tried to shoot them. Relief teams met a group of women returning to this area who said they would try to go to their old fields as there was still rice there and they needed to get it for their families. The Karen resistance and those village men with weapons try to provide security. This security is limited, however, and cannot stop the mortaring from the camps. The villagers work together to help each other. One villager said, "No matter what they do I will not run away, this is my home, I will die here." Team members told him, "Don't die here, your people need you—stay but live." He then said, "Some have the duty of defense when the Burma Army attack us and some are leaders, but someone has to carry the rice for everyone. I am a strong man and that is

what I do, I carry rice for all. So it is not a duty of a great man but it is my duty and I will try my best."

Still the Burma Army continues to build new camps, and as of this report more are under construction.

d) Use of villagers as human shields and human minesweepers to improve and expand old roads

Division 66 forced villagers to clear landmines and act as human shields on the Toungoo-Mawchi Road. Villagers from 12 villages surrounding Baw Ga Lyi Gyi (on the Toungoo-Mawchi Road) have been forced to act as human shields around a bulldozer and to go ahead of the construction unit to clear the roadway of potential landmines. One example is the villagers from Maung Pah Der village. There are 55 households in Maung Pah Der village and the Burma Army forced 1 person from each household to take security for the bulldozer with 5 men walking on the left side, 5 men on the right side, 3 men on the bulldozer itself and the rest in front of and behind the bulldozer. This follows the forcing of 850 villagers to carry supplies for the Burma Army and to act as human minesweepers in May and June along the same road.

e) Forced labor: The following are some of the many examples of forced labor in this area:

On 30 November, 2006, LIB 590 ordered 20 villagers and 6 ox carts from Mae Ta Taw, Myaw Oo, Paw Pi Der, Aung Chan Tha and Htee To Lo villages to carry food supplies to their camp. The villagers had to move all supplies from Ye Oh Sin to the Htee La Baw Hta Burma Army camp. On 16 November, IB 439 and battalion commander Zaw Tun in Shazibo camp, demanded 125 ox carts from area villagers to help the Burma Army move their rations. On 5 December, 2006, Division 66 commander Maung Maung Aye ordered LIB 6 Battalion commander Aung Soe Win to send 35 people from Kaw Thay Der village to carry army supplies from Kaw Thay Der to Naw Soe. People were also ordered to carry supplies from Naw Soe camp back to Baw Ga Lyi Gyi camp. On the same day General Maung Maung Aye ordered villagers from Wa Thee Ko to cut 300 pieces of bamboo and take them to Wa Thee Ko for the building up of the camp there.



Some of more than 850 villagers forced to porter for the Burma Army in Toungoo District. May 06.



Villagers being forced to clear a road in Toungoo District. April 06.



Boy cries in the rain as he flees the Burma Army. Mon Township. April 06.

f) Roads:

The Burma Army is using forced labor, human shields and human minesweepers to improve their existing road network in the mountains east of Toungoo. Along with these existing roads, the Burma Army is now constructing two new roads. The Burma Army is now nearly finished with a new road from Ler Mu Plaw in Papun District to Busakee in Toungoo District. When completed, this road will cut the northern Karen State into quarters.

The Burma Army MOC 10 and one TOC of MOC 15 have advanced on the high ground west of the Yunzalin River along this planned new road from Ler Mu Plaw to Busakee. There are 13 new small camps on this route now. Villagers attempting to go back near their fields to harvest their rice are shot on sight. A second road is also nearly finished that connects Mon Township in Nyaunglebin District to Toungoo District at Busakee.

g) Forced Relocation:

In this area three new forced relocation sites were newly established starting in April 2006 and one in 2007.

- 1) Tha Byin Nyu relocation site: More than 1,000 people from Yu Lo and Ka Mu Lo villages.
- 2) Maw Kae Tha Per Ko relocation site (Kanzobyn): Between 750-800 people from Maw Kae Tha Per Ko, Au Ywa, Tha Kewy La Ko villages.
- 3) Maladaw, Mon Township: 900 people to a relocation site, Mon Township, Nyaunglebin District, Karen State.
- 4) Ler Doh, Nyaunglebin District: over 1,000 people forced to relocate into the Ler Doh area.

900 people from three villages, located near Maladaw Burma Army camp have now been forced to move to the relocation site. This forced relocation site is located around a cemetery the villagers used in the past. Maw Kae Tha Per Ko, Maladaw, and Tho Kway Lay Ko villagers were forced to leave their villages and move to a relocation site west of Maladaw camp. The Burma Army has taken over the villages and is now cutting down the trees to build bunkers and fortifications around Maladaw camp. The soldiers have stripped the villagers' cashew and durian orchards.

All villagers who live in the relocation site have been forced to build their homes close together in rows. Daily worship is forbidden and worship is

only allowed once a week. There is a daily curfew and the villagers are not allowed to leave the area without permission. They can go to the market on Tuesday and Saturday only. They can go to their fields with only food for the day and must return to the relocation site by 4 p.m. The Burma Army has warned the villagers that they have placed landmines around the relocation site to ensure compliance. The villagers must pay a 30,000 kyat tax for a new home in the relocation site. People are forced to improve roads and provide labor on demand for the Burma Army. The relocation of these 900 people began in May 2006 and was completed in November 2006.

h) Prisoner Porters: 2,200 porters, 265 reported dead.

The Burma Army has used over 2,200 porters in this offensive and over 265 have been reported dead, many of whom were executed. Among the porters in Papun District alone, there are over 20 child porters (boys under 16 years old from Insein Prison). The Burma Army is now using the term "transporter" — "Woon Htan" — instead of "prisoner porter" to describe the people they force to carry their loads. The following information is from escaped porters, Burma Army deserters and villagers who have seen the bodies of dead porters. Porters are beaten and poorly fed. If they cannot carry loads they are often beaten to death or shot. Some who become sick are given an injection of an unknown drug and these porters reportedly die within a few hours.

Porters who were killed by the Burma Army or who died from sickness as they carried loads:

Nyaunglebin District: Of the over 600 porters used in this area, over 20 have died.

Papun District: Of the over 800 porters used in this area, 150 porters died—by torture, by execution and by sickness (dysentery is the most often cited).

Toungoo District: Of the over 800 prisoner porters (not counted are the over 850 villagers used to carry loads for the Burma Army), 95 were killed. Some were reportedly killed by having their throats cut, others starved to death.

Total*: 2,200 porters, 265 dead.

(*Totals as of November 2007)



Porter killed by Burma Army near Baw Kwaw. Nyaunglebin District. December 06.



Porter killed by Burma Army. July 06.

The Burma Army has used over 2,200 porters in this offensive and over 265 have been reported dead, many of whom were executed. Among the porters in Papun District alone, there are over 20 child porters (boys under 16 years old from Insein Prison).

i) Landmines:

The Burma Army is making extensive use of landmines in villages, homes and trails in order to make the area unlivable for the population. The Burma Army copy of the M-14 anti-personnel mine is becoming very common with nine of these landmines recovered in one village area alone. The Burma Army also uses larger mines and Improvised Explosive Devices (IEDs) as described in one example below.

A Burma Army landmine/IED killed three and wounded eight in Mon Township, Nyaunglebin District, Karen State, eastern Burma, on 2 December, 2006. After chasing the villagers away from the Baw Kwey Day (Ti Ko) area of Mon Township, the Burma Army entered the village and placed this landmine under a fireplace with the triggering device/pressure plate buried in the ground close to the fireplace. A group of resistance soldiers (KNU) who were providing security for the displaced people in this area triggered this landmine/IED. Three died and eight more were injured, four of them seriously. The landmine/IED was not the normal type used by the Burma Army. The hole dug for the mine was over one and a half meters deep and 15 centimeters wide. The hole seemed to be dug by an auger or posthole digger. The device was triggered by a blasting cap and what seemed to be a piece of detonation cord that was placed on a stump and ran down to the mine. When the men gathered around the fire they stepped on a pressure plate that fired the blasting cap and ignited the detonation cord that set off the mine. There was a delay of three seconds from the time the men heard the ignition and the explosion. It is possible that the mine also bounced up one meter before it exploded or this was an anti-vehicle shape-charge that directed the explosion straight up. One man suffered massive head trauma and died instantly, one man lost both legs and died instantly and one man died while being carried to a mobile clinic. The survivors are now being treated and when stabilized, some will need to be evacuated for more extensive medical care.



Porter forced to carry gasoline for the Burma Army. 2006.



Man killed by Burma Army landmine. Mon Township, December 2006.

4) NYAUNGLEBIN DISTRICT (Kler Lwe Htu)

*Over 36 men, women (including a pregnant woman) and children have been killed by the Burma Army. 11,000 displaced in all three townships. This number varies from 5,000-11,000 depending on Burma Army activities. *as of November 2007.*

SHWEYGYN AND KYAUK KYI TOWNSHIPS:

9 villagers killed and 2,000-6,000 displaced depending on Burma Army activities. Recent attacks on 25 November, 2006, in Shwegyyn Township and patrolling in Kyauk Kyi Township. Military Operation Command (MOC) 21 is operating in Kyauk Kyi and Shwegyyn townships, Nyaunglebin District. IB 47, IB 56, IB 223, IB 237, IB 276, LIB 320, LIB 387, LIB 438, LIB 601, LIB 602

MON TOWNSHIP

27 civilians have been killed and over 5,000 people displaced in Mon Township.

Now in Mon Township: over 3,000 displaced (over 1,500 IDPs north of the Mon River, over 1,600 IDPs south of the Mon River) 1,000 in other districts.

Over 1,000 to refugee camps or IDP safe sites out of the district.

MOC 16: Brigadier General They Oo—commander of LIB 507 at Paungziet-Maladaw-Ka Pa Ta, patrolling against the civilians hiding in the jungle north of the Mon River, in Mon Township, Nyaunglebin District, Karen State. *units attacking in Mon Township—other MOC 16 units are operating in Toungoo District.

*LIB 522 at Maladaw camp

*LIB 567 at The Byn Yu-Maladaw- Te La Baw Hta

*LIB 568 at Play Sa Lo-Ye Ta Gone

*LIB 323 at Paunziet; building a new camp and patrolling against the civilians hiding in the jungle in the area north of the Mon River.

*IB 240 at Po Ro Soe—a new camp west of the Pada Chaung River.

*IB 241 Ka Mu Loe Mon/Tantabin border area but have been ordered back to rest and refit at Shan State-Thien De camp in Shan State.

*IB 242 at Play Hsa Lo

*IB 68 in Toungoo District—exact location unknown.

*IB 69 at Te Wa Bwey Kee, a new camp near Kyauk Pia. Under Southern Command:

(also of Southern Command—LIB 590 and LIB 599 are patrolling the Kyauk Kyi - Hsaw Hta Road in the area east of Muthey camp).

Number of villagers killed and wounded in Mon Township alone by the Burma Army since February 2006:

27 villagers killed, 4 wounded

—26 by gunshot, 1 by landmine
—3 men wounded and 1 child (9-yr-old girl).

Villages and number killed:

—Saw Ka Der: 3 villagers killed (1 woman, 1 man, 1 child)
—Ler Kla: 4 villagers killed (4 men)
—Tee La Baw Hta: 1 villager killed (1 child)
—Kwee De Kaw: 3 villagers killed (3 men)
—Kyauk Pia: 5 villagers killed (4 men, 1 80 yr old woman)
—They Baw Der: 2 villagers killed (2 men)
—Saw Wah Der: 2 villagers killed (2 men)
—Kyauk Kyi Pauk: 2 villagers killed (2 men)
—Paw Pe Der: 1 villager killed (1 man)
—Maladaw: 4 villagers killed (4 men)

Mon Township village tracts most under attack:

- 1) Saw Ka Der: 300 people, 5 villages
- 2) Tee La Baw Ta: 3 villages
- 3) Ler Kla: 4 villages
- 4) Kwee De Kaw: 9 villages
- 5) Kyauk Pia: 3 villages
- 6) They Baw Der: 4 villages
- 7) Yaw Kee: 1 village
- 8) Keaw Pu Der: 1 village
- 9) Saw Ti Der: 1 village

Total: 31 villages

Miscellaneous Numbers:

KNU soldiers killed by landmines: 3

Villager killed by landmines: 1

KNU soldiers injured by their own mines: 5

Burma Army killed and wounded in Mon Township since February: over 100

Villages destroyed or abandoned:

Villages burned: 5 (this does not include the many field houses and rice barns burned throughout Mon Township. Landmines were then placed on trails and in the remains of the villages themselves).

Names of burned villages in Mon Township:

— Tee La Baw Hta village tract: Nwa Hta and They Kwey Lu villages burned
— Kwee De Kaw village tract: Tha Po Hta Village burned and police station nearby burned
— Saw Ka Der village tract: Ti Say Day village burned.

* 7 Village Tracts of 21 villages completely abandoned. In the remaining 7 village tracts some villages still have some of their population while some have lost over half the village as people fled attacks and did not come back.

Abandoned village tracts:

- Tee La Baw Hta
- Kwee De Kaw
- Kyauk Pia
- Saw The Der
- Kwey Pa Der
- Yaw Kee
- Ler Kla

Villages that have less than half their usual population:

- Saw Ka Der
- Klaw Kee
- They Nwey Kee
- Saw Kee
- Ti Ko
- Tha Wa Po
- They Baw Der
- Play Pa
- Play Kee
- K'Ser Kaw Hti
- Saw Wah Der

Roads now being planned in Mon Township: Tha Byin Nyu-Maladaw-Chipyauung-cross the Paly or Yaukthawa River-Yaw Kee-Busakee .

5) PAPUN DISTRICT (MUTHRAW)

In June and July of 2006 over 7,000 people were displaced. Over 20 convict porters were reported killed and 5 villagers were killed and 8 wounded by the Burma Army. When the Burma Army shifted its focus to the new road project from Ler Mu Plaw to Busakee many people were able to return to their villages. The Burma Army is focused on the new road project from Ler Mu Plaw to Busakee. As of this report there are still over 7,000 people displaced. The new road is called the Naypidaw Road, named after the new capitol of Burma.

Along the route of this road 15 villages and over 3,000 people have been displaced:

- Ti Si Ki: 59 F, 74 M, 143 total (17 families)
- Thy Thoo Ki: 334 total (53 families)
- So Pa Ko: 167 F, 181 M, 348 total (41 families)
- Thaw Ku Mu Der: 129 F, 125 M, 254 total (37 families)
- The Ne Ko: 84 F, 80 M, 160 total (50 families)
- Kay Pu * Not run: 450 total (69 families)
- Haw Thay Kee: 20 total
- Plo Ki: 200 ran and now are back, but ready to flee again
- Naw Baw Law Paly: 50 total
- Ka Baw Kee: 79 families—fled and returned
- Thay Bo Paw, Klo Klaw Hta, Tee Mu Kee, Thay Wa Jo: 100 people total (30 families)
- Kay Pu, Baw, Lay Der, Si Day: 900 people total

6) TOUNGOO DISTRICT (Taw Oo)

45 men, women and children have been killed by the Burma Army. In November 2006, two children, a five-year-old girl and two-year-old boy, were captured by the Burma Army and have not been released. An escaped porter reported seeing 95 convict porters executed. There are over 6,000 people displaced in Toungoo District now. Division 66 and MOC 15 are attacking villagers and trying to push a new road from Busakee to Ler Mu Plaw in Papun District. Five new camps have been built this year. The Burma Army continues to burn villages, build up the five new camps it has built there and is forcing villagers to clear landmines and act as human shields on the Toungoo- Mawchi Road. Villagers from 12 villages surrounding Baw Ga Lyi Gyi (on the Toungoo-Mawchi Road), have been forced to act as human shields around a bulldozer and to go ahead of the construction unit to



Villagers return to retrieve belongings from hiding places. Mon Township, April 06.

The 12 villages are:

- Baw Ga Lyi Gyi
- Ye To Gyi
- Yee Tho Gale
- Si Si Thaung
- Kyaw Ponge
- Baw Ga Lyi Ley
- Ga Mu Der
- Der Doh
- Mae Kyaw
- Sa Ba Gyi,
- Kubyaung
- Pyaungtho

The village of Ber Ka Lay Ko was attacked and burned by IB 11 and IB 14 on 14 November, 2006. On 16 November, IB 11 and IB 14 then burned They Gi La village. On the same day these two units also burned Htee Hsa Ber village. MOC 16 troops are trying to block all travel from the plains to the mountains. The area east of the villages of Htee Nyah Bel Lo, Htee Co Lo, Play Hser Lo, Bo Moe Dee, Shan Zee Bo, Tantabin, Swa Lo, and Da Pyin Noint is being patrolled and all travel stopped. No rice or any goods are allowed to go from the plains to the mountains.

Villages and IDP sites mortared:

On 22 November, 2006, at 12: 00 hrs, Battalion IB 6, columns 1 and 2 attacked the Saw Wah Der area with mortars attempting to destroy the IDP's hiding there. At 4 p.m. they fired 15 more mortar rounds into the Sho Ta IDP area. On 6 December, Battalion IB 35 from Pa Na So army camp and LIB 6 from Kaw Thay Der mortared Saw Wah Der village with 60 mm mortars. They fired mortars throughout the day and ceased firing at 6:30 p.m.

Children Captured:

On 22 November, 2006, Burma Army Division 66, TOC 662 attacked Klay War Moh Taung village and captured a group of villagers on their way to Kler Ler village. All the villagers but two children were released. A 5-year-old girl and 3-year-old boy are still captive. Naw P' Lay Way is five years old and Saw Taw K' Loh Mu is three years old. They are from Tee Hser Bur village and are the children of Saw Hser Hla Lar.

Adults captured:

On 2 December, 2006, two men, Saw May Htoo, 47

ys and his son Saw Thaw Thi Htoo, 17 years old, from Taw Ku village, Tan Ta Bin Township, were captured by the Burma Army and taken to Taw Ku BA IB 48 camp. They have not been released yet. The family has been forced to move to Taw Ku village.

Headmen Captured:

On 3 December, 2006, three headmen were captured and taken to IB 48 camp at Taw Ku. The headman from Jee Pyu Kon village, U Ba Sein, 50 yrs old has not been released yet. The headman from Taw Ku village, U Shwe Moun, 50 years old, has not been released yet. The headman from Ye Shan village was captured and now has been released.

Killed and Captured Villagers:

North of the Toungoo–Mawchi Road the Burma Army continues patrolling since it burned down Ber Ka Lay Ko and Oo Per villages, on 14 November. Troops from Division 66 killed three villagers and captured over 30 men, women and children: their status is unknown. The Burma Army has a plan to improve the road to Mawchi.

Helicopters:

The Burma Army used helicopters on 6 and 7 December to move troops and supplies to Busakee Camp, Toungoo District, Karen State, eastern Burma. Busakee is located at the terminus of the Toungoo- Baw Ga Lyi Gyi- Busakee Road and is one of the launch points for the Burma Army for this offensive that has displaced over 30,000 people since 2006. MOC 15, commanded by General Aung Nyeing, is headquartered at this base. Busakee is located at: latitude N 18 44' 00", longitude E 96 56' 10" (British 1 inch, 1:63,360 maps: map sheet 94 B/14, 473 705).

On 6 December, 2006, two helicopters each made six round trips from Pyinmana to Busakee camp, dropping off 68 troops and one load of ammunition and rations. Arrival times: Between 08:30 a.m. and 4:30 p.m. (all times local Burma time).

