

# LICENSE TO RAPE

The Burmese military regime's  
use of sexual violence in the ongoing war  
in Shan State

By

[The Shan Human Rights Foundation \(SHRF\)](#)

&

[The Shan Women's Action Network \(SWAN\)](#)

May 2002

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## **The Shan Human Rights Foundation (SHRF)**

The SHRF is a non-governmental organisation formed on December 6, 1990, in the free territory of Shan State, with the support of the Buddhist brotherhood, the national resistance, expatriate Shans and many individuals inside and outside Shan State.

The SHRF has the following aims

1. To strive for human rights and restore justice to the victims.
2. To promote democracy in accordance with the desire and will of the people, and establish a popular government based on democratic principles.
3. To strive for unity, fraternity, equality and cooperation.
4. To strive for world peace, freedom and prosperity.

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## **The Shan Women's Action Network (SWAN)**

SWAN was set up on March 28, 1999, by Shan women active in Thailand and along the Thai-Burma border with the following objectives:

- Promoting women's rights and the rights of children
- Opposing exploitation of and violence against women and children
- Working together for peace and freedom in our society
- Empowering women for a better life
- Raising awareness to preserve natural resources and the environment

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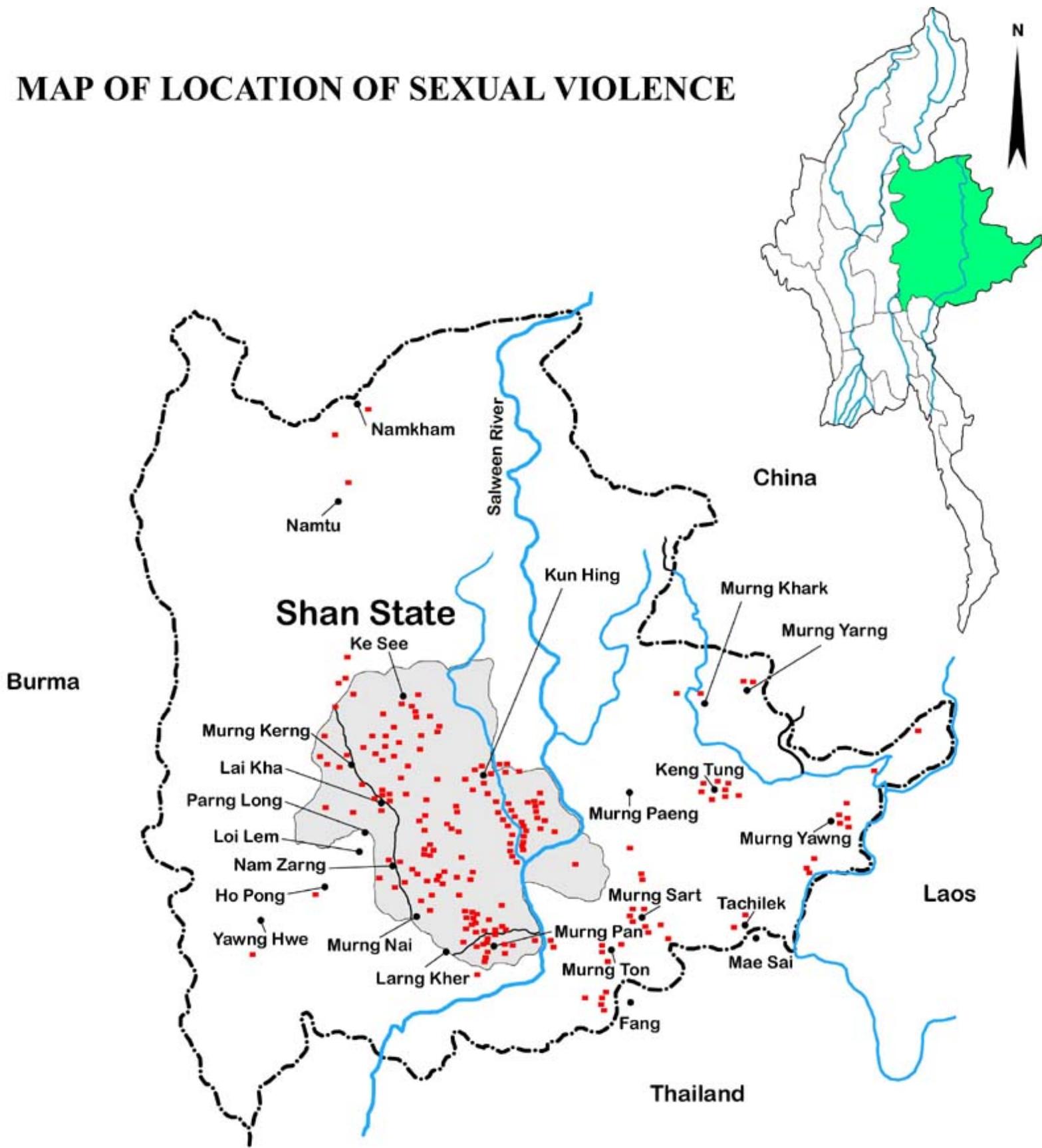
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# MAP OF LOCATION OF SEXUAL VIOLENCE



Area relocated in 1996 - 1998



- **Main towns of townships where took place**
- **Approximate Site of Rape / sexual violence**

# EXECUTIVE SUMMARY

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This report details 173 incidents of rape and other forms of sexual violence, involving 625 girls and women, committed by Burmese army troops in Shan State, mostly between 1996 and 2001. It should be noted that due to the stigma attached to rape, many women do not report incidents of sexual violence. Incidents may also not have reached SHRF, as information on human rights abuses in Shan State is gained from refugees arriving at the Thai-Burma border. Therefore the figures in this report are likely to be far lower than the reality.

The report reveals that the Burmese military regime is allowing its troops systematically and on a widespread scale to commit rape with impunity in order to terrorize and subjugate the ethnic peoples of Shan State. The report illustrates there is a strong case that war crimes and crimes against humanity, in the form of sexual violence, have occurred and continue to occur in Shan State.

The report gives clear evidence that rape is officially condoned as a 'weapon of war' against the civilian populations in Shan State. There appears to be a concerted strategy by the Burmese army troops to rape Shan women as part of their anti-insurgency activities. The incidents detailed were committed by soldiers from 52 different battalions. 83% of the rapes were committed by officers, usually in front of their own troops. The rapes involved extreme brutality and often torture such as beating, mutilation and suffocation. 25% of the rapes resulted in death, in some incidences with bodies being deliberately displayed to local communities. 61% were gang-rapes; women were raped within military bases, and in some cases women were detained and raped repeatedly for periods of up to 4 months. Out of the total 173 documented incidents, in only one case was a perpetrator punished by his commanding officer. More commonly, the complainants were fined, detained, tortured or even killed by the military.

Shan women are increasingly vulnerable to rape due to the increased militarization and anti-insurgency measures in Shan State by the Burmese regime, currently named the State Peace and Development Council (SPDC). The number of battalions in the state has nearly tripled since 1988. The majority of rape incidents were committed in the areas of Central Shan State where over 300,000 villagers have been forcibly relocated from their homes since 1996. Many rapes took place when girls or women were caught, usually searching for food, outside the relocation sites. Rapes also occurred when women were being forced to porter or do other unpaid work for the military, and when stopped at military checkpoints.

The report also explores some of the physical and mental effects of the rapes on the survivors, who suffered not only from the lack of legal redress for the crimes, but also the lack of any crisis support. Some survivors faced blame and rejection from their own families and communities. Many of the survivors decided to flee to Thailand after being raped. However, the lack of recognition of Shan refugees in Thailand means these survivors have no protection, no access to humanitarian aid or counselling services. They are thus vulnerable to exploitation and trafficking and are in constant danger of being deported into the hands of their abusers.