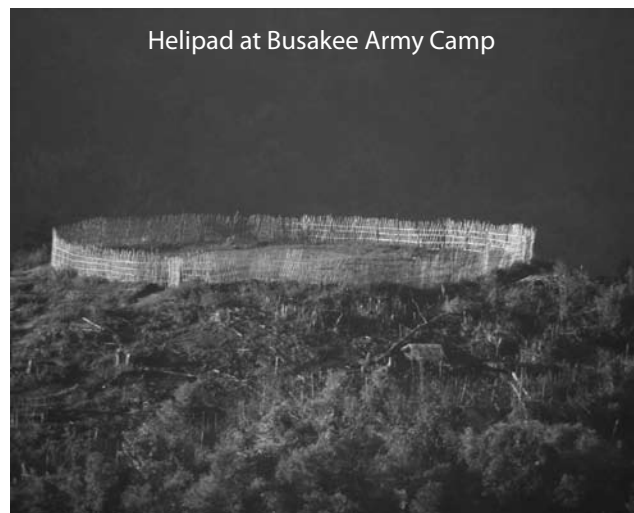
On 7 December, two helicopters made three round trips each to drop off ammunition and rations and then one helicopter made a final flight and dropped off a load of men wearing white shirts and longyi. The first flight arrived at Busakee camp at 8:30 a.m. (All times are local Burma time). Second flight arrived at 11:30 a.m. and the third flight

arrived at 1:30 p.m. and the fourth flight of one helicopter arrived 2:30 p.m. All helicopters have now returned to Pyinmana.

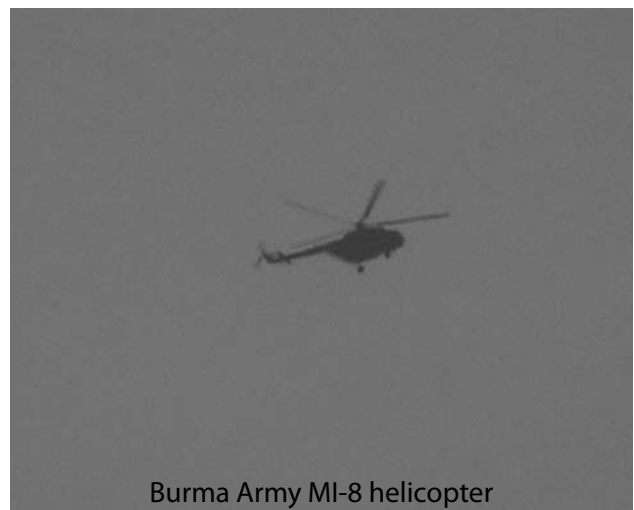
Note: The use of helicopters by the Burma Army to move troops at the front line is unusual.

7) CONCLUSION:

The Burma Army is attempting to destroy the KNU in the northern districts and completely dominate the Karen people. This is the largest offensive since 1997 and the over 30,000 displaced people are in a dangerous situation. The international community needs to take action now to stop the Burma Army and provide immediate relief for the people under attack.



Helipad at Busakee Army Camp



Burma Army MI-8 helicopter

APPENDIX A: BURMA ARMY UNITS INVOLVED IN THIS OFFENSIVE, 2006-2007:

Note on casualties: Although the Burma Army has committed one division (10 battalions), four MOC (7-10 battalions in the field per MOC) and troops from Southern Command, they have not been able to chase out all of the Karen nor have they been able to decisively defeat the Karen resistance (KNU). Figures are for 2006 only.

Total estimated Burma Army casualties for this offensive in 2006 is over 1,150, while total KNU casualties are 19 dead and 36 wounded.

Nyaunglebin: 197 Burma Army KIA/WIA. 9 KNU Killed in Action (KIA) KIA/ 15 Wounded in Action (WIA).

Papun: Over 460 Burma Army KIA/WIA. 5 KNU KIA/ 11 WIA

Toungoo: Over 500 Burma Army KIA/WIA. 5 KNU KIA/ 10 WIA.

Please see our report on the website: "An appreciation of the Situation," January 2006, for an analysis of how the Burma Army fights and why the resistance can still continue.

The Burma Army has deployed troops from Southern Command, Division 66 and four Military Operations Commands: MOC 10, MOC 15, MOC 16, and MOC 21. MOC 15, MOC 16, and MOC 21 are reported to be under the Operational Command of the Southern (Regional) Command Headquarters at Toungoo. Division 66 is leading the attack in Toungoo District and MOC 10 is operating as the security force for the Kyauk Kyi-Hsaw Hta Road and is supporting MOC 15's attacks and building of camps along the line of the projected new road that will divide Papun and Toungoo Districts. The units involved in this offensive are listed below: Southern Command - HQ at Toungoo; Maj Gen Ko Ko in command.

Now operating in Toungoo and northern Nyaunglebin District: IB 30, IB 39, IB 48, IB 53, IB 57, IB 60, IB 73, IB 75, IB 124, IB 264, LIB 349, LIB 350, LIB 351, LIB 439, LIB 440, LIB 589, LIB 90, LIB 599.

Military Operation Command (MOC 10) - HQ at Kalay, Sagaing Division (from the Northwest Command) operating on the Kyauk Kyi-Hsaw Hta road and supporting MOC 15 operations in Papun District: LIB 361, LIB 362, LIB 363, LIB 364, LIB 365, LIB 366, LIB 367, LIB 368, LIB 369, LIB 370, (Note: On the first week of December, the units belonging

to MOC 15 (One TOC of MOC 15 had the new road mission), were replaced by one TOC of MOC 10. The MOC 15 units then went back to the Ler Mu Plaw area to take the place of the MOC 10 units. The reasons for this change are yet unknown.)

Military Operation Command (MOC) 15 - HQ at Buthidaung, Arakan State (from the Western Command): Split into two TOC's of three lines and one HQ battalion. One TOC in Toungoo District is advancing south into Papun District from the vicinity of Baw Ga Lyi Gyi and Busakee; one TOC is advancing north from Papun District into Toungoo District. These two forces are opening up a route for a new road that when complete will connect the PwaGawa-Ler Mu Plaw Road to the Busakee-Baw Ga Lyi Gyi- Toungoo Road. This road will divide the northern Karen State into quarters and split the Papun and Toungoo Districts. Brigadier General Aung Nye is the MOC 15 commander at Busakee. TOC 1 (LIB 552 and LIB 551) are at Busakee. LIB 352 and LIB 353 at Plo Mu Der Piang Ma Tho)—7 miles west of Busakee. And one TOC, TOC 2, (LIB 534, LIB 565, LIB 564) in the Kay Pu area of northwest Papun (Muthraw) District. This unit is building camps and surveying the planned new road from Ler Mu Plaw to Busakee. Units: LIB 345, LIB 352, LIB 353, LIB 535, LIB 536, LIB 537, LIB 551, LIB 552, LIB 564, LIB 565.

Military Operation Command (MOC) 16 - HQ at Thein Ni, Shan State (from Northeast Command), Col Zay Oo, commander. MOC 16 is operating both in southern Tantabin Township, Toungoo District, and Mon Township, Nyaunglebin District: IB 68, IB 69, IB 240, IB 241, IB 242, LIB 323, LIB 507, LIB 522, LIB 567, LIB 568.

Military Operation Command (MOC) 21 - HQ at Moe Mait, Kachin State (Northern Command) - Col Aye Hlaing. MOC 21 is operating in Kyauk Kyi and Shweygyn Township, Nyaunglebin District: IB 47, IB 56, IB 223, IB 237, IB 276, LIB 320, LIB 387, LIB 438, LIB 601, LIB 602

Light Infantry Division 44 - HQ at Thaton, Mon State - Brig Gen Hla Myint Swe. Now in the Sittang River valley—not yet directly involved in this operation but in support: IB 2, IB 8, LIB 1, LIB 2, LIB 3, LIB 9, LIB 102, LIB 104, LIB 118, LIB 207.

Light Infantry Division 66 - HQ at Pyi, Pegu Division is attacking in the Than Daung and Tantabin Townships Toungoo District: IB 1, IB 11, IB 14, IB 35, IB 80, IB 4, LIB 5, LIB 6, LIB 10, LIB 108.

Light Infantry Division 101 - HQ at Pakkoku, Magwe Division is not directly involved in this offensive- local patrolling): LIB 251, LIB 252, LIB 253, LIB 254, LIB 258, LIB 259.



Mother carrying 2 babies while fleeing from the Burma Army. 27 April, 2006.



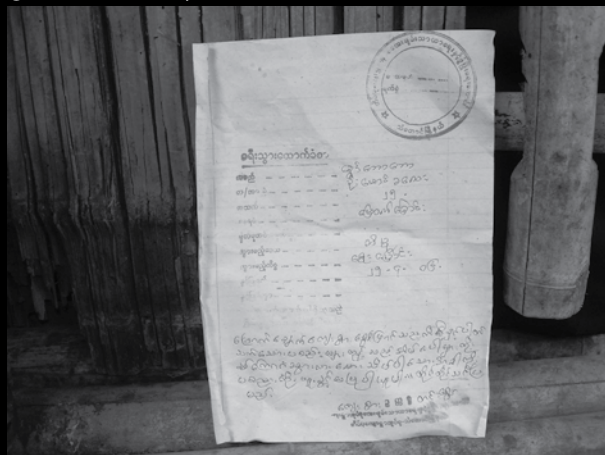
850 villagers forced to porter for the Burma Army. Toungoo District, May 06.



Some of 850 villagers forced to porter. Toungoo District, May 06.



Burma Army officer overseeing forced labor in Toungoo District, May 06.



Burma Army forced relocation regulation. Toungoo District, May 06.

Government actors are liable to two types of international law: qua treaty law and customary international law. Qua treaty law obligates state actors to adhere to the standards established in international treaties the state has ratified. Customary international law governs all state actors, regardless of the state's affiliation to any treaty.¹

1 "International Law." Wex – Cornell Law School, June 5, 2006. http://www.law.cornell.edu/wex/index.php/International_law.

V. A CAMPAIGN OF BRUTALITY: LEGAL REPORT ON THE BURMA ARMY'S ATTACKS IN NORTHERN KAREN STATE, EASTERN BURMA



Families flee across a road controlled by the Burma Army. December 06.

The following is a synopsis of FBR team reports from February through June 2006. While it uses only a sample of the reports on the entire offensive, it demonstrates conclusively the violations of international humanitarian law perpetrated by the Burma Army on its own people. It also tells the story of a people who are living on the edge of survival but who are willing to give everything in their struggle for freedom from a predatory army. It provides evidence that demands a response.

A Campaign of Brutality:

Legal Report on the Burma Army's Attacks in Northern Karen State, Eastern Burma

I. Introduction

Saw Maw Keh was a farmer in Mon Township, Nyaunglebin District, Karen State. He lived there with his wife, Naw Bee Ko, and their four children, ages eight months to nine years old.¹ After his brother was murdered by the Burma Army, Saw Maw Keh dutifully married his late brother's wife. Saw Maw Keh worked hard on his farm to provide for his wife, mother, three adopted daughters and his natural son, Saw Htoo Ka Paw Doh.²

On March 27, 2006, as part of a larger military campaign to uproot and displace the civilian population in Nyaunglebin District, Karen State, the Burma Army targeted Saw Maw Keh's village. Upon learning of the Army's approach, Saw Mah Keh's family and the rest of the villagers fled their homes and sought temporary cover in a gully near the village. Shortly thereafter, the villagers left the gully for a ridge overlooking the village. Saw Maw Keh put his mother on his back, because at the age of 80 she could not make the climb, and proceeded to lead the group up to the ridge.³

Unbeknownst to Saw Maw Keh and the villagers, Burma Army soldiers had already positioned themselves behind some logs on the top of the ridge. When the unarmed villagers came within 15 yards of the soldiers' position, the soldiers began firing their weapons at them. The soldiers gave no warning prior to firing their guns.⁴

When the gunfire started, all the villagers ran and Saw Maw Keh's mother fell from his back. Hearing her cries, Saw Maw Keh ran back to help her. The soldiers continued to fire, striking Saw Maw Keh in the chest and his mother in the neck, killing them both. The soldiers also shot Saw Maw Keh's 9-year-old daughter, Naw Eh Ywa Paw, as she ran from the attack with the rest of the group. Naw Eh Ywa Paw survived her gunshot wounds and after walking several days in the jungle eventually made it to relative safety with her mother and siblings.⁵

The murder of Saw Maw Keh and his mother is just one of the many documented accounts of the Burma Army's practice of displacing and terrorizing the ethnic minorities throughout Burma. This report details human rights violations committed by the Burma Army in Karen State and documented by Free Burma Ranger relief teams in 2006. The crimes documented here are by no means an exhaustive record of the atrocities that the Burma military has committed against civilian populations. Rather, this report provides only a few snapshots of the countless abuses that the Burma Army continues to commit in its ongoing campaign against the civilian populations in Karen State, Burma.

1 "Nine Year Old Girl Shot by Burma Army – 9 April 2006." April 10, 2006. http://www.freeburmarangers.org/Reports/20060410_girl_shot.htm.

2 "Relief Team Finds Bodies of Murdered IDPs." April 19, 2006. <http://www.freeburmarangers.org/Reports/20060419.html>.

3 *Id.*

4 *Id.*

5 *Id.*

II. Facts Evidencing Oppression by the Military Junta in Burma

A. The Government's Policy of Attacking and Displacing Villagers

1. General Information

Ethnic minorities make up 32% of the population of Burma (some estimates put the ethnic minority population at over 40%) with the remainder ethnic Burmans.⁶ For over 50 years the ethnic minority groups of Burma have fought to preserve their freedom from the oppressive military junta. The primary resistance group in Karen State, Burma, is the Karen National Union (KNU) and their armed defense organization, the Karen National Liberation Army (KNLA). Several other ethnic minority groups (such as the Shan, Karenni, etc.) have active resistance elements as well. The Burma Army habitually terrorizes, harasses and attacks the ethnic minority villagers in order to undercut the resistance groups. These attacks have displaced up to a million villagers,⁷ and the frequency and magnitude of human rights violations committed in the course of this displacement is equally substantial.

Burma has been under dictator rule since 1962, when General Ne Win overthrew the acting prime minister and proceeded to rule the country for the next twenty-six years. Ne Win instituted the Four Cuts Program to fight the ethnic minority resistance to his illegitimate reign. The program's aim was to cut off intelligence, food, funds and recruits to these resistance groups. To effectuate this policy the military systematically targeted the civilian population, attempting to make the villagers' condition so unbearable that supporting army resistance would become unfeasible.⁸

Ne Win's reign came to an end in August 1988, one month after slaughtering thousands of students, monks and other pro-democracy protesters in the streets of Burma. Despite the populace's discontent with Ne Win, he was able to choose General Than Shwe and the leaders of the junta that would rule Burma following his demise. In 1990, the junta, initially known as the State Law & Order Restoration Council (SLORC) and later renamed the State Peace and Development Council (SPDC), briefly bowed to internal pressure and allowed free elections to take place.⁹ The National League for Democracy, the primary opposition of the military regime led by Daw Aung San Suu Kyi, won over 80% of the parliamentary seats while the military's party won 2% of the seats.¹⁰ Despite the complete rejection of the SPDC, the military junta summarily set these results aside and continued to increase its tyrannical control over the people of Burma.¹¹ The regime maintains its control through armed strength and an aggressive implementation of the Four Cuts Program.¹²

The Karen National Union has refused to acknowledge the junta's rule over the people of Karen State. The KNU resists the Burmese military regime in hopes of "form[ing] a genuine Federal Union comprised of all the states of the nationalities in Burma, including a Burman state, on the basis of Liberty, Equality, Self-Determination and Social Progress."¹³ Seeking to crush all opposition, the Burma Army directs its attacks against local villagers in an attempt to cut off support to the KNLA. Although these attacks have seriously impaired the ability of the villagers to aid the KNU in its efforts protect them from Burma Army oppression, the villagers still provide the KNU enough support to maintain some social welfare programs and defensive operations.

6 "Background Note: Burma." U.S. Department of State, August 2005. <http://www.state.gov/r/pa/ei/bgn/35910.htm>.

7 Cohen, Roberta. "Statement Before the Asia Society on Internal Displacement in Burma." The Brookings Institution, November 16, 2004. http://www.brookings.edu/fp/projects/idp/20041116_rcohen.htm.

8 "Background on Burma." Karen Human Rights Group, 2000. http://www.khrg.org/background_on_burma.html.

9 "Background Note: Burma." *Supra*.

10 "CIA – The World Factbook – Burma." Central Intelligence Agency, July 20, 2006. <https://www.cia.gov/cia/publications/factbook/geos/bm.html>.

11 "Background Note: Burma." *Supra*.

12 "Background on Burma." *Supra*.

13 "Aims, Policy and Programme of the KNU." Karen National Union. <http://www.karen.org/knu/knuaim.htm>.

2. Life in Karen State Under Military Rule

In May 2006 Saw Ba Ni, a 44-year-old farmer living in Karen State, described his mobile village's experience fleeing the Burma Army for the past ten years. Maw They Dur village consists of 21 families and approximately 100 civilians. All the villagers are civilians and they have no means to resist the Burma Army when attacked. When the Burma Army troops attack, the villagers are forced to run for their lives and abandon their homes, crops and anyone unable to run or be carried.¹⁴

In 1995, Burma Army soldiers entered Maw They Dur, kidnapped two children and burned all of the village's rice – their primary source of food. The villagers fled into the jungle and established a new camp where they struggled to survive without their reserves of rice. The army never returned the two children and they remain missing to this day.¹⁵ In 1996, the army attacked Maw They Dur's relocated village. The soldiers abducted two of Saw Ba Ni's nephews, one being a new father, and the two were never seen or heard from again.

Saw Ba Ni explained that the Burma Army's policy of pillaging villages, burning property and murdering villagers is experienced throughout Maw They Dur's surrounding area. In 1995, Burma Army troops seized an old, deaf woman, tied her up in her house and burned the house down. These troops also captured a farmer, severed his limbs, and burned his body. In 1996, a father and his 12-year-old son were abducted and murdered by the Burma Army.¹⁶

Maw They Dur has been a transient village since the Burma Army originally displaced them in 1972. As a temporary village, they are unable to construct permanent shelters and cultivate rice paddies. As a result of this tentative existence, the villagers suffer from food insecurity and easily avoidable health problems.¹⁷

3. Recent Reports of Forced Displacement of Villagers and the Ancillary Human Rights Violations Associated with this Displacement

In early February 2006 the Burma Army began a new campaign to displace the villagers and place all of Karen State under its dominion. The regime has committed two divisions and four Military Operations Commands (MOCs), between 5,000 and 7,000 soldiers to the attacks in eastern Burma.¹⁸ As of July 2006, the attacks have forced over eighteen thousand villagers to flee their homes.¹⁹ The Burma Army committed numerous atrocities in displacing these villagers.

a. February 2006

i. Nyaunglebin District

The campaign began on February 6, 2006 when Light Infantry Battalion (LIB) 599 attacked Ti Day Mu Ta, a village in the Nyaunglebin District. During the attack, Burman soldiers shot three villagers.²⁰ The attack continued with its focus on the villagers – a tangible target for the Burma Army.

ii. Toungoo District

In February 2006, the government troops stationed in the Toungoo District swept through the mountainous region east of Toungoo. Burma Army patrols displaced civilians from their homes and drove them towards areas of Toungoo District under military control. To direct the fleeing villagers towards the junta controlled areas, the soldiers placed landmines along the Day Lo River.²¹

14 Interview: Saw Ba Ni. Free Burma Rangers, March 20, 2006. Unpublished.

15 *Id.*

16 *Id.*

17 *Id.*

18 “Map of Burma Army Attacks in Northern Karen State.” *Supra.*

19 *Id.*

20 “Burma Army Launches New Attacks in Western and Northern Karen States.” Free Burma Rangers, March 14, 2006. http://www.freeburmarangers.org/Reports/20060314_nyaunglebin.html.

21 *Id.*

b. March 2006

i. Nyaunglebin District

The intensity and frequency of Burma Army attacks on the villagers in eastern Burma heightened in March 2006. On the morning of March 8, Saw Du Kaw and his two teenage sons, Saw Heh Nay Htoo, age 16, and one-legged Saw Peh Lu, age 14, labored on their family farm near Sho Kaw Der village unaware of the approach of approximately 80 soldiers from MOC 10. In the heat of the day, the three farmers headed toward their resting hut to take a break in the shade and eat their lunch.²²

The three farmers never made it to their hut. As they approached their resting place Burma Army soldiers ambushed Saw Du Kaw and his sons. The soldiers shot all three family members despite the fact that they were clearly unarmed farmers working in their field.²³

Only 16-year-old Saw Heh Nay Htoo escaped. Bleeding from his wounds, he ran to the village to get help. Saw Heh Nay Htoo's sick, pregnant mother was able to recruit a few villagers to transport him to a medical clinic, but nothing could be done to help Saw Du Kaw and 14-year-old Saw Peh Lu. Later, villagers found Saw Du Kaw and Saw Peh Lu's partially buried bodies near the rice field in which they were shot. Villagers found several 5.56 mm casings (the caliber used by the Burma Army) near these gravesites.²⁴

On March 9, three army battalions, LIB 364, 366 and 368, continued the armed assault on villages in the Nyaunglebin District. First, the soldiers destroyed Kee Klaw village. They burned down 12 houses in the village, torched two rice barns in the vicinity that contained 86 sacks of rice, and murdered Saw Maw Sae Kya, a 28-year-old villager. After terrorizing these villagers, the battalions proceeded to the nearby village of Maw La Kee and burned down 7 more houses.²⁵

The three battalions continued their violent patrol through the remote villages of Nyaunglebin District for the next several days. On March 10, the soldiers murdered a 33-year-old villager, Saw Thay Kya, and burned 45 baskets of his family's paddy rice in Klaw Ke village. These soldiers swept through the Saw Kee, Taw Waw Bu and Htee Ko villages from the 13th through the 15th, killing a man in each village: respectively, Saw April Htoo, age 18, Saw Eh Moo, age 19, and Saw Ler Bweh Say. The army burned 6 houses and 100 baskets of paddy rice in Ta Waw Bu and 13 houses, 2 rice barns and 100 baskets of paddy rice in Htee Ko.²⁶

LIB 522 and LIB 567, under the command of Colonel Thet Wey, raided Nya Moo Kee village on March 23, 2006. The soldiers ransacked the houses in the village and burned the village's church and a neighboring house. They shot and knifed the pots, pans and other utensils left in the village, rendering them useless. Additionally, they slaughtered and ate all of the villagers' chickens and four of their pigs. Burma Army soldiers also destroyed two rice barns, hidden in the jungle with the hope that they would remain unscathed in the event of a Burma Army raid, and the 156 baskets of milled rice stored in them. Finally, the soldiers shot a dog and threw it on the roof of a house. The following day these soldiers exacted similar destruction upon Maw Lee Loo village. The soldiers ate all of the villagers' chickens and destroyed hidden rice barns containing over 400 baskets of paddy rice.²⁷

Three days later, Burma Army soldiers staged an ambush near Ka Ba Hta village murdering Saw Maw Keh and his mother, as described in the introduction of this report.²⁸ In addition to these murders and assaults, the Army destroyed the villagers' cooking utensils, rice and salt stores.²⁹ Maw Kwa Kwa, the sister-in-law of Saw Maw Keh, reported that the Burma Army destroyed 20 rice barns in the Nya Mu Ke

22 "FBR Update: Father and One-Legged Son Shot and Killed by the Burma Army in Mon Township." Free Burma Rangers, May 20, 2006. <http://www.freeburmarangers.org/Reports/20060523.html>.

23 *Id.*

24 *Id.*

25 *Id.*

26 "Over 8,500 People Displaced as the Burma Army Extends Its Attacks Against Civilians in Northern and Western Karen State, Burma." Free Burma Rangers, April 17, 2006. <http://www.freeburmarangers.org/Reports/20060418.html>.

27 *Id.*

28 See I. Introduction, *supra*.

29 "Relief Team Finds Bodies of Murdered IDPs: Interview with Survivors." *Supra*.

village area, 3 houses in Lo Lo village, and 100 tins of rice belonging to Ka Ba Hta village.³⁰

ii. Tavoy District – Relocation Site

Although Karen villagers generally evade the Burma Army sweeps through areas of resistance in Karen State, some villagers acquiesce to the dictatorship's demands that they move to Burma Army controlled relocation camps. Naw Yea Yea,³¹ a villager from Mawnee Relocation Camp, described the conditions of the Burma Army operated Mawnee Camp. She reported that the Burma Army steals property and money from the camp's residents. The soldiers also compel the villagers to perform forced labor for the Army. Moreover, Naw Yea Yea reported that poor health conditions existed in the relocation site.³²

c. April 2006

i. Nyaunglebin District

On the morning of the April 7, 2006, Burma Army troops entered K'Mu Loh village, killed Saw Nah Doh, age 24, and shot Saw Maung Maung Aye, age 21.³³ In late April, LIB 568 entered Yulo village and soldiers stole 15 ancient Karen Drums. These drums were priceless cultural heirlooms made of silver, copper and bronze. Additionally, LIB 230 threw 50 baskets of paddy rice into the river.³⁴

ii. Toungoo District

The Burma Army continued to steal and destroy the villagers' food and shelter throughout April 2006. LIB 168 and 522 stole rice, ducks, chickens, dried fish, cooking oil and a pig worth 35,500 kyat from villagers near their Play Hsa Lo/They Pu military camp. These soldiers burned homes in Hu Mu Der and stole belongings from the villagers.³⁵

Villagers forced to endure the Burma Army relocation sites reported that the camps contained no shelter and villagers crammed together under the trees to avoid the frequent rains. On April 24, LIB 10, under the direction of Major Win Zaw Oo, torched the villages of Tha Yae U and Kaw Me Ko to compel villagers to relocate to these sites. Soldiers also mortared and destroyed a church in Yae Lo, a village on the Toungoo-Nyaunglebin border. LIB 522 and 568 contributed to the attacks as well, burning 12 houses in the Kwe Kee and Po Mu Der villages.³⁶

On April 28, LIB 801 attacked the village of Kaw Thay Der. The soldiers indiscriminately fired their weapons into the village and farms hitting and wounding Saw Mya Ler, a 35-year-old farmer. The soldiers then informed the villagers that anyone caught outside the village would be shot and killed.³⁷

iii. Muthraw District

In April 2006, the Burma Army killed three farmers tending their rice fields in Muthraw District. One of the victims was 17 year old Saw Has Rae Sae. On the 20th, soldiers from LIB 366 murdered Saw Hsa Rae Sae and wounded his 18-year-old friend, Saw Kyay Nu Wah.³⁸ On April 27, LIB 361 burned down 8

30 "Nine Year Old Girl Shot by Burma Army." Free Burma Rangers, April 10, 2006. http://www.freeburmarangers.org/Reports/20060410_girl_shot.htm.

31 His name has been changed for his protection.

32 Interview #2 from full Free Burma Ranger K4 report. Unpublished.

33 "Over 8,500 People Displaced as the Burma Army Extends Its Attacks Against Civilians in Northern and Western Karen State, Burma." *Supra*.

34 "Message from a Relief Team Leader and Situation Update." Free Burma Rangers, April 28, 2006. <http://www.freeburmarangers.org/Reports/20060427.html>.

35 "Toungoo and Muthraw Update." Free Burma Rangers, April 24, 2006. http://www.freeburmarangers.org/Reports/20060422_toungoo.html.

36 "Message from a Relief Team Leader and Situation Update." Free Burma Rangers, April 27, 2006. <http://www.freeburmarangers.org/Reports/20060427.html>.

37 "Total Number of IDPs Now in Karen State is Over 13,000 People." Free Burma Rangers, May 2, 2006. http://www.freeburmarangers.org/Reports/20060502_1300IDPs.html.

38 "Toungoo and Muthraw Update." *Supra* note 36.

houses in Htakotobaw village.³⁹

d. May 2006

i. Nyaunglebin District

The Burma Army frequently employs anti-personnel mines to limit the mobility and freedom of villagers in Burma. On May 29, one of these Burma Army landmines killed a 5-month pregnant Karen woman. Additionally, Burmese troops began employing a new landmine tactic to terrorize villagers in May. The Burma Army twice posted messages addressed to “the hiding villagers”, after first attacking and displacing the villagers. The warnings instructed the villagers that they were no longer allowed to “live in this area” and would be shot if they attempted to do so.⁴⁰ The Burma Army deployed anti-personnel mines under or directly on the path to these signs.⁴¹

ii. Toungoo District

The Burma Army harassed and oppressed Karen villagers in the Toungoo District throughout May 2006. Soldiers from Infantry Battalion (IB) 1 shot and killed Saw Bu Ler Taw after stealing three baskets of rice and 200,000 kyat from him on May 3rd. These soldiers, under the command of Khin Zaw, also killed a fellow villager’s pig that was worth 70,000 kyat. Several days later, IB 1 burned down 5 houses and stole a variety of goods.⁴²

Interviews of villagers from Play Hsa Loh, one of the many relocation sites in Karen State, revealed some of the inhumane conditions that exist in this Burma Army controlled settlement. Primarily, the villagers noted the lack of rice necessary to feed the villagers and the Burma Army’s failure to provide land to grow rice for the 6 villages recently relocated to Play Hsa Loh.⁴³ Also, they reported that the Burma Army stole their property and forced them to work on the Army camp in the area.⁴⁴ Some of the villagers reported leaving the relocation site to tend their farms outside the village, but those villagers stated that they would be shot if they were caught coming back to the relocation site at night. Nearly every villager also expressed their need for medicine.

Saw Wah Bah,⁴⁵ a villager forced to relocate to the Klaw Mee Dur camp, reported similar circumstances in his relocation site. He reported that the Burma Army steals from the villagers and forces them to work for the Army. He noted that the villagers were also in dire need of food. Responding to the question of why he came to do the interview, Saw Wah Bah said, “I came today because I want my country to have freedom. We don’t need fighting. I came to protest by doing this interview and tell people that what the SPDC and Burma Army are doing is wrong.”⁴⁶

39 “Total Number of IDPs Now in Karen State is Over 13,000 People.” *Supra* note 38.

40 “Sign and Landmine Placed to Terrorize Displaced Villagers.” Free Burma Rangers, May 7, 2006. <http://www.freeburmarangers.org/Reports/20060508.html>. The complete message read:

For the hiding villagers

1. No one is allowed to live in this area.

2. People must move to Muthey (Burma Army Camp) or beside the car road at the relocation site as soon as possible by 5 May.

3. Our troops do not want to shoot and capture.

4. By this date (5 May) anyone who stays in this area will be shot. This is a command from above.

5. You can come back when this area has peace.

41 These mines are copies of the M14 anti-personnel landmine used by the United States military.

42 “Burma Army Activities in Toungoo District, Western Karen State.” Free Burma Rangers, May 25, 2006. <http://www.freeburmarangers.org/Reports/20060525.html>.

43 Interview #1, 3 and 4 from full Free Burma Ranger K2 report. May 20, 2006. Unpublished.

44 *Id.* Interview #1.

45 This villager’s name has been changed for security reasons.

46 *Id.* Interview #6.

iii. Muthraw District

The Burma Army intensified its presence in the Muthraw District during May 2006. LIB 362 and 363 burned down 50 houses in the Loo Thaw Township and displaced about 1000 villagers in the process.⁴⁷ A Free Burma Ranger relief team member died after stepping on a Burma Army landmine while bringing aid to people in this area.⁴⁸ The mine was deployed under a note posted on a tree by Burma Army soldiers entitled "To Hiding Villagers." On the morning of May 31, LIB 370 attacked Yu Gaw Lo Der village. During the attack the army shot a farmer, Saw Yweh Moo, and burned two rice barns.⁴⁹

e. June 2006

i. Nyaunglebin District

While most of the villagers in Nyaunglebin District flee Burma Army patrols, some villagers do consent to the relocation orders issued by the Army. In early June, LIB 439 forced 285 villagers from Ba Ta La to relocate to rice fields confiscated from local villagers. The owners of the rice fields received no compensation for the confiscation of their land, but the soldiers forced the relocated villagers to pay 15,000 kyat for their fields.⁵⁰ Later that month, LIB 590 and 599 forced the relocated villagers to destroy the homes they had built for themselves and move to another relocation site. These villagers did not receive a refund of the 15,000 Kyat the soldiers required them to pay for the "right" to relocate there.⁵¹

The oppression of villagers in Mon Township under MOC 15 continued throughout June 2006. On June 23, LIB 536 and 352 terrorized villagers in Kweh Kah Koh, Ka Ba Hta and Ka Hsaw Kaw villages. In Kweh Kah Koh, the soldiers stole a significant amount of the villagers' property, including at least 7 pigs and 32 chickens. These soldiers also terrorized and looted Ka Ba Hta and Ka Hsaw Kaw villages.⁵² On June 24, Burma Army troops shot at Saw They Htoo and Saw Than Aung, two villagers in this area.⁵³

ii. Muthraw District

In early June 2006, LIB 362 attacked and burned Ger Baw Kee village and killed some of the village's livestock. A few days later the battalion directed mortar and machine gun fire towards the temporary shelter these villagers had erected.⁵⁴ Soldiers from LIB 362 and 363 attacked Pana Eh Perko, Ker Gwaw Ko, Ti Mu Kee, Pana Ku Plaw and Naw Yo Hta villages in mid-June. The troops destroyed houses, rice barns, and a school. Before razing Pana Ku Plaw, the Burma Army lobbed mortars into the village. These attacks occurred during planting season and prevented the villagers from sowing their crops.

B. The Government's Use of Forced Labor to Maintain Its Attacks

1. General Information

Burma's military regime frequently violates the international norms prohibiting forced labor. The International Labour Organization estimates that there are 800,000 victims of forced labor in Burma.⁵⁵ The Burma Army uses this labor to sustain the attacks detailed in the previous section of this report.

47 "Over 15,500 Displaced in North, Northwestern and Western Karen State." Free Burma Rangers, May 10, 2006. <http://www.freeburmarangers.org/Reports/20060510.html>.

48 "Karen Humanitarian Relief Worker Killed by a Land Mine Placed by the Burma Army." Free Burma Rangers, May 5, 2006. http://www.freeburmarangers.org/Reports/20060506_sawmu.htm.

49 "New Attacks by the Burma Army." Free Burma Rangers, June 1, 2006. http://www.freeburmarangers.org/Reports/20060601_update.html.

50 "4,100 Displaced in New Attacks as Total Number of IDPs Rises to Over 16,000." Free Burma Rangers, June 9, 2006. <http://www.freeburmarangers.org/Reports/20060609.html>.

51 "Burma Army Begins New Attacks in Nyaunglebin and Toungoo Districts, Karen State." Free Burma Rangers, June 30, 2006. <http://www.freeburmarangers.org/Reports/20060630.html>.

52 *Id.*

53 *Id.*

54 "4,100 Displaced in New Attacks as Total Number of IDPs Rises to Over 16,000." *Supra.*

55 Macan-Markar, Marwaan. "ILO to Crack Whip on Junta." Inter Press Service, March 25, 2005. <http://www.globalpolicy.org/socecon/inequal/labor/2005/0325iloburma.htm>.

2. Recent Reports of Forced Labor

a. Portering

In addition to the attacks against the ethnic minorities, Burma Army troops also routinely force villagers to participate in labor projects without pay. Villagers in Karen State have experienced the routine forced labor demands of the Burma Army for years, but the frequency of forced labor projects increased in 2006 in conjunction with the massive campaign to uproot villagers from their homes in eastern Burma. When the wet season arrived in mid-April 2006, the car roads became impassable for Burma Army vehicles.

As a result, the Army increasingly turned to the villagers to serve as human mules to supply its offensive aimed at subjugating the remaining areas of Burma where villagers resist tyranny's demands.⁵⁶ For example, on March 9, 2006 the commander of Tactical Operations Command (TOC) 3, Thin Aung, commandeered 10 villagers from Play Hsa Loh to retrieve rice from Hti Loh. TOC 1 made a similar demand on March 12, forcing 74 men and 39 women to gather supplies in Palaewa and bring them back to Klaw Mee Der. The Army ordered another supply detail on April 3. The command requisitioned 7 villagers, including Saw Thu, age 12, Saw Maw Plo Gaw, age 16, Saw Kyaw Soe, age 17, and Saw Tha Way, age 50, to resupply the Play Hsa Loh camp with rice from Hti Lo.⁵⁷ Several other similar instances occurred in March and early April 2006.⁵⁸

Thin Aung, who was transferred to the command of TOC 1 in late March or early April, forced approximately 2,000 villagers from the Kler La and Baw Ga Lyi Gyi areas to carry food supplies for the Army. This supplied the Army camps along the Kler La – Busakee Road with rations to fuel their attacks on villages in the Toungoo district.⁵⁹ Similarly, Burma Army LIB 387 captured nearly 300 villagers in late April and forced them to porter supplies for the military.⁶⁰

To support the attacks against civilians in the Toungoo and Muthraw Districts, Burma Army Division 66 forced approximately 850 villagers from the Kaw They Der village area to transport military supplies to the Army's Naw Soe camp. The soldiers forced the villagers to serve as porters for five days. Additionally, the covert photos of the labor project indicate that the Burma Army compelled the children of this area to take part in the labor.⁶¹

The Burma Army utilized other large-scale forced portering projects in 2006 to supply their offensive in Karen State. Min Ko,⁶² a civilian, described his experience as a porter on a Burma Army labor project. In the fall of 2005, Min Ko and his friend, Win Win, watched a movie until approximately 11 PM. As they returned to Win Win's house in Pyu Town, they came across a group of Burma Army soldiers. The soldiers stopped Min Ko and Win Win, beat them, and threw them into the back of a truck. The soldiers then took Min Ko to Kyauk Kyi Thanbo Military Prison, operated by Burma Army IB 60.⁶³

Initially, the Army told Min Ko that they would release him if he portered some goods for the them to Muthey – a remote army camp in Karen State. After arriving in Muthey, the Army informed Min Ko that he would be required to serve them for an entire year.⁶⁴ For months, the Burma Army forced Min Ko to serve as porter and servant for Captain Ne Lin Oo, Burma Army LIB 552, Company #4. Min Ko's duties as the servant for the officers of Company #4 included cooking and cleaning. As a porter, he carried six RPG rounds, three containers of rice, and 1000 rounds of MA1 ammunition from Baw Soe Ko to

56 See, generally, www.freeburmarangers.org.

57 "Burma Army Activities in Toungoo District, Western Karen State." Free Burma Rangers, May 25, 2006. <http://www.freeburmarangers.org/Reports/20060525.html>.