**The SHRF and SWAN therefore make the following recommendations:**

**To the State Peace and Development Council:**

1. To immediately implement a nationwide ceasefire in order to stop increased militarization and anti-insurgency campaigns in the ethnic states;
2. To begin tripartite dialogue with representatives of non-Burman ethnic nationalities and the democratic opposition on the country's political future;
3. To respect fully their obligations under international humanitarian law, including article 3 common to the Geneva Conventions of 12 August 1949, to halt the use of weapons against the civilian population, to protect all civilians, including children, women and persons belonging to ethnic or religious minorities, from violations of humanitarian law;
4. To respect fully their obligations under the ILO 1930 Convention concerning forced or compulsory labour (No. 29);

5. To end the continuing violations of the human rights of women, in particular forced labour, forced relocations, abuse, torture, sexual violence, exploitation and abuse in detention and summary executions, often committed by military personnel and especially directed towards women who are returning refugees, internally displaced, or belong to ethnic groups or the political opposition;
6. To put an end to the causes of the systematic forced displacements of persons and the flow of refugees to neighbouring countries and create adequate conditions for their safe and voluntary return and complete reintegration, to allow humanitarian personnel safe and unhindered access to assist their return and reintegration, and to address the problems of trafficking of women and children, especially in the border area;
7. To fulfil its obligations under the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women by bringing national legislation and practice into conformity with these conventions, and to consider signing and ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, as well as the Optional Protocols to the Convention on the Rights of the Child;
8. To implement fully the recommendations made by the Committee on the Elimination of Discrimination against Women, in particular the request to prosecute and punish those who violate the human rights of women;

### **To the Royal Government of Thailand**

1. To give protection to Shan civilians along the Thai-Shan border by allowing them to cross the border into Thailand and to access refugee camps and UNHCR.
2. To allow Shan asylum seekers access to humanitarian aid agencies based in Thailand.
3. To exercise particular caution in relation to the deportation of Shan migrant workers as many are genuine refugees.
4. To not repatriate Shan women into the hands of the Burmese army.
5. The governments of Thailand and Burma should allow the international community and UNHCR to participate in any discussions, negotiations and/or repatriation programs involving Burmese migrants. Such discussions must address the root causes for the outflow of migrant workers.

### **To the international community**

1. To not allow political developments in Burma to act as a 'smokescreen' on the continuing human rights violations occurring predominantly in the non-Burman ethnic nationality areas;
  2. To pressure the SPDC to fulfil the recommendations above, which are based on the Commission on Human Rights resolution 2002/67 on the 'Situation of human rights in [Burma]', and to withhold all forms of aid to the regime until irreversible changes are made towards democratic reform in Burma.
  3. To pressure UN agencies and international NGOs working in the ethnic states of Burma to publicly bear witness to the atrocities being committed by the SPDC against civilians in these areas, since their silence makes them complicit in these abuses.
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# INTRODUCTION

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This report was jointly researched by the SHRF Women's Desk and SWAN. The SHRF has been producing monthly newsletters documenting the human rights abuses, including rape, committed by the Burmese military in Shan State since 1997. In 1999, the SHRF produced a Burmese language booklet listing the incidents of rape committed by the Burmese military in that year. Members of SWAN have also made a number of presentations at international forums over the past few years exposing the extent of state violence against women in Shan State. However, it was clear that a more detailed and comprehensive report needed to be produced to bring the international community's attention to the scale of systematic sexual abuse being committed by the Burmese military in ethnic areas.

The need to expose the effects that the continuing civil war in Burma is having on ethnic civilians, particularly women, has become increasingly urgent in the light of recent indications that the international community is relaxing its pressure on the regime due to apparent progress towards political transition. The continuing restriction of access for outsiders to most of the border areas and the lack of freedom of information has enabled the regime to hide the full extent of its ongoing systematic oppression of the ethnic populations in Burma. By hiding the scale of these ongoing abuses, the regime is deliberately obscuring from the international community the urgent need to put an end to the civil war and to engage the ethnic groups in dialogue concerning the country's future.

Apart from revealing the extent of the sexual violence committed by the Burmese military and the need to restore a process of law that can punish the perpetrators of such crimes, the report also seeks to explore the problems faced by the rape survivors, including community censure resulting from prevailing gender attitudes.

SHRF and SWAN compiled information for this report between January 2001 and March 2002. During this time, 28 women on the Thai-Burma border were interviewed specifically for this report, either by members of the SHRF or SWAN networks, or by members of the Lahu Women's Organisation. These interviews are reproduced in full as an appendix to this report. A further 145 cases were compiled from the monthly SHRF newsletters. These cases are less detailed and do not focus on the effects of the sexual violence on the survivors. Information from all the 173 cases is summarized in a chart also appended to the report.

Although the majority of cases documented took place between 1996-2002, five earlier incidents were also included, as they were compiled through direct interviews with the women involved.

For current information on rape incidents in Shan State please refer to the SHRF monthly newsletter found at: [www.shanland.org](http://www.shanland.org).

SHRF and SWAN wish to thank all those who volunteered their time to assist with the compilation and editing of this report. We are grateful to the Norwegian Human Rights Fund for supporting the production of the report.

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# Historical and political background of Shan State

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Shan State is a mountainous area covering 160,000 square kilometers in the northeastern part of the country known today as the Union of Burma. It is rich in natural resources, such as gems, minerals and teakwood. The population of Shan State is estimated at over eight million, about half being ethnic Shan, who inhabit the region's fertile valleys. The Shan are ethnically linked to the Thai, and speak a similar language. Other ethnic groups include Akha, Kachin, Lahu, Lisu, Palaung, Pa-O and Wa, most of whom are hill-dwellers.

Shan State used to be divided into over thirty principalities, ruled by their own hereditary chieftains. Even when the British colonized Burma, the Shans were allowed to continue self-rule. The Shans agreed to join the rest of Burma to gain independence on condition that they would be granted the right to secede after 10 years. This condition was stipulated in the constitution, but was never granted.

Efforts by Shan and other ethnic leaders to negotiate with the Burmese government for more equitable rights for their people ended abruptly with the coup of 1962, when the army led by General Ne Win seized power in Burma. Since then, successive military regimes have ruled the country, refusing to relinquish power. In the elections of 1990, the Shan Nationalities League for Democracy (SNLD) won the second highest number of seats nationwide after the National League for Democracy, led by Aung San Suu Kyi, but the army refused to honour the results. Members of the SNLD have since suffered harassment in the same way as other opposition party members.

Over the past forty years various ethnic resistance movements have operated in the Shan State. The Burmese military have responded by steadily building up their military presence in the area. Owing to the mostly guerrilla nature of the resistance, the favoured tactic of the regime has been to carry out large-scale anti-insurgency campaigns targeting civilians, in an effort to prevent villagers from harbouring and supporting the ethnic rebels. These campaigns have involved forced relocation of villages to strategic sites near army bases, where civilians can be closely guarded.

The largest and most intensive forced relocation program was carried out in 1996-1997 in Central Shan State. Over 300,000 people from over 1,400 villages were forced from their homes into relocation sites where nothing was provided for them. Most of these villagers are still not allowed to return home, and over half are estimated to have fled as refugees to Thailand.

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# Gender roles in Shan State, and traditional responses to rape

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## *"nang ying ker lii pho, to sat ker lii cao"*

(a woman respects her husband; an animal respects its master)

- old Shan proverb

Traditional rural Shan society is male-dominated. Men occupy all leading positions in the public sphere, as village headmen, and members of village and temple committees. In family life, they are regarded as the heads of the household.

Women play no role in decision-making at the community level. They are expected to marry, serve their husbands, and bear children. In the household, women do most of the cooking, cleaning and childcare tasks; outside the house they also fetch water, plant and collect vegetables.

Even though women are often seen in the markets selling vegetables and other products, and are expected to keep the family's money, it is usually men who will make any major financial transactions, like selling of the rice harvest or livestock. They also take the major decisions in the family regarding finances (as illustrated by the Shan proverb: "mae bae pho, thuk nii": If a man is dominated by his wife, he'll be in debt.)

Most Shans are Buddhists, and religious practices reinforce women's subordinate status in the society. Only men can be ordained as monks, who perform key spiritual and ceremonial functions for the community, and therefore enjoy considerable respect and power. Although women can become nuns, they have a lower status than monks and are generally not respected.

In traditional Shan society, the only places of education in villages were temples, where only boys who ordained as novices could be educated. This remains true in some villages in Shan State today. This fact, coupled with the expectation that girls will anyway become wives and mothers, means that most families give priority to their sons' education.

In accordance with their subordinate status, women are expected to be demure in public, and, unlike men, chaste until marriage. Women who lose their virginity before marriage are described as "soom to" or "spoiled", and any women engaging in sex outside marriage are liable to censure, even if the sexual encounter was forced upon them. Fear of censure within their own communities thus inhibits women from reporting incidents of rape.

Nevertheless, in the past, rural Shan women had recourse to customary legal processes to punish rapists. Cases would be brought before village elders, and if found guilty, men would be punished by a fine payable to the women, her parents and the village elders. Women also had the option of taking the cases to the township courts to be tried under the Burmese penal code (according to which the maximum penalty for rape is 10 years in prison.)

Therefore there was some measure of legal protection available to women in the case of sexual violence. However, this has now been eroded by the Burmese military's contempt for the law. In numerous instances of rape in this report the Shan women survivors attempted to seek justice within their community, turning to their parents and the village headmen according to their custom, but were inevitably thwarted by the absolute power exercised by the Burmese military in their areas.

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# Sexual violence during four decades of civil war in Shan State and international law terminology

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Most of the information collected in this report covers cases of rape committed by the Burmese military in the past six years. However, sexual violence has been commonplace in Shan State during the past four decades, since the Burmese military began operations against the ethnic resistance forces in the late 1950s.

The context of the civil war has given Burmese troops licence to practice sexual violence against local ethnic women with impunity. As potential supporters of the resistance, women are perceived as legitimate targets for violence. Sexual violence serves the multiple purpose of not only terrorizing local communities into submission, but also flaunting the power of the dominant troops over the enemy's women, and thereby humiliating and demoralizing resistance forces. Furthermore, it serves as a "reward" to troops for fighting in the war.

Ethnic factors have exacerbated the tendency to violence, as the military regime has deliberately deployed troops of other ethnicities in the various ethnic states. Alienation of the troops from the local communities, and Burmese nationalist sentiment fuelled by propaganda, facilitates violence, including sexual violence, against the local ethnic civilians.

The regime has continued to build up its army over the past decade, and has increased the number of troops deployed in the ethnic states, which has inevitably led to an increase in sexual violence.

Despite the fact that Burma is a signatory to the 1949 Geneva Conventions<sup>1</sup>, the regime has never sought to enforce these laws amongst its army. When reading this report, the following terminology should be kept in mind.

War crimes cover grave breaches of the Geneva Conventions of 1949 and other serious violations of the laws of war, committed on a large scale in international as well as internal armed conflicts. Although the articles do not refer to rape and other crimes of sexual violence specifically when defining grave breaches, the International Committee of the Red Cross (ICRC), among others, has interpreted rape to be an example of "torture or inhuman treatment" or "willfully causing great suffering or serious injury to body or health," which are both grave breaches.

Genocide covers those specifically listed prohibited acts (e.g. killing, causing serious harm) committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group<sup>2</sup>. Although Burma is not a party to the Convention on the Prevention and Punishment of the Crime of Genocide (the Genocide Convention), the Convention has arguably become customary international law obligating all States.

Crimes against humanity cover those specifically listed prohibited acts ('inhumane acts of a very serious nature') when committed as part of a widespread or systematic attack directed against any civilian population on national, political, ethnic, racial or religious grounds<sup>3</sup>. Such acts include murder, extermination, rape, sexual slavery, the enforced disappearance of persons and the crime of apartheid<sup>4</sup>.

Genocide and war crimes against humanity are punishable irrespective of whether they are committed in time of 'peace' or of war.

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<sup>1</sup> Burma acceded to the Geneva Conventions of 12 August 1949 on the protection of victims of war on 25 August 1992.

<sup>2</sup> Convention on the Prevention and Punishment of the Crime of Genocide adopted 9 Dec. 1948, 78 U.N.T.S.277. See International Criminal Court Statute [the Rome Statute], Article 6.

<sup>3</sup> Report of the Secretary-General Pursuant to Paragraph 2 of Security Council Resolution 808, 32 I.L.M. at 1159 (1993), para. 48.

<sup>4</sup> The International Criminal Tribunal for the Former Yugoslavia (the ICTY) statute explicitly lists rape as a crime against humanity in Article 5(g) as does the Rome Statute at Article 7(1)(g)

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## Increased militarization in Shan State

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Despite the fact that out of the nine armed groups in Shan State<sup>5</sup>, all but one (the Shan State Army-South) now have cease-fire agreements with the military regime, the SPDC has since 1988 almost tripled its military presence throughout Shan State.

Of the total twelve regional commands of the Burmese army, three are in Shan State, with the following numbers of battalions:

Northeastern Region	38 battalions
Eastern Region	31 (not including those based in Karenni State)
Triangle Region	37
Light Infantry Division 55	10
Total	116 battalions <sup>6</sup>

There are an estimated 500 battalions in Burma, which means that almost one quarter of the Burmese army is now based in Shan State.

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<sup>6</sup> Information compiled from the All Burma Students' Democratic Front and the Shan Herald Agency for News.

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## RAPE CONDONED AS A 'WEAPON OF WAR' <sup>7</sup>

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Evidence collected for this report shows clearly that the troops of the Burmese military regime are systematically using rape as a weapon in their anti-insurgency campaigns against civilian populations in Shan State. That this practice is officially condoned by the military authorities can be concluded from a number of factors that will be discussed in this section.

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<sup>7</sup> The Trial Chamber of the ICTY in the Kunarac, Kovac and Vukovic case discussed using 'weapon of war' to mean a kind of concerted approach or an order given to the Bosnian Serb armed forces to rape Muslim women as part of their combat activities. See Press Release on the 'Judgment of Trial Chamber II in the Kunarac, Kovac and Vukovic case', The Hague, 22 February 2001 JL/P.I.S./566-e.

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## The systematic and widespread incidence of rape

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It should be noted that because of the stigma attached to rape, many women do not report incidents of sexual violence. Furthermore, since much of the information about human rights abuses in Shan State is gained from refugees arriving at the Thai-Burma border, news of many incidents may not have reached SHRF. Therefore the figures in this report are likely to be far lower than the actual figures.

The incidents of rape and other forms of sexual violence documented in this report over the past six years can be summarized as follows:

<b>year</b>	<b>no. of incidents</b>	<b>est. total no. of girls</b>	<b>est. total no. of women</b>	<b>location</b>
1996	5	4	6	in 5 townships
1997	30	25	157	in 11 townships
1998	30	18	38	in 13 townships
1999	26	17	71	in 13 townships
2000	33	13	69	in 17 townships
2001	44	15	186	in 17 townships
<b>overall total</b>	<b>168</b>	<b>92</b>	<b>527</b>	

It can be seen that the number of incidents of rape recorded in 2001, and the numbers of girls and women raped, are even higher than in recent years. This indicates that, despite the claims of the regime that "peace" has now been restored to Shan State, their troops are continuing to commit human rights violations against civilian populations at a higher rate than ever.

It is also significant that troops from a total of *fifty-two* Burmese army battalions were involved in the incidents of rape documented for this report (see Appendix 4). This is compelling evidence that the practice of rape is accepted throughout the ranks of the Burmese military.

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## Officers committing rape

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One fact that shows clearly that rape is condoned by the military authorities is that 83% of the cases of rape documented in this report were committed by military officers, from the ranks of corporal to major as the following list of perpetrators shows:

<b>ranks of officers</b>	<b>nos. committing rape</b>
"commander/officer" (rank unspecified)	48
major	14
captain	63
lieutenant	5
sergeant	6
corporal	3
Total	139

In the vast majority of these cases (85%) the officer was on duty with other troops, and made no attempt to hide his crime. In fact, in 10 of the cases, the officer actually passed on the victim(s) to his troops either to let them gang-rape her, or to let them kill her.