58 *Id.*

59 "Message from a Relief Team Leader and Situation Update." *Supra.*

60 "Total Number of IDPs Now in Karen State is Over 13,000 People." *Supra.*

61 Photos taken by relief teams include laborers who appear to be adolescents. "Villagers Forced to Porter for Burma Army." Free Burma Rangers, May 25, 2006. <http://www.freeburmarangers.org/Reports/20060601.html>.

62 The victim's name has been changed for his protection.

63 "Burma Army Captures 800 Civilians and Forces 1,000 Prisoners to Porter for Their Offensive." Free Burma Rangers, June 3, 2006. http://www.freeburmarangers.org/Reports/20060603_porters.html.

64 *Id.*

Maw Law army camp.⁶⁵

Company #4 is under the command of MOC 15. Min Ko reported that MOC 15 consisted of 1,200 to 1,300 soldiers as well as 1,800 porters. He estimated that about 800 of these porters were civilians and approximately one thousand were prisoners. All of the porters were forced to work without pay.⁶⁶

Min Ko described the brutal punishment meted out by the Burma Army soldiers to the forced laborers. Once, the soldiers caught a group of porters who attempted to escape. The soldiers brought the porters back to camp, hung them from a tree, and beat them. Eventually, the soldiers shot and killed the three mutilated porters and warned those present that a similar fate would follow anyone else who attempted to escape.⁶⁷

Another escaped porter, Han,⁶⁸ claimed to be one of the prisoners forced to porter for the Burma Army. Han reported that the Burma Army took approximately 800 prisoners from Toungoo Prison on February 6, 2006. He estimated that, as of June 1, 2006, only 200 of the initial 800 prisoners remained. According to Han's testimony, the Army killed approximately 300 prisoners while disease and sickness took another 300 lives. Han witnessed 7 or 8 of the killings firsthand. The Army killed porters unable to maintain the pace set by the soldiers and afterwards threw the bodies of the dead porters into the jungle alongside the trail.⁶⁹

As recently as June 26, 2006, Burmese soldiers ordered 12 villages in Toungoo District to send porters to work for the Burma Army.⁷⁰ These reports demonstrate the Burma Army's routine practice of forcing villagers to transport supplies to Burmese outposts that serve as staging points for their sweeps through the villages in eastern Burma.

b. Construction and Other Examples of Forced Labor

While the Burma Army primarily forces villagers to serve as porters, Burma Army soldiers occasionally require villagers to undertake other types of forced labor. In the past year, the Burma Army forced villagers to clean roads,⁷¹ service military camps⁷² and scavenge the jungle for supplies needed to maintain the military camps.⁷³

The Burma Army continued to require these various labor projects during the campaign against ethnic minorities in Karen State beginning in February 2006. In March, Burma Army troops demanded villagers clean the car roads in the Toungoo District on three separate occasions. Khin Zaw Oo, commander of DIV 66, required each family in Kaw They Der village to provide one member to clean the car road from Kaw They Der to Naw Soe camp on March 1. On March 6, the Burma Army requisitioned one member of each household from 10 villages for car road cleaning. The Army made a similar demand on March 22, conscripting laborers from families in 12 villages.⁷⁴

In April, the Burma Army forced villagers in the Hto Day village area of Nyaunglebin District to begin construction on a rice warehouse large enough to support 10,000 men.⁷⁵ In early May, TOC 2, under the command of Ko Ko Kyi, commandeered villagers to guide Burma Army soldiers to surrounding villages in the Toungoo District. The commander forced the villagers to lead the way – thus serving as human minesweepers – as they marched for 10 days. Later that month, the Burma Army forced 350 villagers to carry military supplies from Kaw They Der outpost to the Naw Soe camp for three days. Afterwards, the Army demanded the villagers build a structure for the supplies. The soldiers also required the villagers to cut and deliver 30 pieces of lumber and ordered the four villages near the camp, Shazibo,

65 *Id.*

66 *Id.*

67 *Id.*

68 *Id.*

69 *Id.*

70 <http://www.freeburmarangers.org/Reports/20060630.html>

71 Oct 05 muthraw -

72 "Toungoo District, Karen State." Free Burma Rangers, October 29, 2005. <http://www.free-burmarangers.org/Reports/20051029.html>

73 Sept Muthraw 05

74 ..

75 "Total Number of IDPs Now in Karen State is Over 13,000 People." *Supra.*

Yay Sha, Zibyugo and Daw Go, to provide one citizen per week to service the camp.⁷⁶

In June 2006, the Burma Army showed no signs of abating its use of villagers as unpaid laborers. Burmese soldiers from TOC 2 forced villagers to build a fence around a military camp near Play Hsa Lo. The construction began on June 15 and the villagers were still laboring on the project over a week later. Beginning June 18, Burma Army soldiers forced villagers in the Kler La and Kaw They Der areas to construct a new relocation site. The Burma Army planned to force 70 families onto this plot as soon as the villagers completed the labor. On June 27, Burma Army soldiers forced 3 villagers from Ka Mu Lo village to guide them to See Daw Ko village.⁷⁷

III. Legal Standards and Analysis

A. International Law – A Brief Summary

Government actors are liable to two types of international law: qua treaty law and customary international law. Qua treaty law obligates state actors to adhere to the standards established in international treaties the state has ratified. Customary international law governs all state actors, regardless of the state's affiliation to any treaty.⁷⁸

B. Laws Protecting Civilian's from State Actors - Common Article 3 Crimes

Burma ratified the Geneva Conventions in 1992, and therefore obligated itself to adhere to the standards established in the Conventions.⁷⁹ Common Article 3 of the Geneva Conventions governs internal conflicts and prohibits states from committing a variety of offenses. The provisions entailed in Common Article 3 are now considered customary international law.⁸⁰

The UN passed the Protocol II⁸¹ to buttress the Geneva Conventions' Article 3 standards. Although Burma never ratified Protocol II, scholars and tribunals have deemed many of the provisions found within Protocol II as customary international law. Burma is subject to these standards.

Three conditions must be present for Common Article 3 to govern an official state act.⁸²

1. There must be an armed conflict. Armed conflict exists when "protracted armed violence occurs between governmental authorities and organized armed groups."⁸³
2. There must be a link between the armed conflict and the alleged Article 3 violation.⁸⁴
3. The victims of the crime must be civilians taking no active role in the conflict or civilian property that is not considered an imperative military objective.⁸⁵

Common Article 3 applies to the Burmese military regime's actions because all three aforementioned conditions are present in the conflict in eastern Burma.

1. The struggle between Burma dictators and the ethnic minorities constitutes an "armed conflict" because it has run for over fifty years and the Karen National Liberation Army possesses a chain of

76 "Burma Army Activities in Toungoo District, Western Karen State." *Supra*.

77 "Burma Army Begins New Attacks in Nyaunglebin and Toungoo Districts, Karen State." Free Burma Rangers, June 30, 2006. <http://www.freeburmarangers.org/Reports/20060630.html>.

78 "International Law." Wex – Cornell Law School, June 5, 2006. http://www.law.cornell.edu/wex/index.php/International_law.

79 "Burma: Children's Rights and the Rule of Law." Human Rights Watch, January 1997. <http://www.hrw.org/reports/1997/burma2/Burma-03.htm>.

80 *Prosecutor v. Tadic*, (Appeals Chamber), October 2, 1995, para. 98. <http://www.un.org/icty/tadic/appeal/decision-e/51002.htm>.

81 The protocol is officially known as: Additional to the Geneva Convention of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts, 8 June 1977.

82 *Tadic*, *Supra*. at paras. 69-70.

83 *Id.* at para. 70.

84 *Id.* at para. 69.

85 *Id.*

command similar to any organized armed group.

2. The crimes detailed in this report resulted from Burma Army attacks on civilians in a direct effort to subject these villagers to the junta's tyrannical rule.
3. The Burmese regime's acts victimize individuals, such as an 80-year-old woman, with the legal protection afforded to civilians under international law.

1. Forced Displacement/Relocation

Forcible relocation of civilians is prohibited under Article 17 of Protocol II and customary international law unless two alternative conditions are present.⁸⁶ Those two conditions are:

1. The relocation is actually voluntary. The relocation is involuntary or forced if the civilians are denied "a free or 'genuine' choice". Fear of violence and threats of violence deny civilians a free choice;⁸⁷ or
2. The civilians are in danger or "imperative military reasons so demand."
 - a. An imperative military reason must be temporary. For instance, an emergency military decision deemed necessary for the evacuation of troops is an imperative military decision, while an organized plan to displace a population that supports an enemy is not considered an imperative military reason;⁸⁸
 - b. "All possible measures" are undertaken to ensure "that the civilian population may be received under satisfactory conditions of shelter, hygiene, health, safety and nutrition;"⁸⁹ and
 - c. The perpetrators return the civilians to their homes immediately after hostilities threatening their safety have subsided. Relocation sites must be a temporary solution for an extreme situation.⁹⁰

The Burmese juntas' ejection of villagers throughout eastern Burma flagrantly violates every

86 *Prosecutor v. Blagojevic and Jokic*, IT-02-60-T. January 17, 2005. Para. 595. <http://www.un.org/icty/blagojevic/trialc/judgement/bla-050117e.pdf>.

87 *Prosecutor v. Blagojevic and Jokic*. *Supra.*, para. 596.

88 See, *Prosecutor v. Krstic*, IT-98-33-T. August 2, 2001. Para. 526. <http://www.un.org/icty/krstic/TrialC1/judgement/krs-tj010802e.pdf>, defining the "imperative military reasons" standard. The court referred to two World War II decisions that serve as a barometer for this provision. In one instance, a US Military Tribunal accepted General Lothar Rendulic's defense that a military necessity existed for his soldiers to forcibly displace villagers and carry out a plan of scorched earth. At the time of this urgent military decision, the evidence suggested that these extreme policies might be the only way to save his troops from a large and rapidly approaching foe. On the other hand, a British military tribunal found Field Marshall Erich von Manstein guilty of forced relocation when he forcibly evacuated a population that served as a source of manpower and espionage for the enemy. The court found that this rationale did not justify the destruction of property and attacks of the population. This illegal evacuation was not "the result of imperative necessities of the moment, it was really the carrying out of a policy planned a considerable time before, a policy which the accused had in fact been prepared to carry out on two previous occasions and now was carrying out in its entirety and carrying out irrespective of any question of military necessity." Furthering this stance, the ICRC Commentary on Protocol II notes that "it would be prohibited to move a population in order to exercise more effective control over a dissident group."

89 Protocol II Article 17.

90 *Prosecutor v. Blagojevic and Jokic*. *Supra.*, para. 601. To meet these international standards, the party forcing the relocation must also transfer those subject to the evacuation back after hostilities in the area have ceased. The *Blagojevic and Jokic* Case stated that failing to return displaced civilians to their homes is evidence of an intent to secure permanent, and therefore illegal, displacement of civilians. Evidence demonstrating that the victims returned by their own volition does not pardon a perpetrator from liability.

scenario that might excuse their acts.

1. The relocation is involuntary and comes under threats and acts of violence. For instance, the regime's directives to "hiding villagers" to relocate or be shot deny the villagers a free choice.
2. The rationale for relocating the villagers offends any notion of imperative military reason.
 - a. The forced displacement of villagers is clearly part of a widespread policy of subjecting villagers to the dictatorship's dominion.
 - b. The conditions in the relocation sites are abysmal and violate every Protocol II requirement for a justified displacement of villagers under a lawful rationale. The villagers suffer from inadequate food, medicine and shelter, and they are preyed upon by the Burmese soldiers who control the camps.
 - c. The Burma Army's long-standing policy of relocating ethnic minority villagers affronts any conceivable meaning of temporary. Some relocation camps have existed for years and the policy of displacement is clearly in place to achieve a long-term goal of controlling a dissident population.

2. Cruel Treatment

Common Article 3(a) of the Geneva Conventions explicitly prohibits government acts of "cruel treatment." Cruel treatment exists when an act or omission is committed and the actor intentionally causes serious mental or physical suffering or commits a serious abuse of ordinary human dignity.⁹¹ Courts have ruled that intentionally injuring a civilian constitutes cruel treatment.⁹²

The Burmese junta frequently violates this international standard. Shooting a nine-year-old girl is a *per se* violation of this standard. Laying landmines throughout villages violates the standard as well. There can be no question that the military regime habitually and intentionally subjects ethnic minorities to cruel treatment.

3. Outrages Upon Personal Dignity

Section (c) of Common Article 3 proscribes acts that are "outrages upon personal dignity." International courts require the proof of two elements for an act to meet this standard:

1. The perpetrator must have intentionally committed or participated in an act or omission which would be generally considered to cause serious humiliation.
2. The accused must know that the act or omission could have that affect. Thus, the treatment must offend a reasonable person and be "animated by contempt for the human dignity of another person."⁹³

The degree of suffering distinguishes this crime from the lesser "cruel treatment" standard.⁹⁴ The victim's precarious situation may be a factor elevating the seriousness of a crime.⁹⁵ International tribunals declared "the use of detainees as...trench diggers"⁹⁶ and "endur[ing] the constant fear of being subjected to physical, mental, or sexual violence" in camps as outrages upon personal dignity.⁹⁷

91 *Prosecutor v. Blaskic*, IT-95-14-T. March 3, 2000, para. 186. <http://www.un.org/icty/blas-kic/trialc1/judgement/bla-tj000303e.pdf>.

92 *Prosecutor v. Kordic and Cerkez*, IT-95-14/2-T. February 26, 2001, para. 256. <http://www.un.org/icty/kordic/trialc/judgement/kor-tj010226e.pdf>.

93 *Prosecutor v. Aleksovski*, IT-95-14/1-T. June 25, 1999, para. 54-56. <http://www.un.org/icty/aleksovski/trialc/judgement/ale-tj990625e.pdf>.

94 *Id.*

95 *Id.* at para. 227.

96 *Id.* at para. 229.

97 *Prosecutor v. Kvočka et al.*, IT-98-30/1-T. November 2, 2001, para. 173. <http://www.un.org/icty/kvocka/trialc/judgement/kvo-tj011002e.pdf>.

The Burma military regime's policy of displacing the ethnic minority villagers in areas of resistance in Burma violates this international standard.

1. The soldiers' sweeps through eastern Burma, pushing villagers from their homes and into hiding in the jungle is undeniably humiliating. The Army's operations work like a hunting or trapping expedition: sometimes the villagers flee before the Army arrives, other times the Army arrives and shoots villagers, and occasionally the Army forces villagers to move to a relocation site. The contempt for human dignity can not be any more flagrant than treating humans as wild game.
2. The soldiers not only know that these acts are humiliating, they intend for them to be so. The Burma soldiers not only force the villagers into running and hiding, but they also burn the villagers' houses and destroy their livestock. The act of shooting a villager's dog and throwing it on the roof of a house can have no other purpose than to humiliate a population.⁹⁸

The seriousness of the suffering is incognizable to most individuals. Villagers lose all their worldly possessions; they are forced to watch their children die from everyday sicknesses because they have inadequate medicine; and they are often displaced from their families while fleeing – some children are even lost in the process. If the seriousness of the crimes somehow falls short of a court's threshold level, the precarious situation of the villagers elevates the seriousness of the crime: these are civilians, primarily women and children, fleeing soldiers armed with assault rifles.

4. Pillage

Customary international law, Article 4 of Protocol II and Article 33 of the Geneva Convention IV prohibit pillage. While the crime of pillage is broadly prohibited under international law, the statutes establishing the Yugoslavia and Rwanda Tribunals suggest that the violation needs to constitute a serious breach of international law to justify international prosecution.⁹⁹ The theft of a lone villager's property can at times be substantial enough to meet the "serious" threshold, while large scale appropriations can also collectively aggregate to constitute a "serious" breach of international law.¹⁰⁰

The Burma Army often pillages the remote communities on its sweeps through Karen State. Free Burma Ranger teams documented numerous instances of the Burma Army looting the villagers' chickens, pigs and rice. These soldiers stole other goods, such as batteries, boots and betel nut, as well. The Burma Army frequently extorts cash from these poor villagers, too.¹⁰¹

The Burma Army's thievery surpasses any judicial threshold level a judge might set. The villagers in these areas often possess little property of value except for their livestock, rice, cooking utensils and nominal stores of money. The Burma Army's confiscation of these goods represents a widespread policy of plunder. The thefts are singularly and aggregately serious to the villagers in eastern Burma.

5. Starvation

Customary international law and Article 14 of Protocol II prohibit the starvation of civilians.¹⁰² The Article 14 proscription criminalizes efforts to "attack, destroy, remove or render useless for that purpose, objects indispensable to the survival of the civilian population such as food-stuffs, agricultural areas for the production of food-stuffs, crops, livestock..." Attempts to starve a population of civilians violate both the prohibition of "violence to life and person" and "outrages upon personal dignity" found in Common Article 3.

The Burma Army's recent campaign in Karen State unequivocally violates the established

98 "Over 8,500 People Displaced as the Burma Army Extends Its Attacks Against Civilians in Northern and Western Karen State, Burma." *Supra*.

99 Updated Statute of the International Criminal Tribunal For The Former Yugoslavia. Article 1. <http://www.un.org/icty/legal/doc-e/index.htm>.

100 *Prosecutor v. Kordić and Čerkez*, IT-95-14/2-A. December 17, 2004, para. 82-84. <http://www.un.org/icty/kordic/appeal/judgement/cer-aj041217e.pdf>.

101 See, generally, www.freeburmarangers.org.

102 Rottensteiner Christa. "The denial of humanitarian assistance as a crime under international law." ICRC, September 30, 1999. <http://www.icrc.org/web/eng/siteeng0.nsf/iwpList174/C8929BAA0BB1B828C1256B66005D871A>.

international law proscribing the “starvation of civilians as a method of combat.”¹⁰³ The soldiers sweeping through the villages frequently kill the villagers’ livestock, burn their rice barns and destroy whatever stores of rice they find in the village or rice barns.¹⁰⁴ The evidence proves that the Burmese soldiers committed these acts as part of a widespread policy. Protocol II prohibits the destruction of civilian food and livestock and deems such acts as “starvation.”

The Protocol II prohibition protects “all objects indispensable to survival...such as foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works.” Essential to this definition is the “indispensability” of the object to the survival of the civilians.¹⁰⁵ In eastern Burma, pots and pans are inherently “indispensable to survival” because rice, the staple food source in this area, needs to be prepared before it is eaten. Consequently, the Burma Army’s policy of destroying cooking utensils can also be termed “starvation” under the Article 14 definition.

6. Property Destruction

Article 8 of the International Criminal Court lists “extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly” as a war crime. Customary international law and Article 23(g) of the 1907 Hague Regulations proscribe destruction or seizure of an enemy’s property unless required by imperative military necessity.¹⁰⁶ As previously discussed regarding the relocation of civilians, a strategic plan to undermine a dissident population can not constitute an imperative military necessity. An imperative military necessity is an emergency solution to a dire situation.¹⁰⁷

The Burma Army’s destruction of houses, personal property and food-stuffs violates the international law prohibiting wanton destruction of property. As with the forced relocation of villagers, no legitimate reason exists for the Burma Army to wantonly destroy civilian property. The primary result of the property destruction is the suffering of innocent villagers. The peripheral benefit of hampering a population’s ability to support a resistance group is not a legal rationale. Additionally, the Army’s long standing policy of property destruction further evidences the strategic rather than urgent nature of such acts.