Three women, aged 18, 21 and 24, were collecting firewood in the forest near the road, 2 miles west of their village of Pa Sak, Murng Hsat township, when 80 SPDC troops from LIB 359 seized the women and interrogated them. After a while, Captain Htun Kyaw took the youngest girl into a nearby bush and raped her. After that, he gave all the women to his junior officers and told them to rape them. The troops then beat all the women to death with sticks. (case 105)

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## Torture and killing of raped women

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The extreme and unrestrained brutality displayed by the troops committing the sexual abuses reveal clearly that the rapes are being used together with other acts of violence, such as torture, as part of a campaign to terrorize and subjugate the local civilian populations. In 25% of the incidents documented, the girls or women were killed following the rape, by being shot, suffocated, beaten, stabbed or burned to death.

In many of the incidents documented, the women were not only raped, but were also physically tortured in other ways, including being beaten, suffocated by having plastic put over their head, and having their breasts cut off. In the following example, the woman was beaten unconscious and raped, and her pregnant sister murdered:

*Her brother-in-law was going back to village to get some more rice and other food stuff. When the troops came to the farm, they saw only the 2 women. The troops accused them of being wives of the Shan soldiers and beat them. Although they tried to explain that they were just villagers from Mark Mong Pawk village, the troops did not listen but continued to beat her sister with a stick until she fainted and when she said that her sister was pregnant and pleaded for mercy, they even poked her sister's womb. When she tried to intervene to stop the troops from poking her sister's womb, a commander struck her on the head with a stick, knocking her unconscious. When she became conscious, a commander dragged her to their bed in the hut and raped her and, after he finished, beat her unconscious again for some time. When she regained consciousness, she found herself lying with no clothes on and her sister was lying dead just outside the hut. There was no sign of the soldiers. They had gone, taking away with them her 2,000 Kyat of money and gold. (case 64)*

In most of the incidents, there were no efforts made to conceal the bodies of the dead rape victims. On the contrary, the following example shows that rape and killing of victims was on occasion deliberately made public as a method to intimidate the local ethnic population:

*A 12-year-old girl was taking hay to feed cattle in a field near the relocated village of Nawng Kaw, Laikha township, when she was raped and shot dead by SLORC<sup>8</sup> troops from the Kho Lam base. When some of her relatives heard the gun fire, they came to have a look and were stopped by the soldiers. When they asked for permission to bury her body, the soldiers said, "She must be kept like this as an example for your people of Shan State to see. If you bury her you must die with her."(case 15)*

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<sup>8</sup> the State Law and Order Restoration Council, the former name of the current Burmese military regime.

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## Gang-rape

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61% of the rape incidents documented involved gang-rape. These incidents were thus committed collectively, with no fear of being witnessed.

In many of the gang-rape cases, the victims were also killed by the troops. However, in a number of the cases, the women were released, showing that the perpetrators clearly had no fear of repercussions arising from the incident.

*Three women, aged 18, 35 and 37 were at their farm in the Kho Lam area when they were arrested by 80 SPDC troops from IB 99 led by Capt. Than Maung. They were kept for 4 days and 3 nights, during which time they were repeatedly gang-raped by the troops. They were then released. (case 116)*

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## Rapes within military bases

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The fact that eleven of the rape incidents were actually committed within the military bases, with the full knowledge not only of other military personnel, but also members of the local communities living near the bases, indicates the extent of the impunity felt to be enjoyed by the regime's troops.

In one notable incident, two high school girls from Lai Kha who dared to speak out publicly in a school meeting against the SPDC policies, were publicly arrested by SPDC soldiers, taken to the local military base, and raped by the commander for 4 days and nights, apparently as "punishment", before being released in return for money.

*A school meeting was held at a middle school in Lai Kha town, where there were 84 students studying up to 6th standard. After giving a speech, the head teacher asked the students if they had any questions to ask. A 17-year-old schoolgirl from the 5th standard then asked: "I would like to ask why the Burmese soldiers who claim to be government troops oppress the people so much. A lot of village people have been forced to move to the town where they are faced with difficulties to settle down and make a living. I've seen how pitiful they are". Another 18-year-old schoolgirl, from the 6th standard also asked, "Why did the government troops close down the main market place of Lai Kha town? This market has been where it is for a long time, but now it has been closed down for 2-3 weeks by the government soldiers and has not yet opened again, why? If the government soldiers are angry with the Shan soldiers, they should go after the Shan soldiers". Before the head teacher, who was hesitating, could answer the questions, two SPDC soldiers who were on security duty at the school called out the girls and said that they should go to the military base and ask the commander and took them to LIB 515 base. The commander locked up the girls. At night he took one girl into his bedroom and ordered her to take off her clothes, pointing his pistol at her. He then raped her all night. Next morning he brought another girl and raped her for one day and one night. After raping the girls in turn for 4 days and 4 nights, the commander demanded that the parents pay 15,000 kyat for the release of each of them. (case 91)*

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## Extended detention for purposes of rape

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In twenty-four of the cases, women were kept by the regime's troops for periods of up to four months for the purposes of rape. Again this open use of "comfort women" without fear of reprisal indicates the climate of impunity regarding rape amongst the armed forces.

*4 female and 6 male villagers were seized while they were working at a farm and forced to carry military things and go with the troops while they patrolled the deserted villages in the relocation areas, camping wherever they were when night fell, sometimes stopping for 2-3 days at a place. The women were raped almost every night by one soldier or another. These civilians were forced to serve as unpaid military porters for a straight period of almost 4 months, from 7.8.2000 to 20.11.2000, during which time the women were also forced to serve as sex slaves. (case 120)*

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## Lack of prosecution of perpetrators, punishment of complainants

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Evidence in this report shows clearly that not only are there no serious efforts on the part of the military authorities to bring perpetrators of rape among their ranks to justice, but they are actively discouraging the reporting of such incidents by inflicting physical abuse, imprisonment and fines on any complainants.

In most of the rape incidents documented in this report, the victims reported the abuse first to a family member and then to a village headman or other community leader. Together they would then advise the girl or woman of the best action to take. Often (in 22 cases, 13%), the headman advised the family not to take the case any further as it would not only fail to bring justice, but might also be dangerous for the complainants. The fact that in one case a headman was himself beaten and tortured to death by SPDC troops for having reported a rape shows the disincentive for community leaders to get involved in such matters.

*A village headman secretly saw when Capt. Soe Hlaing left the farm house (after committing the rape and murder of a 19-year-old girl) and found out what had happened, went to Ke-See town and complained about it to the town community leader. The captain heard that he was being suspected of committing rape and murder by the headman. Early in the morning, at about 4:30 am of 13.12.1998, the captain and some troops came to Nawng Kaw village and surrounded and searched the headman's house. After searching for a while, the troops said they found a walkie-talkie in the house and Soe Hlaing immediately ordered the arrest of the headman. The villagers were certain that the walkie-talkie was secretly planted earlier by the captain's soldiers to frame the headman. The captain and his troops tied the headman to a house pillar and interrogated him while beating and torturing him. They asked him where he got the walkie-talkie, which Shan resistance group had given it to him etc., and poured hot water down his throat and beat and kicked him until he died while still being tied to the pillar in his house. (case 70)*

Other factors discouraging girls and women from reporting rape incidents to the SPDC authorities were: they could not speak Burmese, which would clearly disadvantage them during any subsequent judicial proceedings; and they often did not know the name and the military unit of the rapist, and thus realised that they had almost no chance of proving the case.

However, in as many as 37 (21%) of the rape incidents documented, the victims, their relatives or community leaders actually dared to report the crime to the SPDC authorities. In only one of these cases (in April 1997) was the perpetrator, from the SPDC mortar battalion in Murng Hsat, punished by his commander.

*"When the village headman came back from his farm late that evening, I told him all that had happened. He then complained to the SPDC local military camp commander. The commander tied up the soldier who had raped me, beat him and then put him in jail." (case 24)*

However, even in this case, it does not appear that the matter went through the process of law, and it is thus unlikely that the perpetrator would have been given the maximum 10-year jail sentence for the rape.

In eleven cases, the SPDC officers registered the complaint, but did nothing further. In nine cases, the SPDC officers arranged for a "line-up" of as many as 80 soldiers in order for the victim to identify the rapist, but deliberately left the rapist out of the line. Following the lack of positive identification, in one case the headman who had made the complaint was beaten unconscious and detained until the family of the rape victim paid 2,000 kyat for his release. In two other cases, the victim herself was imprisoned and up to 20,000 kyat had to be paid for her release. In another case the headman and his deputy were imprisoned until 5,500 kyat could be paid for their release. In three other cases, the complainants were not imprisoned but had to pay fines of up to 30,000 kyat for defaming the military.

Only in one case was there a positive identification from a line-up, which appears to have been the result of an intervention from an officer from one of the Shan cease-fire organisations. However, following the identification no further action was taken.

More commonly, the SPDC officers rejected the accusation outright. In three of these cases, the SPDC officers

claimed that the perpetrator had not been in the area when the crime was committed, in one case stating that he had long been transferred. Significantly, in two of the cases, the officer accused was indeed immediately transferred to another unit.

Out of the eleven cases when the SPDC officers rejected the accusation outright, in seven cases the complainants were punished for making the complaint. In three cases, the complainants were physically abused: the rape victim was beaten unconscious, the father of one victim was beaten, and a headman was slapped. In six cases, the complainants were actually fined, as much as 60,000 kyat, for making the complaint. In one case, the father of the victim was arrested and detained until village leaders paid a cow for his release.

In none of the cases documented for this report was there any mention of the SPDC authorities asking that the raped women be given proper medical examinations, which could be used as a basis for rape prosecution. This again indicates that they had no serious intention of bringing the perpetrators to justice.

There is information that in eleven of the cases, women themselves or their families arranged for medical treatment, either for injuries or illnesses arising from the rape, or to test blood for possible infection. In two of the cases, the hospital workers documented evidence of the sexual abuse, and in one case (of a 5-year-old girl who was raped in her home by an SPDC soldier), even took photographs and said they would try and report the incident. However, no further action was taken, and in one case, hospital workers who had treated a woman who had been beaten and raped, advised the woman to lie about the cause of her injury. In other words, the medical personnel themselves were too afraid of the military authorities to dare to push for justice in the case.

*Later when she went to the hospital for treatment of her split scalp, she was asked what had happened to her. When she said she was beaten by SPDC troops, the health workers told her to say that her head was hit by a falling branch, otherwise they were afraid the soldiers would eventually come back and punish her. She was so frightened that she left for the Thai border 2-3 days later. (case 64)*

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# MILITARIZATION LEADING TO INCREASED VULNERABILITY TO RAPE

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As well as revealing the practice of rape as a 'weapon of war,' evidence from the report also shows clearly that the increased militarization and anti-insurgency programs by the military in Shan State, have in themselves significantly increased the vulnerability of women in rural Shan areas to rape. This section examines these factors.

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## FORCED RELOCATION

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The maps accompanying this report (in Appendix 3) show clearly that the majority of rape cases documented (76%) were in the areas of Central Shan State where the rural populations have been forcibly relocated.

The Burmese military regime has long had a practice of forcibly relocating villages in rural areas in order to prevent local people from providing support to resistance armies. The most extensive forced relocation program in Shan State (which is continuing until the present) was carried out between 1996-1997, when the regime ordered over 1,400 villages (over 300,000 rural people, mostly farmers) to move at gunpoint to strategic relocation sites near main roads and Burmese army bases. These villagers, deprived of their lands and livelihoods, were given no support at all by the regime, and many were forced to become day labourers or beggars. As a result, an estimated 150,000 Shans have fled to Thailand to try and survive as migrant labourers. Tens of thousands have hidden in the forests near their old villages.

This forced relocation program has increased women's vulnerability to rape in a number of ways.

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## Rape while villagers were in the process of being forcibly relocated

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When villagers were forcibly relocated, they were usually given a verbal or written order to move out of their village within a specified number of days (in most cases 3-7 days). They were told that if they were found in their village after the deadline, they would be shot on sight. However, in a number of cases, the regime's troops did not even wait until the deadline, and began inflicting violence on the villagers either immediately after the relocation orders were given, or while the villagers were in the process of moving.

Violence inflicted on the villagers included beatings and other forms of torture, and being burned alive in their houses. It also included rape.

6% of the rape incidents documented in this report occurred while the villagers were in the process of being forcibly relocated.

*There was a Shan family of 5 in a remote hut near a rice farm of Mark Kawk village, when SLORC troops came and saw them. Their village was being forced to move to Laikha relocation site, and they were on their way there, but for some reason had stopped at the place to rest. The troops tied up the father, suspended him to the beam of the hut with a rope and made a fire under him, roasting him over it. They then gang raped the teenage girl and eventually killed her. A few days later, her father died after suffering much from the pain of torture. Her mother suffered much from the agony of watching her husband being tortured and her daughter being raped and killed, and finally became mentally unbalanced. (case 17)*

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## Rape of women found outside the relocation sites

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Having been relocated to designated sites, the villagers were not only forbidden to return to their former villages and fields, but were also limited to an area within a specified radius from the site, usually 2-3 miles. Areas outside this radius were regarded as "free-fire zones" by the Burmese military, where any villagers found would be considered as insurgents and shot on sight.

Such restrictions were naturally untenable for the villagers, whose livelihoods depended not only on access to their fields, but also to forests where sources of food, firewood and water were available.

From the outset, some villagers refused to go to the relocation sites, preferring to risk their lives by hiding in the forests near their old villages, where they hoped they could survive on hidden stores of food, and by cultivating secret plantations.

Other villagers went initially to the relocation sites, but then sneaked back to their old villages to try and retrieve some possessions, or else to try and do some secret planting of crops.

14% of the rape incidents documented in this report were of villagers who were caught in or near their old villages by patrolling Burmese troops. They were accused of being wives of insurgents, or of providing food to insurgents. They and other members of their families were tortured to reveal the whereabouts of the insurgents in the area. In many cases, following rape, the women were killed.

*The victims were among the people who had been relocated to the town (of Kun Hing) from the outlying rural areas since 1996-1997. It was very difficult for them to subsist in the town, with no work and no farming land available, so many of these farmers had since August 1999 secretly built small huts near their farms to stay and rest while tending them and had been secretly going and coming until the day of incident. The troops with 26 forced civilian porters, searched along the banks of Nam Paang River, surrounded every hut they found and arrested the occupants, and burnt down the huts. 3 male farmers were gathered, tortured and interrogated one by one by the troops, who demanded to know the whereabouts of the Shan soldiers in the area. But the farmers denied knowledge of this. The troops kept interrogating them, beating and torturing them until each of them died one after another, and their bodies were dumped into the Nam Paang river. 2 women were taken with the troops for 2 days and 2 nights and gang raped by all officers and eventually shot dead. (case 97)*

In several of the incidents, the women had actually requested and been given permission, in the form of a written pass, by the authorities to return to their old villages. This did not prevent them being raped and killed.

*In May 1998, many villagers who had been forcibly relocated to Kho Lam had asked for permission from the SPDC authorities in Nam Zarng to go and work on the farms outside the village. 19 villagers managed to get a pass from the authorities in Nam Zarng as well as permission from the commander of the local military camp at Kho Lam, Capt. Han Sein, to work on the farms about 4 miles west of Kho Lam and they had been working on the farms from May to June 1998 when troops from IB 246 came upon them and shot at them from a distance. The villagers all ran away into the nearby forest without anyone getting hit and the soldiers left after searching the farms for a while. After a while, a woman and her uncle, presuming the troops had really left, went back to the farms to get their clothes and beds from the farm hut and return to the village. However, as they reached the hut, the soldiers came back and arrested them and beat her uncle to death. She was stripped of her clothes and raped many times before she was also shot dead in the hut. After that, the troops left the farms and went to Kho Lam. (case 49)*

Even though the relocated villagers were supposed to be allowed to farm or forage in areas close to the relocation sites, 27 of the rape incidents in this report took place in the near vicinity of the relocation sites. In most cases, the women were caught while they were simply carrying out their usual daily tasks for survival, such as planting or gathering food, fetching firewood or water, or peddling goods.