7. Murder

Common Article 3 of the Geneva Conventions and Article 4 of the Protocol II prohibit state actors from murdering civilians. International courts list five elements for murder:¹⁰⁸

1. The victim’s death.
2. The death is the result of an act or omission.
3. The perpetrator’s acts were committed willfully.
4. The victim was taking no active part in the hostilities.
5. There was a nexus between the act and a widespread attack on a civilian population.

The Burma Army murdered several ethnic minority civilians in the past few months. For example:

1. Both victims, Saw Du Kaw and his one-legged son, Saw Peh Lu, are dead.
2. Their deaths are the direct result of the soldiers’ acts. Saw Heh Nay Htoo witnessed his father and brother being shot and 5.56 caliber shells were found near the bodies of both victims.

¹⁰³ Protocol II Article 14.

¹⁰⁴ See, e.g., “Over 8,500 People Displaced as the Burma Army Extends Its Attacks Against Civilians in Northern and Western Karen State, Burma.” *Supra*.

¹⁰⁵ Protocol II Article 14.

¹⁰⁶ Henckaerts, Jean-Marie. “Conference to Mark the Publication of the ICRC Study on ‘Customary International Humanitarian Law.’” Cambridge University Press, May 30-31, 2005. http://www.rodekruis.nl/picture_upload/Upload%20document%20Cust%20Law%20Conf.pdf

¹⁰⁷ See discussion in “Forced Relocation” for further analysis.

¹⁰⁸ *Prosecutor v. Kordic and Cerkez*, IT-95-14/2-T. *Supra*. at para. 236.

3. The soldiers willfully shot both victims. The soldiers waited for the farmers to return to their hut for lunch and shot them as the two farmers neared their hut.
4. Saw Du Kaw and his sons were all farmers and taking no active role in the conflict.
5. Their deaths came while Burman troops were pushing villagers from areas unsecured by the Burma junta. These sweeps involve widespread attacks on civilians.

8. Attacks on Civilians

Customary international law grants civilians immunity from attacks.¹⁰⁹ The civilian immunity extends to their property as well as their person.¹¹⁰ The international norm protecting civilians applies both to international and internal conflicts, regardless of whether the party signed or ratified Protocols I and II.¹¹¹

The Commentary to Protocol I defines civilian as a person not a member of the armed forces.¹¹² The specific definitions of armed forces are provided in Article 4 Geneva Convention III and Article 43 of Protocol I. Significantly, a civilian may offer moral support, shelter or sustenance to the armed forces without losing his or her protected status.

Direct evidence establishing an attack's targeting of civilians must be presented to convict a perpetrator in an international court.¹¹³ Examples of evidence needed to properly determine an attack's target include the legitimate military targets in an area, the resistance in that area and civilian victims. Villagers defending their homes are not considered "civilians" in legalese, and property making an effective contribution to military action may lose its legal protection as well.¹¹⁴

The Burma Army illegally conducts attacks that target civilians. Direct evidence exists to demonstrate the target of the Burma Army's attacks. The destruction of food supplies, houses, animals and cooking utensils prove that the Army is targeting villagers. This is especially true when the Burma Army levies this destruction against villagers who put up no resistance at all, as is frequently the case. Signs left by the Burma Army, informing "hiding villagers" of the purpose of their attacks demanding their relocation, convey a strong message that the villagers themselves are the target of the attacks. The murders of an ill 80-year-old and a handicapped adolescent are dispositive evidence of the Burma Army's target.

9. Landmines

The Ottawa Treaty specifically proscribes any use of antipersonnel mines. The convention does not represent customary international law at the moment, and Burma failed to sign or ratify the treaty. However, the Burmese military regime is subject to several international standards that do proscribe the specific manner in which they use landmines. Notably:

1. Customary international law prohibits the use of indiscriminate weapons (i.e. weapons that do not appropriately distinguish between civilians and combatants).¹¹⁵

109 *Prosecutor v. Kordic and Cerkez*. IT-95-14/2-A. December 17, 2004, para. 48. <http://www.un.org/icty/kordic/appeal/judgement/cer-aj041217e.pdf>.

110 *Id.* at para. 47.

111 *Prosecutor v. Hadzihasanovic and Kubura*. IT-01-47-AR73.3. March 11, 2005, para. 28-29. <http://www.un.org/icty/hadzihas/appeal/decision-e/050311.htm>.

112 Commentary to Protocol I. Para. 1913. <http://www.icrc.org/ihl.nsf/1a13044f3bbb5b8ec12563fb0066f226/f387522ee8a5c20fc12563cd004346d4?OpenDocument>

113 *Prosecutor v. Kordic and Cerkez*. IT-95-14/2-A. December 17, 2004, para. 450. <http://www.un.org/icty/kordic/appeal/judgement/cer-aj041217e.pdf>.

114 *Id.* at 441.

115 "Questions and Answers on Hostilities Between Israel and Hezbollah. Human Rights Watch, July 31, 2006. <http://hrw.org/english/docs/2006/07/17/lebanon13748.htm>. Also, the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977 defines the prohibition against indiscriminate attacks.

2. Article 3(a) of the Geneva Conventions and Article 4(a) of Protocol II proscribe “violence to life and person [of non-combatants], in particular murder of all kinds, mutilation....”
3. As previously discussed, the international standards governing cruel treatment and outrages upon personal dignity prohibit acts which cause serious physical or mental suffering or attack upon the victim’s human dignity.¹¹⁶
4. Article 4 of Protocol II prohibits terrorism.¹¹⁷ Defining terrorism is controversial,¹¹⁸ but a General Assembly of the United Nations drafted a resolution that described “terrorism” as:

criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstance unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or other nature that may be invoked to justify them.¹¹⁹

The use of landmines by the Burma Army violates the customary international laws prohibiting indiscriminate attacks, cruel treatment and torture, and Article 3(a) of the Geneva Conventions. Additionally, the manner in which the Burma Army uses the landmines constitutes terrorism.

1. The Burma Army landmines not only fail to distinguish between civilians and legitimate military targets, frequently these landmines intentionally target civilians. Government troops lay landmines in civilian areas and villagers, such as the 5-month pregnant woman, often fall victim to these indiscriminate weapons.
2. As described above, Burma Army landmines frequently cause violence to life and persons of civilians. The case of the 5-month-pregnant woman is a *per se* violation of this standard.
3. Burmese soldiers know that their landmines often maim and kill innocent villagers. By deploy such devices, the Burmese troops intentionally cause serious mental and physical harm to ethnic minority villagers and attack the human dignity of these simple, innocent villagers. Thus, the Burma Army’s landmine policy undoubtedly constitutes cruel treatment and likely meets the severity necessary to establish an outrage against personal dignity.
4. The Burma Army uses landmines to terrorize villagers into abandoning their resistance of the dictators’ rule. The Army’s placement of the landmines in villages, rice fields, and paths leading to

116 See “Cruel Treatment,” “Outrages Upon Personal Dignity” and the *Kordic and Cerkez* Decision for further analysis.

117 <http://www.icrc.org/web/eng/siteeng0.nsf/iwpList575/0F32B7E3BB38DD26C1256E8A0055F83E>

118 While the member states of the United Nations have never agreed upon a definition of terrorism, a few definitions carry some credence of legitimacy. The definition provided in the text of this report is one such definition. The United Nations also provides an Academic Consensus Definition for “terrorism”:

Terrorism is an anxiety-inspiring method of repeated violent action, employed by (semi-) clandestine individual, group or state actors, for idiosyncratic, criminal or political reasons, whereby - in contrast to assassination - the direct targets of violence are not the main targets. The immediate human victims of violence are generally chosen randomly (targets of opportunity) or selectively (representative or symbolic targets) from a target population, and serve as message generators. Threat- and violence-based communication processes between terrorist (organization), (imperilled) victims, and main targets are used to manipulate the main target (audience(s)), turning it into a target of terror, a target of demands, or a target of attention, depending on whether intimidation, coercion, or propaganda is primarily sought”

Numerous other definitions are found throughout the governments of the member states of the United Nations. An example of the enigmatic nature of the term is evidenced in the fact that some United States regulations, statutes and agency definitions for “terrorism” differ from one another.

119 “Definitions of Terrorism.” United Nations, 2006. http://www.unodc.org/unodc/terrorism_definitions.html.

safety clearly target ethnic minority villagers. The signs accompanying the landmines reinforce the political purpose that was never ambiguous to villagers in the first place.

B. Standards Governing Forced Labor in Burma

In 1955, Burma ratified the Forced Labour Convention, 1930 (No. 29), and obligated itself to govern according to the standards established in the convention. The Convention prohibits the use of forced labor. To represent forced labor the work or service:

1. Must not be voluntarily offered, and
2. Must be exacted under the menace of penalty.¹²⁰

Additionally, the Convention contains five exceptions that are not classified as forced labor.

1. Compulsory military duty is permitted, so long as the work is that “of a purely military character.”
2. Work which forms part of the normal civic obligations of the citizens of a fully self-governing country is permitted.
3. Work may be forced on individuals as punishment for “a conviction in a court of law.”
4. Service in times of emergency, including “the event of war,” is also permissible.
5. “Minor communal services” on behalf of said community are permitted if the members or their representatives are consulted regarding the labor.

The Burmese military regime frequently enjoins forced labor from villagers flagrantly violating the Convention standards governing their behavior.

1. There is no doubt that the thousands of villagers carrying military supplies without pay did not offer their services voluntarily. Personal testimony describing the methods of labor conscription, such as Min Ko’s story of being kidnapped, establish this point.
2. The penalty for refusing the military regime’s forced labor demands is known to villagers throughout Burma. Occasionally, the Burma Army reminds villagers of this penalty by publicly maiming or murdering those refusing to adequately perform the task demanded of them. However, these penalties are implied by the Burmese soldiers’ presence and well understood by the villagers throughout the country.¹²¹

Much of Burma’s forced labor fails to qualify under the five exceptions listed in the Convention, but a portion of the labor is technically legal.

1. None of the labor documented is classifiable as “work of a purely military character.” This exemption is meant to justify states drafting individuals into the armed services.
2. Normal civic obligations do not include unpaid construction on a military base or forced portering of military supplies.
3. Some of the labor is demanded as punishment for national crimes. Thus, the labor demanded of prisoners is excused under the regulations of the Convention.
4. The labor demanded fails to meet the war time emergency exemption. This exemption is only met in cases of emergency and when the civilians’ own lives are in danger. The entrenched practice of forced labor in Burma is anything but an immediate and temporary response to a

120 “Forced Labour in Myanmar (Burma).” International Labour Organization, July 2, 1998. Para. 482. <http://www.ilo.org/public/english/standards/relm/gb/docs/gb273/myanma3c.htm#13.%20Findings%20as%20to%20compliance%20with%20the%20Conventi>

When determining whether “the menace of any penalty” is present, the International Labour Organization looks at both legislated penalties and penalties imposed in the practice of compelled labor.

121 “Forced Labour in Myanmar (Burma).” *Supra.* at 482.

major dilemma.¹²²

5. The frequency and scale of labor performed far surpasses any definition of “minor communal services.” The forced labor demands in Burma are major and sweeping, and the junta does not consult villagers or village headmen regarding the labor.

IV. Conclusion

The SPDC’s policy of attacking villagers and driving them from their homes violates several international laws. To supply these attacks the Burmese military regime illegally utilizes forced labor. The attacks themselves violate a host of international laws, ranging from murder to illegal property destruction to the illegal act of forcibly relocating civilians. Fortunately, customary international law, international precedent, and qua treaty law provide an avenue for bringing justice to the merciless dictators in Burma. The international tribunals of Rwanda and Yugoslavia give hope that some day these criminals will be held accountable in the international court of law.

Appendix

Rice Table:

	Tin	Basket	Sack
Paddy Rice	10 kilos	2 Tins	3 Tins
Milled Rice	16.6 kilos	2 Tins	3 Tins

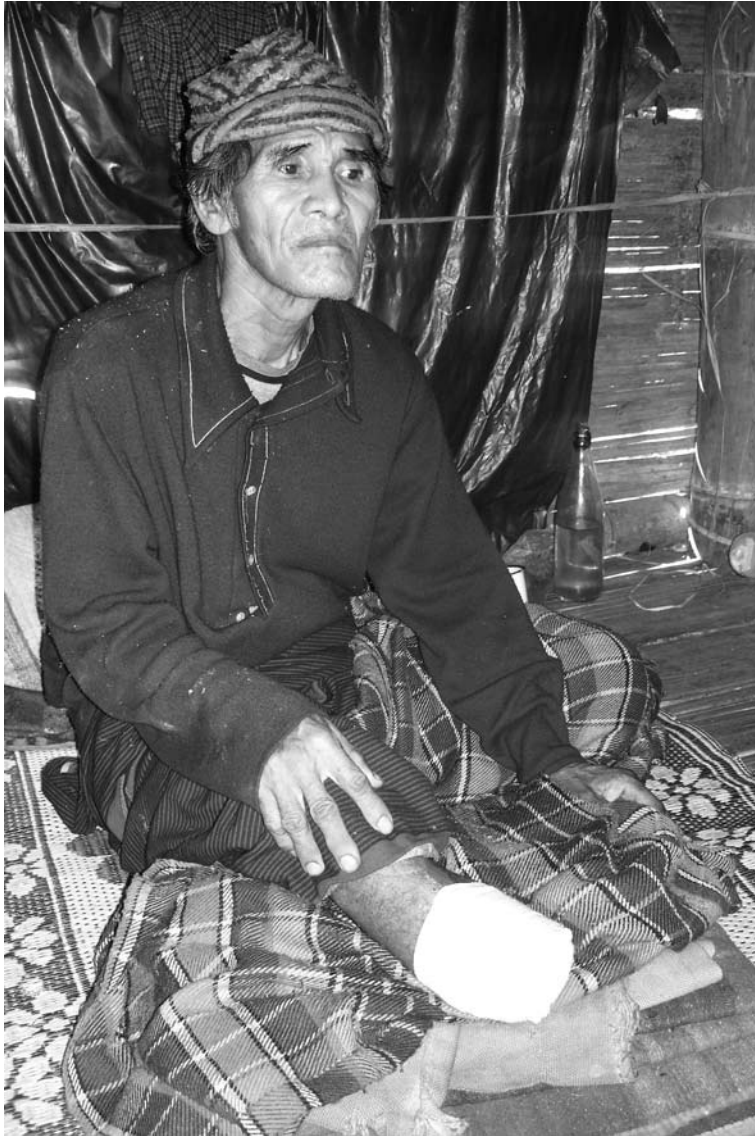
122 In denouncing the Burmese Military regime’s argument the ILO explained that the concept of emergency under the Convention involves a sudden, unforeseen happening that endangers the existence or well-being of the population and calls for instant countermeasures, which must be strictly limited in duration and to the extent required to meet the danger. While the conflicts between the Myanmar Government and a number of national minorities and other groups over many years may be considered as having taken the form of armed conflicts, the Government itself has stated in 1992 to the International Labour Conference that it was “no longer conducting military campaigns”. Even while it was, the requisition or round-up of civilians for portering, as reflected in the many testimonies submitted to the Commission, had not been in reaction to a case of emergency, as described above, but was merely the habitual way for the armed forces and paramilitary units to shift to the civilian population the burden of any labour they wished to be done and which otherwise would have to be performed by army personnel.

All of the cases of forced labor documented by the Free Burma Rangers fit this description. No cases report porters aiding a military campaign to save fellow citizens in eminent danger from the resistance armies. Rather, the documentation clearly reflects the Burma Army’s practice of using “the civilian population” to complete “labour they wished to be done and which otherwise would have to be performed by army personnel.” “Forced Labour in Myanmar (Burma).” *Supra.* at para. 486.



Left: A Burma Army Officer in the same unit that ordered landmines placed in Hee Daw Kaw village in November 2005.

Below: Saw Htoo Lah, 75, stepped on one of the landmines and lost his leg in December, 2005.



Right: Burma Army Officer overseeing forced labor in Kaw Thay Der village. May 06.





Mya Win, a relief team member who died of malaria in May 2006. Here shown on the banks of the Salween River holding a baby he helped to deliver in Toungoo District. April 06.



Mother and daughter moving in the rain to the forced relocation site at Play Hsa Lo village in Toungoo District. May 06.



IDP family in hiding. Toungoo District, May 06.

We, the global community, have the opportunity to work with the people of Burma for change. Freedom everywhere is good for all people and we of every nation must be able to stand with others even if there is no perceived or immediate benefit for us.

VII. CONCLUSION AND RECOMMENDATIONS

The people under attack need immediate protection, humanitarian assistance, and support for their pro-democracy organizations by the international community. This offensive is only the latest attempt by the dictators of Burma to gain control over the lives of the Karen people in the mountains of western and northwestern Karen State. It is one of the many tactics used to gain and maintain dominion over all the peoples of Burma.

To survive, the people rely on each other, their organizational abilities and, for many, their faith. These are not helpless victims. They have not given up, they run and hide when they have to, and then they return to rebuild their homes, restart their schools and make the best of life.



Continuing school while in hiding. Saw Wah Der, January 07.

Why Be Involved?



Medical treatment and relief distribution, Toungoo District, May 06.



Relief team nurse treats patients, Toungoo District, May 06.



Sick woman treated by relief team member, Nyaunglebin District, April 05.



IDPs gather to discuss a response to attacks, April 06.



Teacher hands out blankets to IDPs, Saw Wah Der, January 07.



IDPs singing at Christmas time, December 06.

Because People Count

10 REASONS WHY IT IS RIGHT TO BE INVOLVED IN BURMA

We, the global community, have the opportunity to work with the people of Burma for change. Freedom everywhere is good for all people and we of every nation must be able to stand with others even if there is no perceived or immediate benefit for us. Each of us can live our lives for the highest things, use the best of our heritage, values and prosperity to be part of positive change in the world. This takes courage, selflessness and finally a belief that all people count. May God give us all wisdom, love and humility as we move forward with the people of Burma.

1. For human dignity. The power of the oppressor is unrestrained: Girls being raped, children chased from their homes, parents murdered, restricted education, and people living in fear are wrong. Arbitrary arrests, and forced relocation are other tools of the regime. Human value crosses all political, religious, economic, and social lines and for this we need to stand with the people of Burma.

2. For the restoration of democracy. There was a democratically elected government that was forcefully displaced by a brutal dictatorship.

3. For the release of political prisoners. Nobel Peace Prize winner Aung San Suu Kyi, who is still under house arrest, is one of thousands of political prisoners.

4. For ethnic rights and a durable peace. Ethnic minorities comprise over 40% of the population of Burma and thus should be equitable partners now and in Burma's future. Without them there is no just or durable solution for a peaceful and democratic Burma. Burma's brutal campaign against the ethnics has resulted in more than 1 million IDPs, over 1 million refugees, and gross human rights violations such as Burma's large scale use of landmines to target civilian populations. Many of the ethnic peoples of Burma were allies for freedom in World War II. It is a matter of honor not to forget them.

5. For public health. There is a growing HIV/AIDS epidemic in Burma, and in overall health, Burma ranks as one of the worst in the world. Approximately one out of every 10 children in Burma die before their 5th birthday. The ratio is twice as high among the thousands of families forced to flee their homes by the military's ongoing campaigns.