*2 girls aged 16 and 17, originally from Kung Sa village, relocated to the town, were grazing their oxen in a meadow about half a mile west of town. 50-60 troops from Co 3, IB 55, led by Capt Thein Win, saw the girls and arrested them. The troops secretly took the girls and their 4 oxen to their camp and detained them for 6 days and 5 nights, during which the 2 girls were repeatedly raped by the captain and his officers. The 4 oxen were also killed for meat by the troops. When the troops had to go out for another round of patrol, they took the girls with them and when they got to a remote place in the forest the captain ordered his troops to shoot them dead. (case 111)*

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## Rape of women within the relocation sites

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It is ironic that 6% of the rape incidents took place actually within the relocation sites, where villagers are supposed to be "safe" if they obey the orders of the Burmese military. This indicates clearly that the regime's troops were so sure of impunity with regard to rape, that they did not even need a pretext of "punishment" to commit rape. The proximity of most of the relocation sites to the Burmese military bases thus increased the vulnerability of the relocated villagers to rape.

*A sixteen-year-old girl was alone in her home in Wan Nong Kun Mong relocation site when SPDC captain Than Kyaw and his troops entered and asked for drinking water in her house. When the captain learned that she was alone in the house, he sat down and asked her to massage his arms, saying his arms were so stiff and hurt from overwork. She was very frightened and declined, saying she did not know how to massage. The captain insisted for a while, then when she did not appear to give in easily, he pointed his pistol at her and threatened to shoot her, saying, "Don't you know me, I am an army captain." He then dragged her by the arm into the inner room of the house, ordered her to take off all her clothes and raped her, keeping his pistol on her all the time. After raping her, he searched the bedroom and took away two necklaces weighing 1 and 2 Baht, 45,690 Kyat of money, and cold season overcoats. (case 74)*

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## Forced portering

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One of the main factors that have increased women's vulnerability to rape is the Burmese army practice of forcibly recruiting porters. Particularly in rural areas, the army forcibly conscripts villagers to carry supplies for their troops, either during routine patrols, or during military offensives. Generally the army conscripts men. This means that when troops arrive at a village, men often run away from a village in case they will be conscripted, leaving the womenfolk alone and vulnerable to the visiting troops.

*When the troops of SPDC Co. 5, LIB 154 entered the village of Nar Lein, the men of the village ran away in fear of being forced to be porters, leaving only women in the village. When Captain Kyaw Myint saw the 14-year-old girl alone in her house, he ordered his troops to stand guard outside the house. He then dragged her into the bedroom, slapped her and raped her. (case 171)*

Once porters are conscripted, often for periods of months or even years, women are also left alone and more vulnerable to rape. 6% of the rape incidents took place when the husbands of the women raped were away being forced to work, mostly as porters, for the Burmese military.

*The troops came to the three women working in the fields and asked them where all their men were. The women explained that their men had not come with them and were not at home either, as they had been taken by SPDC troops to serve as porters 3-4 days ago and had not yet returned. A commander took one girl into a nearby farm hut and raped her and slapped her until there were bruises all over her face. The other 2 women were raped by other officers and later handed over to all the troops. At one point, during a short respite, one girl ran away. However, she had only managed to get to the edge of the farm when soldiers who were standing guard outside the farm saw her and shot her dead on the spot. (case 82)*

In one of the incidents documented, the woman raped had been widowed when her husband was beaten to death while being a porter for SPDC troops.

*Two years prior to being raped, Ar Phue's (not her real name) husband, 30-year-old Ah Kho, had been beaten to death by SPDC soldiers when he was taken to be a porter. She was left to work on their farm alone. In February 2001, seven soldiers from LIN 359 base in Takhilek approached her and threatened to shoot her with their guns. Not able to speak Burmese, she couldn't understand what the soldiers were saying, and could not run away on her bad leg (she was crippled). The soldiers proceeded to gang-rape her for an hour. (She later became pregnant). (case 135)*

In another of the incidents documented, an SPDC officer deliberately ordered the husband of one woman to go and accompany his troops elsewhere so that he could rape his wife.

*Capt. Tun Oo of LIB 524 saw Naang Aye (not her real name) in the relocation site of Ton Hoong. After that Capt. Tun Oo ordered 30 SPDC troops led by Capt Tan Aung to patrol the area and also ordered village headman Lung Min to call Zaa Maung Hla, husband of Naang Aye to him. Capt Tun Oo said: "Today, I want you to be a guide for my troops for 2 days." When Naang Aye's husband was not at home, Capt. Tun Oo came to her house and called her inside, saying: "What do you have in your bedroom? Let's go and see." After that the captain pointed his pistol at her forehead and threatened her and dragged her into the bedroom and raped her from 10 am to 3 pm. (case 152)*

Women are also forced to work as porters, as well as being used to accompany patrolling troops as "guides," during which time, they are routinely used as "comfort women" by the troops. Nine of the rape incidents documented in this report took place when the women were being forced to porter or act as guides for the regime's troops.

*When she and her brother got to a place about 2 miles from town and 1 mile from their farm, they ran into some SPDC troops. The commander asked them some questions and said that he*

*needed a guide and he would take her and told her brother go to back home and tell their family about it. The troops continued searching deserted villages in the outlying areas. At night, when they rested at a deserted village, Captain Aung Khin forced her to stay in the same deserted house with him and tried to rape her. When she tried to resist, he threatened to shoot her with his pistol, and slapped her so hard she almost fainted. He then dragged her by the hair into the inner room. He forced her to take off all her clothes before he counted 3, or he would shoot her dead. She had no choice, but to yield, and he raped her. During the four days that the troops patrolled the countryside until they returned to Kun Hing she was raped every night. (case 65)*

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## Other forms of forced labour

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As widely documented in many human rights reports, the Burmese military continues to use conscripted unpaid labour for a variety of tasks, particularly in the rural areas. Common tasks include road-building, building and cleaning of military barracks, guarding roads and village, and working on military plantations.

Five of the rape incidents documented in this report took place while women were being forced to carry out such tasks for the military. One of the incidents involved 40 women in April 2001 forced by SPDC LIB 332 and LIB 520 to build a road for 9-10 days. At night the women were kept separately from the men. They were then singled out at gunpoint and raped by the troops.

Another incident, in May 2001, took place in an SPDC military camp:

*The local camp commander ordered fifteen women from Nam Kat village to come to the military camp to clean the camp's guard house. When the fifteen women entered the camp, the captain assigned fourteen women to clean the bedrooms of the other captains, ordering her to clean his room. As she entered the room to begin cleaning, a captain followed her, closing the door behind him. He grabbed at her, and she screamed " The captain is raping me!". (case 147)*

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## MILITARY CHECKPOINTS

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The setting up of regular military checkpoints along roads, allegedly to keep a check on insurgent activity, but also to collect arbitrary taxes, has enabled the regime's troops to take advantage of women travelling between villages.

Five of the incidents documented in this report took place when women were stopped at military checkpoints. The following incident (in August 2001) took place at the main checkpoint before the Ta Sarng Bridge over the Salween River.

While the troops from LIB 225 searched the villagers' belongings and questioned them, Captain Myint Lwin picked out 3 women from among the villagers, took them to a separate place and interrogated them. One of the troops said to the truck drivers, "We received an order from our superior to keep the 3 women here until we learn more about them, and they may be released by then," and ordered them and the other villagers to go on their way. A captain brought them into his bedroom one at a time and raped them. After he had raped all 3 women, he let his close subordinates rape the women. Later all the 21 soldiers manning the checkpoint raped the women. (case 157)

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## ROVING PATROLS: LACK OF ACCOUNTABILITY

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As the number of Burmese army battalions based in Shan State has increased (see introductory section), so too have the numbers of military patrols sent out to scour the rural areas for pockets of resistance.

Although the majority of the rapes were committed by troops from battalions stationed at bases in the same township as the location of the incidents, often the troops were on patrol in remote areas far from their bases. Furthermore, a large proportion (at least 30 incidents) were committed by troops from battalions stationed in other townships, and some even from battalions based in other parts of Burma. The troops in question were usually mandated to patrol the rural areas in search of insurgents.

Regardless of the culture of impunity, it is clear that this practice of sending troops out to patrol areas far from their base units greatly reduces the likelihood of being able to trace perpetrators of crimes committed during the patrols.

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# THE SURVIVORS

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The main aim of this section is to expose the profound effects that the sexual violence has had on the rape survivors, thereby highlighting not only the urgent need to take measures to prosecute perpetrators and prevent further such cases happening, but also the need for appropriate protection and services to be provided to the survivors.

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## Effects on physical health

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Although specific physical details are not available in most of the incidents in this report, in several of the cases it was clear that the survivor was severely injured during the assault. In several cases, survivors were unconscious when found after the incident, and in at least two cases, the survivor was unable to walk. One of the cases was a woman who was gang-raped when she was 7-months pregnant, and who then gave birth prematurely to her child.

*Naang Hla (not her real name), was left alone, sick and numb, in the small hut in the jungle. She was too dizzy to stand or walk. She had a constant headache, violent diarrhea, and bled so profusely that she thought she had lost the baby. Still alone, four days later, Naang Hla gave birth to her child, after only seven months of pregnancy. (case 160)*

As mentioned in the previous section, in eleven of the cases, the girls or women were treated in hospital. Only in one of these cases were details available of the nature of the injury, namely of the five-year-old girl whose sexual organs had been seriously damaged. Periods of stay in hospital were up to 10 days, and in one case, the patient had to visit hospital five times. In one of the cases, it was mentioned that the hospital costs totaled 17,000 kyat, which had to be paid by the woman herself.

In five of the cases, even though they were not hospitalized, there was mention of unspecified illness, lasting for several months.

Only in one of the cases was it revealed that the survivor had become pregnant following gang-rape by seven Burmese army soldiers.

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## Effects on mental health

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There is a lack of detailed information concerning the mental state of the survivors, mostly because interviews conducted for this report were too brief to explore fully the depth of emotions experienced by the women involved.

It is apparent that some of the physical symptoms suffered by survivors following the incidents, were closely linked to their mental state. For example, several women spoke of insomnia, loss of appetite, loss of weight, and lack of energy.

Some women mentioned feeling "depressed," "sad" and "afraid." One woman stated: *"When my mind wandered to what had happened, my heart would beat so hard. I was afraid of all men."* (case 1). Another woman *"kept to herself after the incident. She didn't want to see or communicate with anyone."* (case 119)

Several of the survivors stated a strong desire to bring their rapists to justice. One mentioned feeling "angry" when justice was not done.

At the same time, several of the survivors mentioned feeling "shame" at what had happened, undoubtedly a result of prevailing gender attitudes and censure within the community (see later section "Double punishment").

In none of the incidents mentioned were any counselling services available for the survivors. From the little evidence available, it is clear that the survivors were in urgent need of such services, particularly those facing censure from their communities.

The fact that one of the women repeatedly raped during a period of almost two months (case 51) became insane is an indication of the level of trauma experienced by women subjected to rape. Another woman became an opium addict following the rape (case 76), and abandoned her young child as a result.

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## Family and community support

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It has already been mentioned that in 21% of the incidents, members of the survivor's family and community leaders dared to report the cases to the military authorities. This indicates that in many cases, family and community members tried to assist the survivor in seeking justice.

Furthermore, in ten cases where further details of family responses to the incidents were documented, it is stated that husbands and other family members were helpful to the survivor: they were either "supportive", "understood" her, or "didn't blame" her.

However, it is noteworthy in a number of cases that the survivor was actually blamed by family or other community members following the incidents.

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## Double punishment: blame and rejection following rape

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In three of the incidents, the women suffered blame by their boyfriends or husbands following the rape. One of these women had her engagement broken off by her boyfriend, who refused to come and see her after the rape. Another woman was taunted by her husband, who called her "Burmese leftovers."

In a particularly disturbing case, a woman was beaten by her husband following the rape:

*"When my husband came home (after the rape), I told him what had happened. He was furious at me and beat me. The relationship between me and my husband suffered tremendously as a result of the rape. Every day, my husband and children would say "Prostitute! If you want to sell sex, we will build you a small hut in the jungle. You can sell sex there." I felt very hurt by these words, until finally I couldn't stand it any longer. I divorced my husband. When I went to see my children, they said: "Whore, you are not our mother, don't come see us any more," and drove me away. My husband said: "You didn't control yourself. You had sex with another man. You are no longer my wife. Leave our house right now." Eventually I decided to come to Thailand." (case 3)*

In another case, a schoolgirl who was raped in the street by a Burmese army soldier, was refused support by her family.

*"My family didn't understand, and they didn't take care of me. They didn't accept me, and my friends looked down on me. I felt completely alone and depressed. This was in 1991, when I was in 10th standard in Murng Hsat high school. I had to take an examination soon after the rape, but my depression kept me from taking the exam. This affected everything, and my life went downhill." (case 1)*

In a further incident, a twelve-year-old girl with poor eyesight who suffered attempted rape and serious physical injury by an SPDC soldier on her way back from a temple, was blamed by the community for the incident:

Many of the villagers blamed Naang Tong (not her real name) for the incident, claiming she had been foolish to return to Ton Hoong (from the temple) without the elders. (case 144)

The incidents above indicate clearly that gender attitudes within these communities are grossly unjust towards the rape survivors, and urgently need to be changed.

Despite the prevalence of these unjust attitudes, it is encouraging to note one case in which the woman had the strength to refuse to succumb to community pressure, which she felt was against the best interests of herself and her family. This is the case (no. 135) in which the raped woman became pregnant. When it became known she was pregnant, she was urged by other villagers to find a husband, to avoid censure among the community. Despite being disabled, a refugee, and already having a young son from her former marriage, she did not succumb to this pressure, preferring to remain a single mother. She explained: *"I know we'll have a difficult time, but I don't want my child to have a step-father. Some men love only women, but not their children. If I get married, it will be difficult to get a divorce." (case 135)*

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## Migration following rape

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In twenty-two of the cases documented (13%), the women, with or without their families, moved to Thailand following the rape.

In some of these cases, the women moved immediately after the rape, in fear of further assault. In one of these cases, the 18-year-old woman was encouraged to leave by the village headman:

Worried for her safety, he told her, "If you have a place to go, you should go. If you have a place to move, you should move. You shouldn't face those soldiers again." And so Naang Yin (not her real name) stayed on the move, spending each night at a different relative's house. Her parents were anxious about her security, but they didn't dare complain to the military for fear of repercussions. Ten days after her release (from detention and gang-rape), Naang Yin's mother took her to Thailand. (case 133)

In other cases, the women left for Thailand after one or two months or an unspecified period of time.

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## Lack of protection and support in Thailand

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Unlike on the borders of Karen and Karenni States of Burma with Thailand, there exist no official refugee camps along the Thai-Shan border. Current Thai policy recognises only "temporarily displaced persons" fleeing directly from fighting, and not from the abuses inflicted on civilian populations by the Burmese military's anti-insurgency campaigns in Shan State. Therefore, the estimated over 150,000 Shan refugees who have fled to Thailand following the forced relocation in Central Shan State in 1996, are denied any protection and humanitarian assistance by international aid agencies. They are forced to find work as migrant labourers, usually illegally, and face great difficulties in fulfilling their basic needs. Women and children are particularly vulnerable to trafficking and other forms of exploitation.

The contents of this report indicate clearly that refugees fleeing from Shan State to Thailand have a genuine fear of persecution and are thus deserving of refugee status. It is regrettable that even women and children who have suffered sexual violence are being denied the right to protection and assistance.

The following case of one of the rape survivors who fled to Thailand in August 2001, and who was interviewed for this report two months later, illustrates the untenable situation faced by some Shan refugee women in Thailand. The woman, Naang Hla (not her real name), 16 years old, was gang-raped in front of her husband when she was 7 months pregnant by ten SPDC soldiers. The husband was taken away and killed. She was left alone to give birth prematurely to her child. She was found by some relatives, and together they fled to Thailand.