6. For an end to religious persecution. There is widespread religious persecution in Burma and this is a violation of a foundational and sacred human right.

7. For an end to forced labor and use of humans as minesweepers. The regime forces thousands of people each year to work on State projects and during military campaigns uses people to carry supplies and as human minesweepers.

8. For the protection of the environment. Unchecked and large scale clear cutting of some of the world's last remaining natural teak and other tropical hardwood reserves, toxic mining practices, and the poorly-planned building and proliferation of dams are among the many destructive practices that are damaging the country now and for future generations. The wanton and unchecked destruction of the environment in Burma is not only harmful to Burma, but to all of the surrounding countries.

9. For the control of narcotics. Burma is one of the main producers of methamphetamines in the world, and is #1 in Southeast Asia. Burma, behind Afghanistan, is the #2 producer of Opium/Heroin in the world.

10. For regional security. Burma is building up its military with assistance from other area dictatorships and this along with its interest in a nuclear program makes it a regional security threat. Its immoral leadership and lack of accountability also make it a potential global threat.

Recommendations for Action

While this report is focused on the attacks against the Karen people, the oppression and resultant needs of all the people of Burma are just as significant. The attacks described are only one example of oppression that is ongoing and widespread. We recommend a concerted effort to meet the needs of all the displaced in Burma. The following are our specific and general recommendations. The actions recommended are already in effect by the FBR and other local organizations but only on a very small scale. There is an urgent need to increase and broaden these actions.

I. Recommendations for Action: General

1) *POPULATION PROTECTION*

Diplomacy, advocacy and immediate population protection and security assistance should be initiated as a first step in addressing security issues for people under attack. There is also an immediate need for early warning systems, communications, and information networks.

2) *FOOD*

Sustained food support for IDPs.

3) *MEDICINE/HEALTH*

- Training, equipment and medicine for teams providing programmed and systematic health care.
- Support and improvement of existing clinics, as well as the establishment of new clinics.

4) *CHILD SOLDIERS and DEFECTORS*

Support should be given to child soldier and defector rescue and rehabilitation programs in pro-democracy, ethnic resistance-controlled areas of Burma.

5) *EDUCATION*

Support is needed for teachers, schools, school materials, teacher training programs and materials, especially in the conflict areas.

6) *REFUGEES*

- Increased support for existing programs in the refugee camps.

7) *INTERNATIONAL POLITICAL ADVOCACY*

- Initiate the tripartite dialogue process between the National League for Democracy, the State Peace and Development Council, and the ethnic groups.
- Formally recognize the pro-democracy ethnic groups' political parties and organizations as legitimate and representative organizations of the people of Burma.

II. Recommendations for Action: Specific to the Free Burma Rangers

1) *EMERGENCY MEDICAL/HEALTH*

- Training, equipment and medicine for mobile medical teams providing emergency medical aid.
- Improve the diagnostic and treatment capabilities for the most common diseases seen, such as malaria.
- Improve existing medical evacuation capacity.
- Train teams to provide spiritual and emotional counseling.

2) *SHELTER/BASIC SUPPLIES*

- Plastic and nylon sheeting for emergency roofing.
- Cooking utensils.
- Blankets and clothing.
- Cash for local purchases.

3) *EMERGENCY FOOD*

- Provision of emergency food supplies to those under attack.

4) *LOGISTICS AND DEVELOPMENT*

Logistics is the foundation for the implementation of each of the above-mentioned needs. Funding is needed to support an improved logistics network that includes:

- Improvement of the existing trail system.
- Further development of the existing pack animal program.
- The building of roads and provision of vehicles in certain areas where this is practical.
- The provision of boats for water-borne relief.
- Support for a light plane service that would provide emergency medical evacuation as well as rapidly move people and supplies.
- Train logistics personnel and build up secure storage facilities and supply depots.

5) *INFORMATION NETWORK OF BURMA*

This communications network aids in documenting, reporting and disseminating information about human rights abuses in Burma, as well as helping to provide early warning of attacks by the Burma Army and coordination of humanitarian relief. Support is needed to:

- Improve and expand at every level the existing network of radios, satellite systems, digital media, and satellite imagery for early warning, relief coordination, information dissemination and advocacy. This requires training, equipment and sustained support.
- Initiate a UAV program to help in early warning and the protection of displaced communities under attack.

6) *ETHNIC RELIEF TEAMS (FBR)*

Train and support multi-ethnic teams to provide emergency medical care, shelter, food, clothing, human rights documentation and specialized programs for women and children. The multi-ethnic composition of the teams and their deployment into different areas of Burma facilitates understanding, reconciliation and ethnic unity. The teams also operate a communications and information network inside Burma that provides real-time information from areas under attack. The teams need:

- Training, supplies and support to increase the number of teams currently active and increase the capacity of this program in providing medical and emergency relief. Teams also receive leadership and democracy training, thus laying a foundation for a future democratic structure.
- Sustain the teams in the field with all needed support for relief missions.

To free the oppressed and to stand for human dignity, justice and reconciliation in Burma.

VII. APPENDICES

These are the remains of this woman's husband who was forced to guide for the Burma Army. He was then tortured and killed. April 06



IDPs on the move, December 06.



FBR relief team member providing dental care for IDPs in Shan State, September 2006.

FBR RELIEF SINCE 1997

Full-time humanitarian relief teams: _____ 40
Total teams trained: _____ over 110
Relief missions conducted: _____ over 350
Patients treated: _____ over 360,000
People helped: _____ over 700,000

Breakdown of 40 Full-time Humanitarian Relief Teams by State and District:

Headquarters – 2 teams
Arakan – 1 team
Kachin – 2 teams
Karen – 24 teams
- Thaton District: 2 teams
- Toungoo District: 3 teams
- Nyaunglebin District: 6 teams
- Mergui-Tavoy District: 4 teams
- Papun District: 5 teams
- Doooplaya District: 2 teams
- Paan District: 2 teams
Karenni – 5 teams
Lahu – 1 team
Shan – 5 teams

APPENDIX A:

THE FREE BURMA RANGERS

a) FBR Statement:

The Free Burma Rangers (FBR) is a multi-ethnic humanitarian service movement. They bring help, hope and love to people in the war zones of Burma. Ethnic pro-democracy groups send teams to be trained, supplied and sent into the areas under attack to provide emergency assistance and human rights documentation. The teams also operate a communication and information network inside Burma that provides real time information from areas under attack. Together with other groups, the teams work to serve people in need.

The teams are to avoid contact with the Burma Army but cannot run if the people cannot run.

Men and women of many ethnic groups and religions are part of the FBR. There are only three requirements for team members:

1. Love- Each person strives to do this for the love of the people and no one is paid. They still belong to their parent organizations.

2. Ability to read and write- due to the medical, documentation and other skills needed, literacy in at least one language is required.

3. Physical and moral courage- they have to have the physical strength and endurance to be able to walk to crisis areas, and the moral courage to be with people under attack and to stand with them if they cannot flee.

In addition to relief and reporting, other results of the teams' actions are the development of leadership capacity, civil society and the strengthening of inter-ethnic unity.

The FBR has trained over 110 multi-ethnic relief teams and there are over 40 full time teams active in the Karen, Karenni, Shan, Arakan and Lahu areas of Burma. The teams have conducted over 350 humanitarian missions of 1-2 months into the war zones of Burma. On average between 1,000-2,000 patients are treated per mission with 2,000 more people helped in some way. Since 1997, the teams have treated over 360,000 patients and helped over 700,000 people.

For more information about the Free Burma Rangers, please see www.freeburmarangers.org.

b) FBR Vision, Mission and Objectives

VISION

To free the oppressed and to stand for human dignity, justice and reconciliation in Burma.

MISSION

To bring help, hope and love to people of all faiths and ethnicities in the war zones of Burma, to shine a light on the actions of the dictators' army, to stand with the oppressed, and to support leaders and organizations committed to liberty, justice and service.

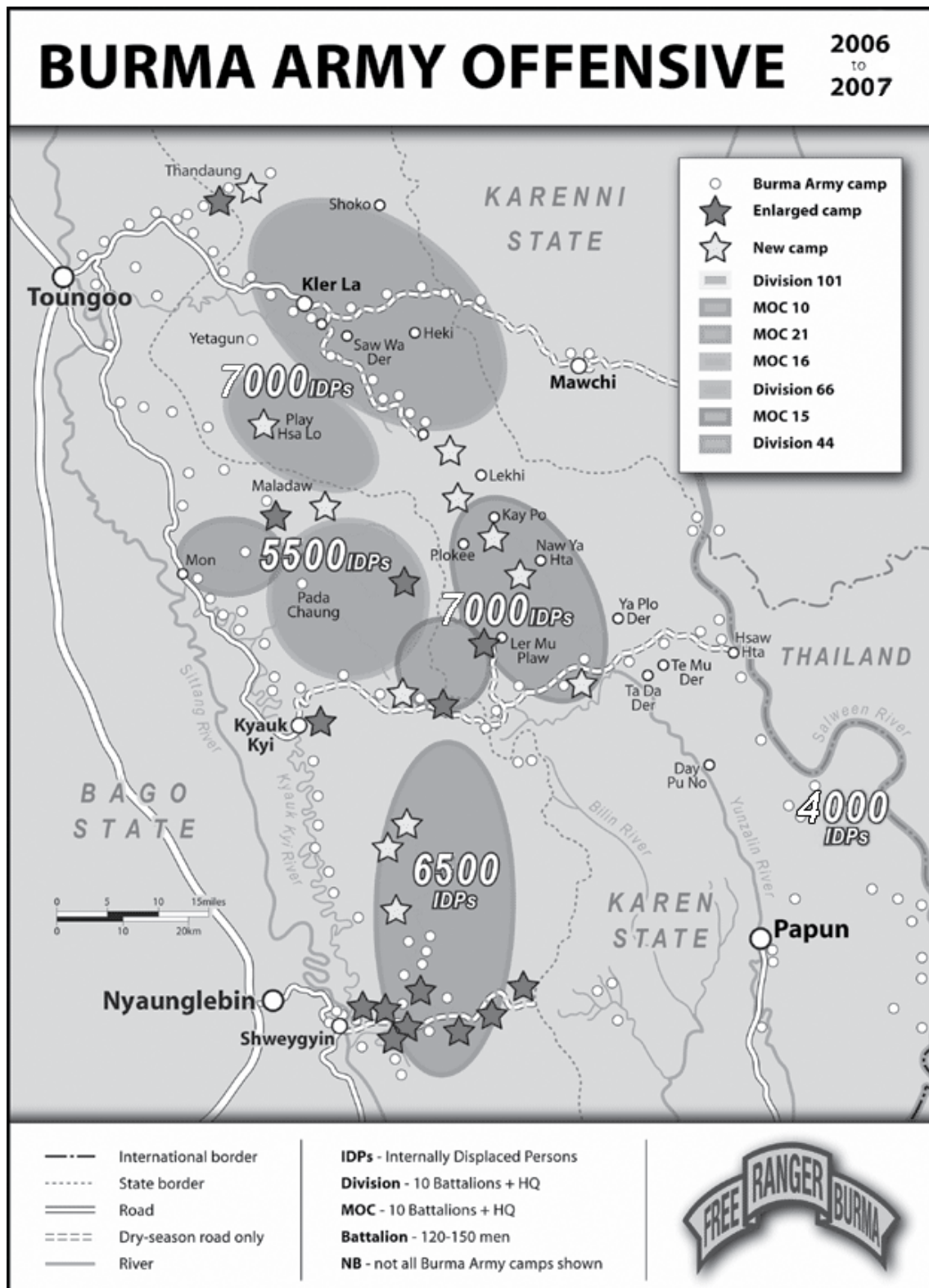
OBJECTIVES

- 1) To inspire, train, and equip people in Burma to bring positive change through acts of love and service.
- 2) To provide immediate medical assistance, shelter, food, clothing, educational materials and other humanitarian aid in the war zones and to improve logistics and medical evacuation.
- 3) To develop the Information Network of Burma that documents, reports and disseminates accounts of human rights violations and provides an early warning system of Burma Army attacks.
- 4) To provide spiritual and emotional counseling for trauma victims and to support programs for women and children.
- 5) To train, equip, and sustain indigenous humanitarian relief teams in the field.
- 6) To work for reconciliation, the building of civil society and unity among all peoples in Burma.

Love each other
Unite for freedom, justice and peace
Forgive and don't hate each other
Pray with faith, act with courage
Never surrender

APPENDIX B:

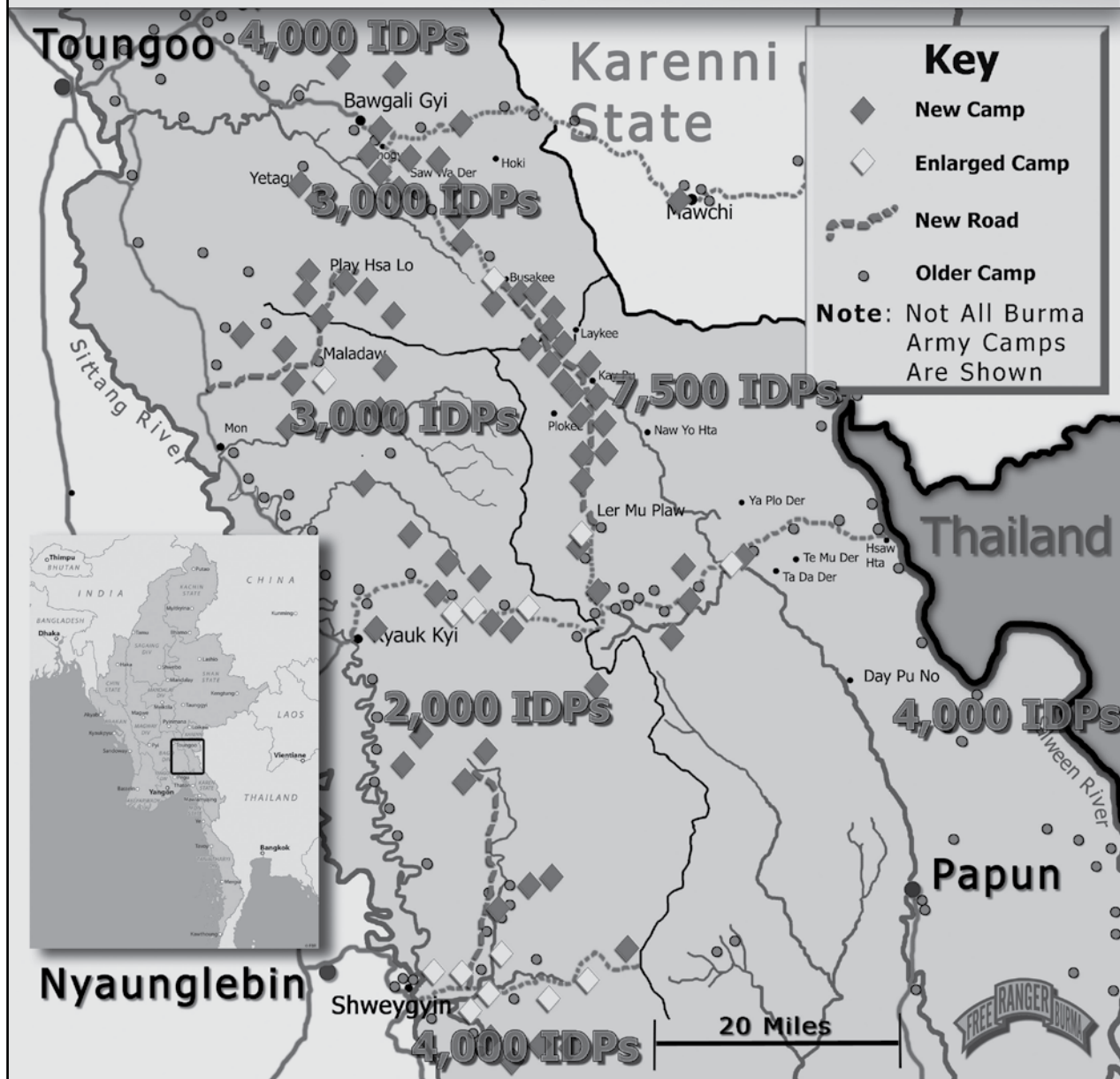
MAPS AND NEW CAMP COORDINATES



From 2006 -2007 over 5,000 people also fled as refugees into Thailand. Over 30,000 total were displaced.

This map reflects the situation from 2006 to 2007.

Burma Army Camps and IDPs in Northern Karen State March, 2008



This map shows about half of the over 100 New Burma Army camps that have been built in Nyaunglebin, Papun and Toungoo Districts since 2006.

The IDP numbers here reflect the number of people currently in hiding in these areas; they do not show the thousands of people who have fled to the plains areas to the west; they also don't reflect the thousands of people who are living in Burma Army-controlled forced relocation sites in these areas.

The expansion of Burma Army camps and army-controlled roads is slowly squeezing villagers out of their homes.



Porter in Muthey Burma Army camp, Nyaunglebin District, December 2007.



Troop resupply, Mawpu camp, Papun District, January 2008.



Ter Tu Soe Burma Army camp, Toungoo District, January 2008.



Porters carrying loads at Muthey Burma Army camp, Nyaunglebin District, April 2007.

New Camps in 2006-2008

Nyaunglebin District: 39 new camps

Papun District: 38

Toungoo District: 26

Total: 103 new camps

Note: This is a not a complete list of all Burma Army camps—it only lists the over 100 new camps built by the Burma Army in support of the offensive in the northern Karen State, which started in February 2006 and continues to the present. (Two new camps not in this count have been built to support this offensive and since been abandoned—Twe Me Jo, west of Naw Yo Hta and an unnamed camp on the Bilin River north of Baw Kwa, both in Papun District). This message was sent from an FBR team in the field.

Note: Coordinates listed first are latitude and longitude in degrees, minutes, minutes; coordinates listed second are for the British 1 Inch, 1:63,360 Maps.

1. Nyaunglebin District: Mon, Shweygyin and Kyauk Kyi Townships

—39 new camps -

—Map Sheets: 94B/10, B/14, B/15, B/16, 94 C/13, 94 G/1

- Mon Township: 20 total new camps.

—Map Sheets: 94B/10, B/14, B/15.

- o Tee Wa Blay Key (map sheet 94B/14)
 - Lat/long: N18 36.667 E96 47.417
 - British map coordinates (BMC): 302 563
- o Paunzeik (map sheet 94B/14)
 - Lat/long: N18 33.667 E96 46.500
 - BMC: 277 504
- o Play Day (map sheet 94B/10)
 - Lat/long: N18 40.500 E96 44.983
 - BMC: 250 680
- o Po Kay So (map sheet 94B/15)
 - Lat/long: N18 27.333 E96 50.550
 - BMC: 355 372
- o No name (1) (map sheet 94B/15)
 - Lat/long: N 18 22.667 E 96 38.167
 - BMC: 310 280
- o No name (2) (map sheet 94B/15)
 - Lat/long: N18 21.333 E96 57.667
 - BMC: 483 250
- o No name (3) (map sheet 94B/15)
 - Lat/long: N18 21.250 E96 57.300
 - BMC: 490 255
- o Tee Lay (map sheet 94B/15) (on border of this map and 94 B/14)
 - Lat/long: N 18 30' 15", E 96 47' 47"
 - BMC: 310 430
- o Porosoe
 - Lat/long: N18 25.333 E96 52.000
- o Wae Gyi-Lu Aa
 - Lat/long: N18 23.500 E96 39.667
- o Wa Doh Ko
 - Lat/long: N 18 23.5 E96 54.30
- o Law Day
 - Lat/long: N18 34.414 E96 48.337
- o Play Soe Ko
 - Lat/long: N18 23.650 E96 54.583

- o Toe Taw Soe
 - Lat/long: N18 24.417 E96 54.083
- o unknown name 3
 - Lat/long: N18 21.095 E96 57.473
- o Terpwaa--this camp is in Saw Tay Der area, grid coordinates are unavailable
- o Le Pe Lo--this camp is on the border of 2nd Brigade
- * *Old but improved camps on Kauk Kyi - Hsaw Hta road*
- o Hsaw Mi Lu (map sheet 94B/15)
 - Lat/long: N18 22.083 E96 53.333
 - BMC: 365 292
- o Muthey (map sheet 94B/15)
 - Lat/long: N18 20.824 E96 56.289
 - BMC: 470 249
- o Ko Pla Lay Ko (map sheet 94B/15)
 - Lat/long: N18 21.833 E96 53.500
 - BMC: 412 262
 - Shweygyin Township: 14 total
- Map sheets 94 B/16, 94 C/13, 94 G/1
- o Noh Baw Ta (map sheet 94 C/13)
 - Lat/long: N17 50.430 E96 58.473
 - BMC: 94 C/13 502 632
- o Tha Ree Ta (map sheet 94 C/13)
 - Lat/long: N17 52.513 E96 56.973
 - BMC: 94 C/13 471 673
- o Hti Plu Ta (map sheet 94 C/13)
 - Lat/long: N17 55.833 E96 56.833
 - BMC: 94 C/13 471 740
- o Pah Ka (map sheet 94 C/13)
 - Lat/long: N17 57.333 E96 58.083
 - BMC: 94 C/13 491 764
- o Wa Ko Law Te (enlarged) (map sheet 94 C/13)
 - Lat/long: N17 57.117 E96 59.100
 - BMC: 94 C/13 512 761
- o Ko Pet Ē (enlarged) (map sheet 94G/1)
 - Lat/long: N17 50.880 E97 01.307
 - BMC: 94 G/1 650 640
- o Tha Ko Kwi Day (map sheet 94G/1)
 - Lat/long: N17 51.667 E97 04.500
 - BMC: 94 G/1 612 651
- o name unknown (map sheet 94G/1)
 - Lat/long: N17 52.167 E97 02.000
 - BMC: 94 G/1 561 662
- o Htoo Day
 - Lat/long: N18 03.500 E97 01.083
 - No British grid
- o Mae Tu Soe
 - Lat/long: N17 56.167 E97 01.083
- o Mae Laut
 - Lat/long: N17 45.867 E97 01.917
- o T'ler Day (Per Day)
 - Lat/long: N18 06.333 E96 58.667
- o New camp
 - Lat/long: N 17 53.742 E96 59.211
- o Wei Thaw Day
 - Lat/long: N17 54.582 E97 08.486
- Kyauk Kyi (Ler Doh) Township: 5 new camps
- Map Sheet 94 B/16
- o Ro Ka Soe

- Lat/long: N18 10.017 E96 58.000
- BMC: 493 023
- o Pau Wah Ta (Kyauk Lo Gynew)
- Lat/long: N18 12.345 E96 53.140
- BMC: 401 072
- o Nyaw Pin Gyi
- Lat/long: N18 14.167 E96 49.667
- o Tein Pin (K'Pler Doh)
- Lat/long: N18 07.833 E96 55.000
- o Maw Ta
- Lat/long: N18 13.583 E96 52.667

2. Papun District (Muthraw) (along new road route, Ler Mu Plaw to Busakee):

—38 total new camps

—Map Sheets: 94 F/2, F/3

- o The Ler Ker Ko (map sheet: 94 F/2)
- Lat/long: N18 34.883 E97 02.250
- BMC: 590 522
- o Shway Jo (map sheet: 94 F/2)
- Lat/long: N18 34.526 E97 02.647
- BMC: 593 503
- o Oo Mae Jo (map sheet: 94 F/2)
- Lat/long: N18 34.463 E97 01.948
- BMC: 585 512
- o Ka La Jo (map sheet: 94 F/2)
- Lat/long: N18 32.822 E97 03.500
- BMC: 592 497
- o Sho Jo (map sheet: 94 F/2)
- Lat/long: N18 31.483 E97 03.600
- BMC: 609 445
- o Thay¹ Wa Jo (map sheet: 94 F/3)
- Lat/long: N18 19.917 E97 09.297
- BMC: 718 217
- o Kaw Dawko
- Lat/long: N18 40.169 E96 58.747
- BMC: 524 629
- o Kay Mu
- BMC: 546 607
- o Wa Mo Ko
- BMC: 545 602
- o Saw Keh Der
- Lat/long: N18 37.372 E97 00.702
- BMC: 560 584
- o Ko Lay Ko
- Lat/long: 18 39.43 97 01.00
- BMC: 564 613
- o Kaw Ta Der (Kay Pu)
- N18 36.333 E97 02.667
- BMC: 573 574
- o Hsa Law Pu Jo (Kaypu South)
- Lat/long: N18 36.104 E97 02.611
- o K'maw Jo
- Lat/long: N18 42.302 E96 58.756
- o K'Mee Hta Plaw
- Lat/long: N18 36.750 E97 02.000
- o Lay Gaw Jo (62)
- Lat/long: N18 33.333 E97 03.500
- o Laykee Burma Army camp
- Lat/long: N18 40.291 E97 01.096
- o Meh See Jo

- Lat/long: N18 32.222 E97 04.294
- o new camp Papun
- Lat/long: N18 24.823 E97 13.883
- o Takheder
- Lat/long: N18 37.500 E97 00.667
- o Shweh Jo (60)
- Lat/long: N18 33.417 E97 03.000
- o Kay Pu area (1)
- Lat/long: N18 37.5 E97 2.9
- BMC: 605 570
- o Kay Pu area (2)
- BMC: 598 558
- o Gka Hta
- Lat/long: N18 40.005 E96 59.760
- o Na Gka Chaw
- Lat/long: N18 37.133 E97 00.821
- o Shweh Loo Koh
- Lat/long: N18 37.311 E97 01.284
- o Myauk Kay Pu
- Lat/long: N18 37.569 E97 02.395
- o Ka Wa Ko Day
- Lat/long: N18 35.598 E97 02.616
- o Way Day Jo Koh
- Lat/long: N18 35.058 E97 02.589
- o Ka La Jo
- Lat/long: N18 33.107 E97 03.239
- o Bo Hsaw Jaw Lo
- Lat/long: N18 26.902 E97 03.747
- o Bpeh Law
- Lat/long: N18 23.260 E97 04.054
- o Dta Nyo Ko
- Lat/long: N18 20.094 E97 04.733
- o Dweh Thee Jo
- Lat/long: N18 19.515 E97 05.989
- o Kwee No Jo
- Lat/long: N18 21.735 E97 11.106
- o Si day
- Lat/long: N18 41.017 E96 58.500
- o NW of Siday village (map sheet B/14) (two sites)
- Lat/long: N18 42.326 E96 57.353; N18 42.833 E96 56.500
- BMC: 496 685 and 480 685
- o point 2012 (K'thwee Jo)
- Lat/long: N18 40.050 E96 58.867

3. Toungoo District:

—26 new camps

—Map Sheets 94 B/9, B/10, B/13, B/14

- o Zin Ty Lay (map sheet B/10)
- Lat/long: N18 42.423 E96 44.867
- BMC: 264 694
- o Kyauk Hsin Daung (map sheet B/9)
- Lat/long: N18 47.746 E96 40.972
- BMC: 195 788
- o Play Hsa Lo (map sheet B/9)
- Lat/long: N18 44.853 E96 44.502
- BMC: 255 735
- o Ga Mu Der (map sheet B/13)
- Lat/long: N18 54.517 E96 51.950
- BMC: 400 910
- o Si Kwey Der (map sheet B/13)

- Lat/long: N18 49.068 E96 51.420
- BMC: 392 814
- o Wa Doh Lo (map sheet B/13)
- Lat/long: N 18 48.25 E 96 51.667
- BMC: 393 796
- o Ti Taw Sakan (map sheet B/14)
- Lat/long: N18 42.740 E96 57.640
- BMC: 494 686
- o Baw Ga Lyi Ley (map sheet B/13)
- Lat/long: N18 53.680 E96 46.733
- BMC: 295 902
- o Chi Byaung (Ler Wah Hta)
- Lat/long: N18 43.556 E96 48.012
- o Der Doh
- Lat/long: N18 55.883 E96 50.167
- o Gayaki
- Lat/long: N19 09.814 E96 42.335
- o Kubyaung
- Lat/long: N18 56.889 E96 45.990
- o Ler Wa Soe Point 4710
- Lat/long: N18 47.729 E96 54.084
- o Mae Kyaung
- Lat/long: N18 56.900 E96 49.367
- o Muti Myaung (Yulo)
- Lat/long: N18 43.628 E96 43.935
- o Myuthey
- Lat/long: N18 44.500 E96 54.983

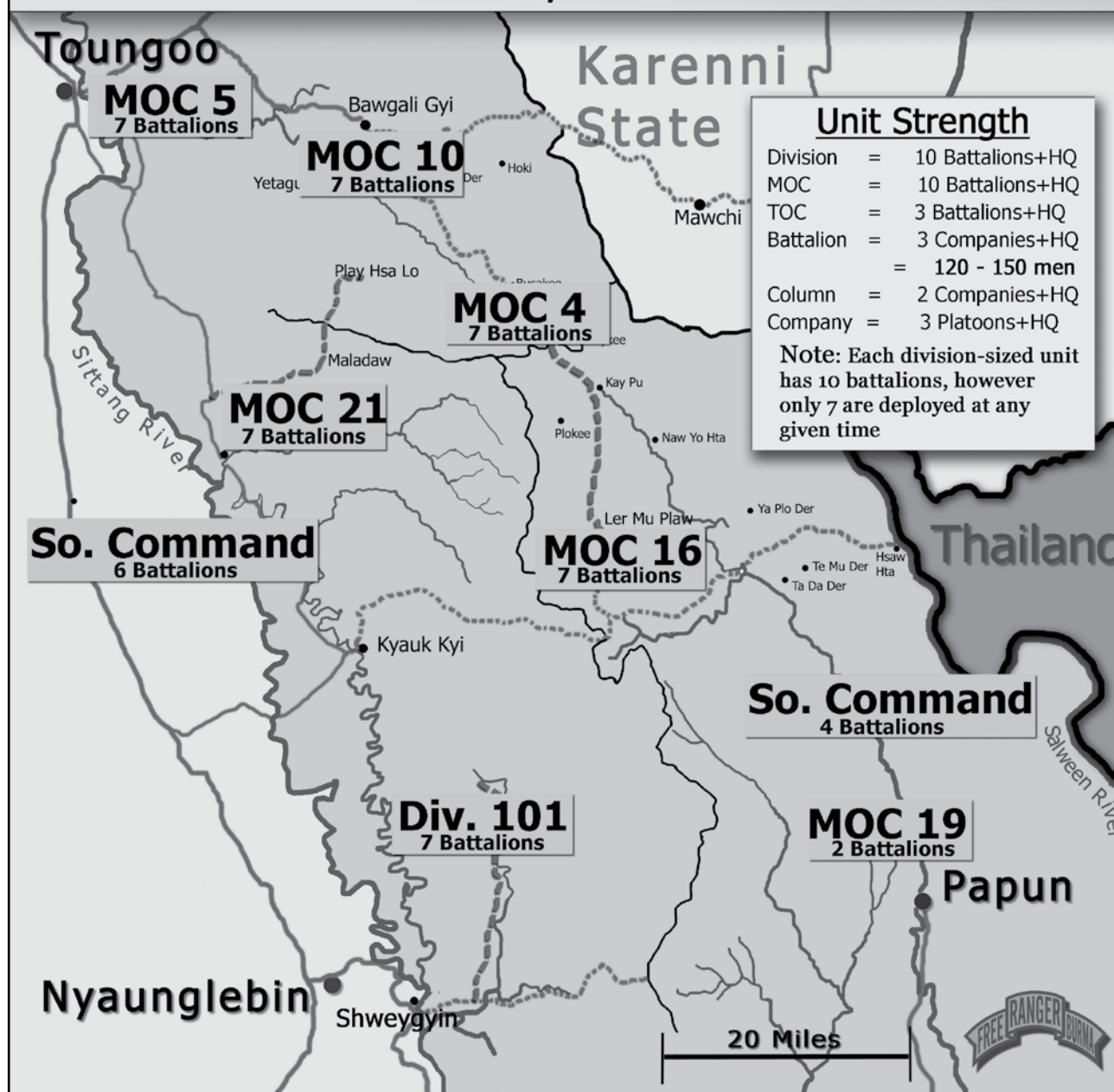
- o No name (6)
- Lat/long: N18 42.833 E96 56.500
- o point 2906
- Lat/long: N18 46.621 E96 53.897
- o point 3630
- Lat/long: N18 50.489 E96 49.662
- o Saw Wa Der (Waw Sau See)
- Lat/long: N18 51.530 E96 50.935
- o Shan Lay Byin (Shee Daw Ko)
- Lat/long: N18 42.967 E96 51.000
- o Ter Tu Soe Burma Army camp
- Lat/long: N18 51.989 E96 52.331
- o Ter Tu Soe camp 2
- Lat/long: N18 51.930 E96 51.897
- o Ter Tu Soe camp 3
- Lat/long: N18 51.727 E96 51.857
- o Yaw Sa Soe Burma Army camp
- Lat/long: N18 50.488 E96 52.261
- o Yetholay
- Lat/Long: N18 54.217 E96 48.667

*Grid coordinates not yet available—and not included in this count—for Gawa De Pu Lee, new camp in Than Daung Township.



Muthey Burma Army Camp, December 2007.

Current Burma Army Units in Northern Karen State March, 2008



This map represents Burma Army troop deployment as of March 2008; these numbers are down from the height of the troop resupply in December 2007, when there were 15 division-sized units in these areas. Burma Army division-sized units are generally rotated to new areas on a yearly basis.

APPENDIX C:

ORDER OF BATTLE OF BURMESE ARMY UNITS INVOLVED IN THE OFFENSIVE¹

by Brian McCartan an independent analyst

The battalions below are listed with their battalion headquarters locations. This is where the battalions are normally based while in garrison and not where they are currently operating at the frontline. The OCCs and LIDs are listed with all ten battalions, although only seven battalions are in the area of operations at any one time. The other three battalions are kept in reserve at their base camps.

Southern Command – (HQ at Taungoo) – Maj Gen Ko Ko

IB 30	–	HQ at Bawnagyi
IB 39	–	HQ at Taungoo
IB 48	–	HQ at Pan Tin Taung
IB 53	–	HQ at Paukkaung
IB 57	–	HQ at Shwegyin
IB 60	–	HQ at Than Bo-Kyauk Kyi
IB 73	–	HQ at Than Daung
IB 75	–	HQ at Pyi
IB 124	–	HQ at Than Daung Gyi
IB 264	–	HQ at Peinzaloke
IB 349	–	HQ at Shwegyin
IB 30	–	HQ at Shwegyin
LIB 351	–	HQ at Kyuak Kyi
LIB 439	–	HQ at Kanyuntgwin
LIB 440	–	HQ at Daik U
LIB 589	–	HQ at Doneseik
LIB 590	–	HQ at Mone
LIB 599	–	HQ at Mone

(This is only a partial listing of battalions subordinate to Southern Command. It includes only those units that have been documented as participating in the offensive or are based in the area of the offensive.)

Southeast Command – (HQ at Moulmein) – Brig Gen Thet Naing Win

IB 19	–	HQ at Papun
IB 24	–	HQ at Thaton
IB 96	–	HQ at Kyaikto
LIB 340	–	HQ at Papun
LIB 341	–	HQ at Papun-Way San
LIB 434	–	HQ at Papun

(This is only a partial listing of battalions subordinate to Southeastern Command. It includes only those units that have been documented as participating in the offensive or are based in the area of the offensive.)

Western Command – (HQ at Sittwe)

IB 34	–	HQ at Kyaukpyu
IB 232	–	HQ at Sittwe
LIB 344	–	HQ at Kyaukpyu

(Only one Strategic Operations Command from Western Command is stationed in Southeast Command area. Western Command has for several years contributed SOC's to reinforce other regional commands, especially in the Southern and Southeast Command areas.)

Operation Control Command 10 – HQ at Kalay, Sagaing Division (Northwest Command)

LIB 361	–	HQ at Kalay
LIB 362	–	HQ at Kalay
LIB 363	–	HQ at Kalay
LIB 364	–	HQ at Mawlaik
LIB 365	–	HQ at Mawlaik
LIB 366	–	HQ at Mawlaik
LIB 367	–	HQ at Kanti
LIB 368	–	HQ at Paungpyin

LIB 369 – HQ at Homalin
LIB 370 – HQ at Homalin

Operation Control Command 15 – HQ at Buthidaung, Arakan State (Western Command)

LIB 345 – HQ at Buthidaung
LIB 352 – HQ at Buthidaung
LIB 353 – HQ at Buthidaung
LIB 535 – HQ at Buthidaung
LIB 536 – HQ at Rathedaung
LIB 537 – HQ at Rathedaung
LIB 551 – HQ at Taungbazar
LIB 552 – HQ at Taungbazar
LIB 564 – HQ at Buthidaung
LIB 565 – HQ at Buthidaung

Operation Control Command 16 – HQ at Thein Ni, Shan State (Northeast Command) – Col Zay Oo May

IB 68 – HQ at Lashio
IB 69 – HQ at Thein Ni
IB 240 – HQ at Thein Ni
IB 241 – HQ at Kutkai
IB 242 – HQ at Kokaing
LIB 323 – HQ at Thein Ni
LIB 507 – HQ at Lashio
LIB 522 – HQ at Lashio
LIB 567 – HQ at Nansalat
LIB 568 – HQ at Nansalat

Operation Control Command 21 – HQ at Moe Mait, Kachin State (Northern Command) – Col Aye Hlaing

IB 47 – HQ at Bhamo
IB 56 – HQ at Shwegu
IB 223 – HQ at Moe Mait
IB 237 – HQ at Banmaw
IB 276 – HQ at Moe Mait
LIB 320 – HQ at Myo Thit-Moe Mait
LIB 387 – HQ at Myo Thit-Moe Mait
LIB 438 – HQ at Myo Thit
LIB 601 – HQ at Mansi
LIB 602 – HQ at Shwegu

Light Infantry Division 33 – HQ at Sagaing, Sagaing Division

IB 4 – HQ at Mandalay
IB 42 – HQ at Shwebo
IB 76 – HQ at Mandalay
LIB 11 – HQ at Shwebo
LIB 12 – HQ at Shwebo
LIB 13 – HQ at Sagaing
LIB 111 – HQ at Wontho
LIB 116 – HQ at Patheingyi
LIB 119 – HQ at Patheingyi
LIB 120 – HQ at Wontho

(Involved in preliminary operations in Kyauk Kyi and Shwegyin townships but withdrawn in December. Reported as rejoining the offensive in Kyauk Kyi township in October 2006.)

Light Infantry Division 44 – HQ at Thaton, Mon State – Brig Gen Hla Myint Swe

IB 2 – HQ at Theinzayeik
IB 8 – HQ at Bilin
LIB 1 – HQ at Thaton
LIB 2 – HQ at Kyaikto
LIB 3 – HQ at Bilin
LIB 9 – HQ at Theinseik
LIB 102 – HQ at Mawtama

LIB 104 – HQ at Moulmein
 LIB 118 – HQ at Thaton
 LIB 207 – HQ at Theinzayeik

(Involved in supporting operations in southern Papun Township until at least April, then withdrawn. Reported in October as moving through Kyauk Kyi township to join offensive in northern Papun township.)

Light Infantry Division 66 – HQ at Pyi, Pegu Division

IB 1 – HQ at Min Hla
 IB 11 – HQ at Wa Ya Chaung-Pu Thein
 IB 14 – HQ at Lay Kyun Sami
 IB 35 – HQ at Thayawaddy
 IB 80 – HQ at Inn Ma
 LIB 4 – HQ at Inn Ma
 LIB 5 – HQ at Inn Ma
 LIB 6 – HQ at Aught Po/Tein Myaut
 LIB 10 – HQ at Damange
 LIB 108 – HQ at Danupyu

Light Infantry Division 101– HQ at Pakkoku, Magwe Division

LIB 251 – HQ at Pakkoku
 LIB 252 – HQ at Pakkoku
 LIB 253 – HQ at Salin
 LIB 254 – HQ at Salin
 LIB 258 – HQ at Yesagyo
 LIB 259 – HQ at Pakkoku

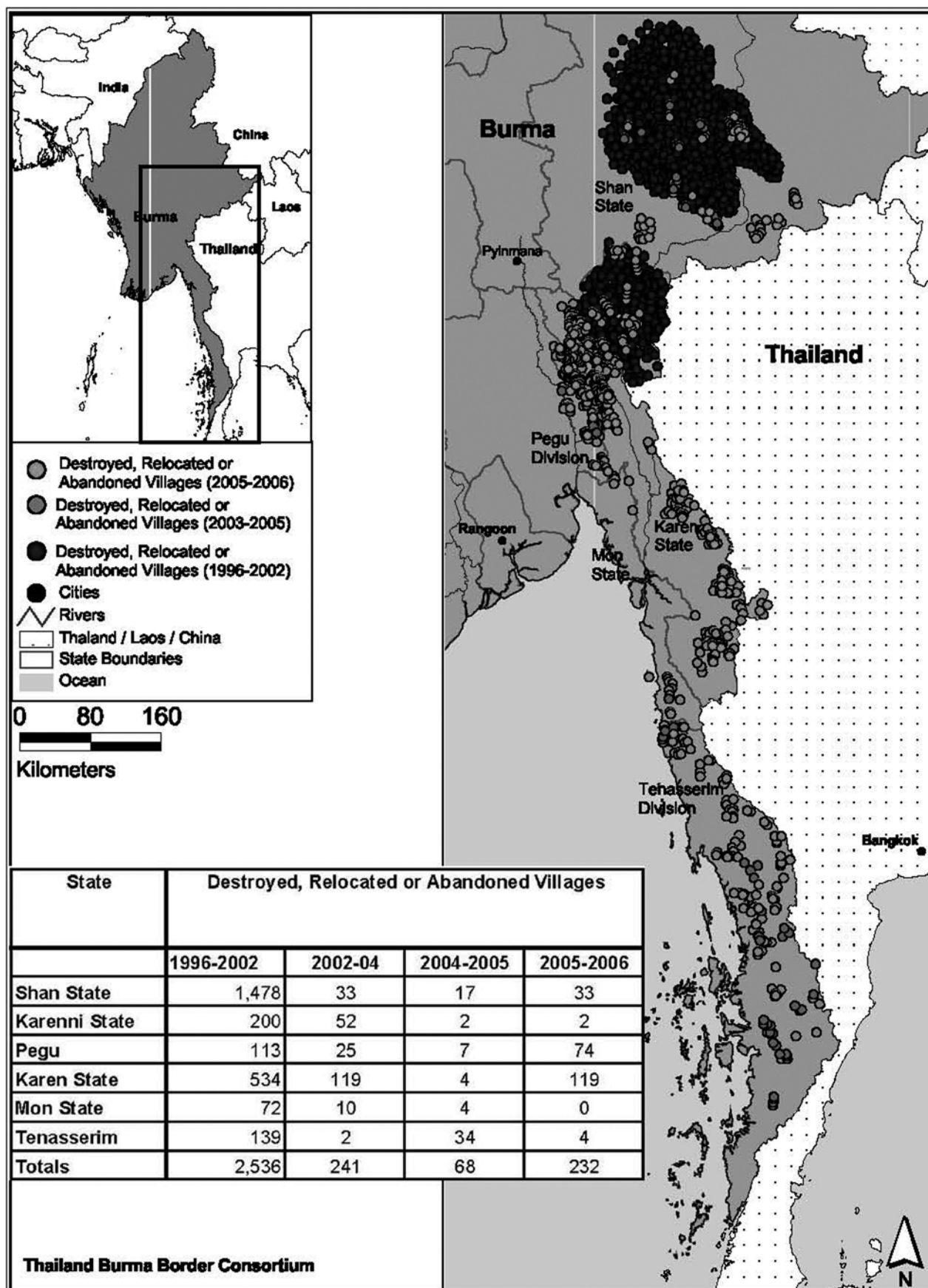
Light Infantry Division 99 – HQ at Meiktila, Mandalay Division

(Previously slated to join operations in Karen State, but pulled out to guard the Rangoon-Mandalay railroad around Taungoo after a series of bomb explosions near or on the rail line. Still rumoured to be sent to join operations.)

(Endnotes)

1. This order of battle compiled from information contained within FBR and KHRG reports, KNU press releases, personal observations and interviews with resistance soldiers and intelligence officers.

DISPLACED VILLAGES IN EASTERN BURMA



The close proximity of Burma Army camps makes villagers' lives even more insecure.



Burma Army soldier near Ter Tu Soe camp in Toungoo, January, 2008.



IDPs from Saw Wa Der, less than one half-hour's walk from Ter Tu Soe Burma Army camp, January 2008.

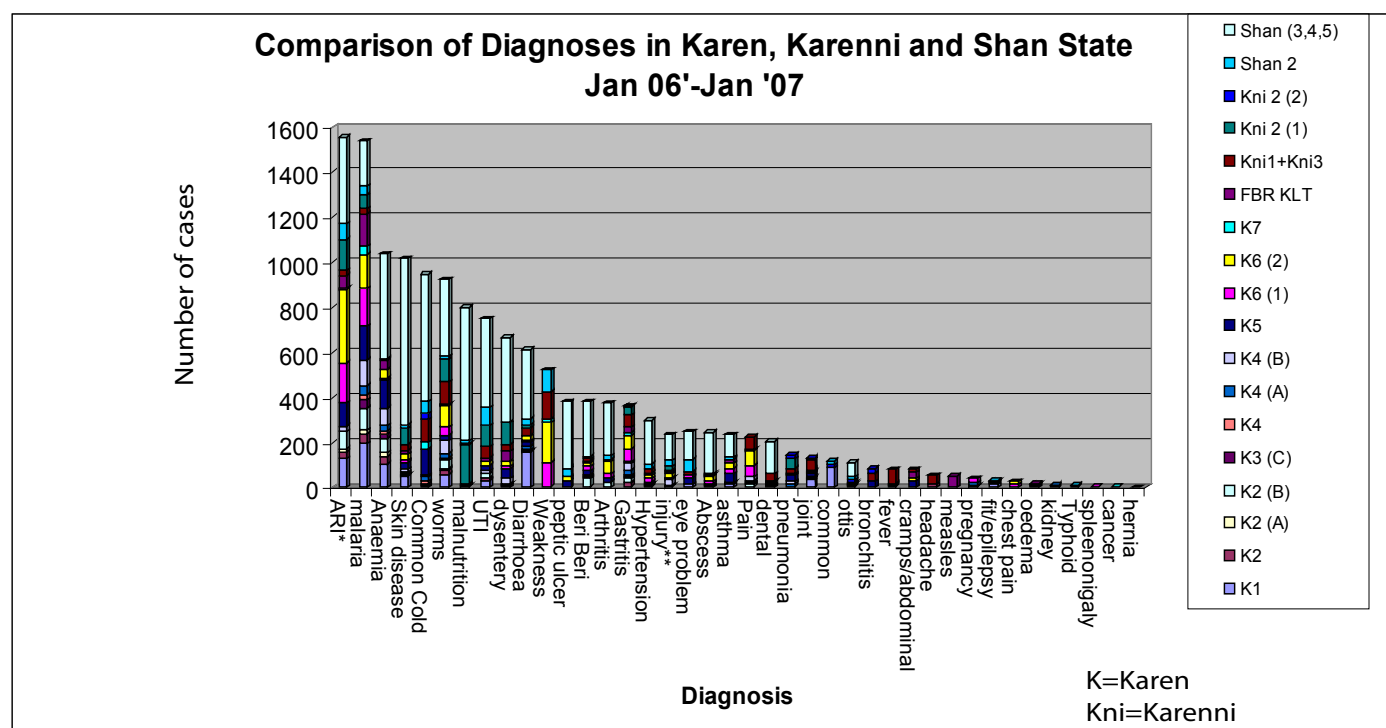
APPENDIX D:

MEDICAL STATISTICS

Medical Statistics: Jan '06 – Jan '07

Karen, Karenni and Shan states, eastern Burma

Between February 2006 and February 2007, FBR medics treated over 80,000 patients. The information shown here reflects the most common health issues faced by the people in Karen, Karenni and Shan states.



* ARI: Acute Respiratory Infection

**Note: In these areas over 500 villagers were killed by the Burma Army and over 1000 were victims of gunshots, mortars or landmines.

***The graph represents a sample of 16,000 patients treated

Top 10 Diagnosis	Total Cases	Percentage of total treatments (%)
1. ARI*	1555	10.66
2. Malaria	1537	10.54
3. Anemia	1038	7.12
4. Skin Disease	1018	6.98
5. Common Cold	947	6.49
6. Worms	922	6.32
7. Malnutrition	800	5.48
8. UTI	751	5.15
9. Dysentery	665	4.56
10. Diarrhea	614	4.21

The health issues encountered are exacerbated by attacks of the Burma Army. When areas are attacked, villagers are forced to flee on foot, with only the supplies they can carry. They live in hiding and most do not have access to basic treatment.. Treatment requires time, rest and the proper medicine. Without these, the problems escalate, leading to decreased quality of life, inability to care for themselves and in some cases even death.

Free Burma Rangers teams providing humanitarian assistance in other areas of Burma.



Shan woman treated by Shan FBR. 25 Aug '06.



Arakan FBR team providing medical treatment.



"We, the Shan, Karen and Karenni Free Burma Ranger teams stand with our brothers and sisters of every ethnicity in Burma who are now calling for freedom, justice, and reconciliation. We are with you in this and will do our part." -- message sent from Free Burma Ranger relief teams on September 24, 2007.



Kachin relief team member carries displaced Karen child.



Mother with her child. 2006 .

APPENDIX E:

CIVIL DISOBEDIENCE, HOPE AND ONE EXAMPLE OF HOW THE KAREN PEOPLE NOW UNDER ATTACK SURVIVE:

This is a message from a relief team leader sent from the field during the attacks in 2006.

I am writing this to give a picture of how the Karen people now under attack are surviving the onslaught of the Burma Army and continue one of the most positive acts of civil disobedience in Burma. In trying to hold on to their culture, land and freedom they have found themselves to be the enemy of dictators. For this they are hunted, attacked and persecuted.

The ability of the people here to continue to survive this attack is amazing. With no or very little outside support they hide their food supplies, prepare hiding places, find food where they can,

raise and educate their children and rebuild their homes and villages when the Burma Army finishes their operations. When the Burma Army troops have passed by and are out of the immediate area (although they still may be only three hours away on foot), the people go back to their fields, barns and houses to gather any food supplies or belongings they can. They also go to hiding places where they have stored food for such an emergency. The people are prepared the year around to flee and hide and survive.

Preparation comes at two levels:

First and most importantly, the people help themselves. The Burma Army has been attacking them for over 50 years as a succession of military dictatorships tries to control everyone in the country. On their own initiative they make preparations. Rice is put aside and hidden in different places in the jungle. Hiding places for valuables and people, as well as escape routes, are pre-selected.

The second level of preparation is from the resistance—here, the Karen National Union (KNU). The KNU is an organization that stands for freedom, ethnic rights and democracy for the Karen people. The KNU attempts to protect its people, provide early warning of attacks, and help conduct social and educational programs as well as facilitate the work of relief, social service, and other organizations.

Here in Mon Township, Nyaunglebin District, western Karen State, for example, as the Burma Army battalions came through this week, the KNU was giving warning to the villagers of the coming attacks and helping find safe routes to escape. They also posted one to two resistance soldiers with every large group of people to protect them if needed and to help organize the escape.

The township leaders all met for an entire day to plan for expected future attacks and to help people recover their food and belongings in areas where the Burma Army had already passed through. Due to regular patrols by the Burma Army in the wake of this ongoing offensive, it is very dangerous for villagers to return to their homes. Not only might the Burma Army ambush people returning to their villages, landmines are also often placed by Burma Army troops in villages they have already attacked. Knowing that a new attack could come at any time (in fact, a new operation has started again, on 1 May, 2006 as two new battalions, IB 141 and IB 142, launched an attack from Muthey camp into this area), the people and the local leaders worked hard to gather as much rice as they could. At a central place in the township, a generator and mechanical rice mill were brought out of hiding, and, in a community effort, rice was brought in from all points to be milled and shared out.

There is a continuous stream of people going out to their fields with empty sacks and returning in the evening with sacks full of rice and whatever belongings they can find that the Burma Army has not destroyed. This is an ongoing effort and reflects not only the organizational abilities of the KNU but also the determination and community spirit of the villagers. Supporting these people (to a very limited degree) are other community-based organizations and volunteer groups that bring in emergency supplies of rice (or cash for rice), medicine, clothes, shelter, educational supplies and other relief items. All together the outside help for these people (including ours), is very small.

Below are just a few of the outstanding people we have met here.

Desmond. The chief medic at a mobile clinic. There are now three gunshot cases, two landmine victims and two sick with malaria at this clinic. He has a staff of four nurses, all young Karen girls between 20 and 25 years old, and operates with the barest of instruments. He and his staff receive no pay, live under the threat of constant attack, and yet serve with dedication and care.

Pastor “Thra Doh.” He led a service in the rain for the 300 people who were fleeing the Burma Army. They all arrived at the river in a downpour and had to huddle under pieces of plastic or banana leaves as the rain came down. On the second day at this hide site, the pastor organized a prayer service. The next day a powerful wind storm (from a typhoon in the Bay of Bengal) caused many trees to fall. He got his family and two other families out of three shelters just before a giant tree snapped and crashed down on his and the other two families’ shelters. He had painstakingly built his shelter out of bamboo and had just finished the thatch roof, which took two days to construct. Now the hut and all his families’ possessions lay under the fallen tree. What was his reaction to this new calamity? He looked at the mess as he stood in the wind and rain, then he turned to the team and laughed and said, “Look, God just sent me firewood!” He then set about making another shelter for his family.

Naw Eh Tah Dah Wah, nurse, age 24. She works in a mobile clinic in a different location. We met her one night as we were preparing to move to the area of the newest attack further south. She saw me, smiled brightly and said in English, “Good Night.” She then invited me to her clinic over the next ridge. She was very animated and told me how last month (March 2006), the Burma Army attacked and she had been on the run for 5 days with no food. “But I never give up because God is my strength, I want to help my people and as a nurse I can help them in many ways,” she said. I asked her if she was afraid of the Burma Army. “Oh yes,” she said. “I am afraid of them, but I will never give up. I trust in God and will run with my people when they come. And when the Burma Army goes back to their camps we will start our lives and work again. I am happy to do this.”

The people under attack need immediate humanitarian assistance, organizational support and protection by the international community.

APPENDIX G:

Resources

World Wide Web and Email

Amnesty International www.amnesty.org
AP News www.apnews.com
Burma Campaign UK www.burmacampaign.org.uk
Burma Forum of Los Angeles www.burmaforumla.org
Burma Issues www.burmaissues.org
Burmanet News www.burmanet.org
Burma Relief Centre brccm@loxinfo.co.th
Christians Concerned for Burma www.prayforburma.org
Christian Solidarity Australasia www.cswoz.org
Christian Solidarity Worldwide www.csw.org.uk
Democratic Voice of Burma www.dvb.no
Free Burma Rangers www.freeburmarangers.org
Human Rights Watch www.hrw.org
Irrawaddy Magazine www.irrawaddy.org
Internal Displacement Monitoring Centre www.internal-displacement.org
Jubilee Campaign www.jubileecampaign.org
Karen Action Group www.kagint.org
Karen Human Rights Group www.khrg.org
Karen National League (USA) www.karen.org
National Coalition Government of the Union of Burma (NCGUB) www.ncgub.net
Open Society Institute Burma Project www.soros.org/burma
Online Burma Library www.onlineburmalibrary.org
Partners Relief and Development www.partnersworld.org
Radio Free Asia www.rfa.org
Shan Herald Agency for News www.shanland.org
Tears of the Oppressed www.human-rights-and-christian-persecution.org
US Campaign for Burma www.uscampaignforburma.org

In Print

Licence to Rape: The Burmese military regime's use of sexual violence in the ongoing war in Shan and Karen States. Shan Human Rights Foundation and Shan Women's Action Network. May 2002
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The Enemy Came. 3.5 min. Internally Displaced People on the run from the Burma Army in Karen State, Burma.
In Hiding: A year of survival under the Burma Army: 2004-2005. 12 min. Documentary on human rights

abuses committed by the Burma Army.

Steps to Freedom. 18 min. Training relief teams and emergency relief to displaced people in Burma's war zones.

Fear and Hope: Responding to Burma's Internally Displaced. 6 min.

Love in Action. 12-minute video about the war in Burma and relief teams in action.

Good Life Club. A video showing the practical ways to take action for IDP women and children.

Beyond Rangoon. 1995 Castle Rock Entertainment. Stars Patricia Arquette.

Forgotten Allies. 1994 BBC Timewatch.



Hiding in Northern Karen State, April 2006.

In spite of attacks the Karen and others in Burma have not given up.



Lahu team medic gives dental treatment, 2006.



Baby boy, born 21 April 06, in hide site, Mon Township.



Medic from relief team providing dental treatment to IDPs, Saw Wah Der Township, January 07.



On September 27, 2007, hundreds of Shan, Pa'O, Palaung, and Lahu villagers gathered in an internally displaced persons site in Shan State, as an act of solidarity with those demonstrating in the larger cities of Burma. Like the Karen State, parts of Shan State continue to be a war zone where the Burma Army regularly commits atrocities against the civilian population.

thanks

Thanks to the people of Burma who continue to strive for positive change and to those outside of Burma who support the movement for freedom, justice and human dignity. Thanks too for all those that made this report possible and for FBR and Partners volunteers who helped put it together. We are grateful to the pro-democracy Burman and ethnic groups who make what FBR does possible. May God bless you all.

The Free Burma Rangers



Love each other
Unite for freedom, justice and peace
Forgive and don't hate each other
Pray with faith, act with courage
Never surrender



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