*At the time of the interview, her baby was two months old and very ill. Drinking her milk gave the child violent dysentery, but Naang Hla had no money to buy milk. Too weak to work, she had no money to travel to a clinic or pay for medical attention. (case 160)*

Naang Hla was supported by her relatives, also refugees, who were working illegally in an orange orchard in northern Thailand. However, the hut in which they stayed was close to the site where trucks used for spraying of chemical pesticide in the orchards were loaded. Apparently as a result of living in close proximity to these toxic chemicals, Naang Hla had to be hospitalised. When SWAN tried to contact her to provide emergency assistance after her discharge, it was found that the orchard where she worked had been raided by Thai soldiers searching for illegal migrants, and she had fled to another area.

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## Dangers of deportation

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The fact that women and children who have fled from sexual violence in Shan State are denied protection in Thailand means that they are liable for deportation at any time. The Thai authorities have conducted periodic widespread crackdowns on illegal migrants during the past few years, during which refugees have not only been arrested and transported back to the border, but on occasion have been handed directly over to the Burmese authorities on the other side.

For those who have suffered sexual violence, this means being repatriated into the hands of the very military authorities who were responsible for their torture.

In one of the cases documented in this report, four young women who had fled to Thailand following forced relocation of their villages in 1996, returned back to Shan State in 1998 after crackdowns by Thai authorities on migrant workers in Chiang Mai. During the journey they were separated from relatives, and they decided to travel back to the Thai border to find them. On the journey, they were raped, mutilated and killed by SPDC troops at one of the military checkpoints:

*They traveled by truck from Murng Nai, and after crossing the Salween, the soldiers ordered the women off the truck, and told the truck driver to carry on to Murng Ton and the women would be sent on there later. Two days later, one of the soldiers from the camp came to buy food at Murng Ton and revealed to someone who knew the women that they had been raped on the day they were detained, and the next day their breasts were cut off, and they were killed and their bodies buried. (case 48)*

The danger of sexual violence is also not limited to the Burmese side of the border. In July 1999, eleven Shan women were sexually assaulted by a Thai military officer when they were being deported back to Burma from northern Chiang Mai province. Two of the women tried to press charges of rape, but were forced under threat to accept money instead. The Thai military officer was merely transferred to another post, and received a cut in benefits.

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# SEXUAL VIOLENCE AS AN INTERNATIONAL CRIME

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Historically, rape has been characterized as an attack against the honor and dignity of women, and not as a grave act of violence. However the last decade has witnessed important developments in the treatment of harm experienced by women in armed conflict. The most extensive development has been increased recognition of sexual violence as an international crime. The Statutes of the Tribunals created to address crimes committed in the former Yugoslavia and Rwanda explicitly incorporate rape as a crime against humanity. The Statute of the International Tribunal for Rwanda expressly includes rape, enforced prostitution and any form of indecent assault as a violation of article 3 common to the Geneva Conventions and of Additional Protocol II. Both Tribunals have issued indictments relating to sexual violence and defendants found guilty of such violence have been convicted of crimes against humanity, including as a result of rape, enslavement and torture; violation of the laws or customs of war, including the result of rape, torture and outrages upon personal dignity; and genocide, through rape and sexual violence committed with the specific intent of destroying in whole or in part a particular group.

The Statutes of the Tribunals have been built on by the Rome Statute of the International Criminal Court (the Rome Statute) whose jurisdiction will include genocide, crimes against humanity, war crimes and crimes of aggression. The Rome Statute makes explicit that rape and other gender violence are among the most serious crimes of concern to the international community by specifically defining them as constituent acts of crimes against humanity and war crimes.<sup>9</sup>

The Rome Statute will enter into force on 1 July 2002. The Court, to be based in The Hague, Netherlands, is expected to be established in 2003. The Court is expected to draw upon the jurisprudence of the international tribunals for the former Yugoslavia and Rwanda (the ICTY and ICTR respectively).

The Court's jurisdiction is not retroactive. It can only address crimes committed after entry into force of the Statute. The Court may exercise its jurisdiction over a specific case when either the State in whose territory the crime was committed, or the State of the nationality of the accused, is a party to the Statute. Non-party States may accept the Court's jurisdiction on an ad hoc basis. The Court will also have jurisdiction over cases referred to it by the Security Council whether or not the State concerned is a party to the Statute.

It is unlikely that Burma will come within the Court's jurisdiction until a democratic transition is underway or has occurred. However, examining the jurisprudence to date gives a clear indication of what international crimes are currently being committed in Shan State and in the event an ad hoc tribunal were established to investigate and prosecute serious crimes committed within a certain time period such as genocide, war crimes, crimes against humanity, murder, sexual offences and torture, the jurisprudence of the two ad hoc international tribunals and the Court will be drawn upon.

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<sup>9</sup> See Rome Statute <http://www.un.org/law/icc/statute/romefra.htm>, Articles 7 & 8.

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## Sexual violence as torture

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Rape was not conceptualized as torture until the Celebici judgement delivered by the ICTY in November 1998.<sup>10</sup> One of the four accused, Hazim Delic, a Bosnian Muslim deputy camp commander at the Celebici prison camp, was found guilty of torture as a grave breach of the Geneva Conventions and as a violation of the laws and customs of war (war crimes) for the rapes he committed against two Bosnian Serb women held prisoner at the camp in 1992.

The Trial Chamber found that there was no question that acts of rape could constitute torture under international law. The Trial Chamber emphasized that rape and sexual violence inflicts the severe physical and psychological pain and suffering that characterizes torture. One of the required elements of the crime of torture is that the act must be inflicted for a designated 'purpose'. The Trial Chamber accepted that the required purpose can include: 'obtaining information or a confession from the victim, or a third person, punishing the victim for an act he or she or a third person has committed or is suspected of having committed, intimidating or coercing the victim or a third person, or for any reason based on discrimination of any kind'.<sup>11</sup> Violence directed against a woman because she is a woman, is a form of discrimination. The Trial Chamber emphasized that when such violence is committed against a woman because she is a woman, in addition to rape because of a woman's ethnicity, then the prohibited 'purpose' of gender discrimination is triggered.<sup>12</sup> Sexual violence has been recognized as torture in other ICTY cases.<sup>13</sup>

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<sup>10</sup> [Prosecutor v. Delalic and Others, Case No. IT-96-21, Judgment \(16 November 1998\), \[Celebici Judgment\]](#).

<sup>11</sup> [Ibid](#), at para 494.

<sup>12</sup> [Ibid](#), at para 493.

<sup>13</sup> For example, in [Prosecutor v Furundzija, Case No IT-95-17/1, Judgment \(10 Dec 1998\), \[Furundzija judgment\]](#), Anto Furundzija, a local commander in Vitez in a special Croatian Defense Council military police unit, was convicted of torture as a co-perpetrator in the rape of a Bosnian Muslim woman during interrogation, as well as of aiding and abetting in the rape. The court stated the elements of torture in armed conflicts include that at least one of the persons involved in the torture be a public official or from 'any other authority-wielding entity'.

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## Sexual violence as a constituent element of genocide

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Under certain conditions, acts of sexual violence can also be the means of committing the international crime of genocide. As defined in the Convention on the Prevention and Punishment of the Crime of Genocide (the Genocide Convention), this crime constitutes certain acts 'committed with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group as such'. There is no specific reference to rape or other sexual violence. The acts that are proscribed include killing members of the group, causing serious bodily or mental harm, imposing measures intended to prevent births within the group, forcibly transferring its children to another group, or deliberately inflicting on the group conditions of life calculated to bring about its destruction in whole or in part. The Genocide Convention is reflected in the Rome Statute.<sup>14</sup>

The aim of the Genocide Convention is to prevent and punish those persons who act upon their hatred of a particular group by physically harming the group members, with a view to ultimately eradicating them. When sexual violence occurs in the context of a genocidal attack, it is a manifestation of the same hatred towards members of the group that motivates other physically harmful acts. Therefore it is artificial to separate acts of sexual violence from the other genocidal acts.<sup>15</sup>

The ICTR decision in *Prosecutor v. Akayesu* issued on 2 September 1998, recognized for the first time that acts of sexual violence can be prosecuted as constituent elements of a genocidal campaign.<sup>16</sup> Jean-Paul Akayesu, then Mayor of Taba commune, was charged with genocide, crimes against humanity, and war crimes and with having known that acts of sexual violence were being committed and having facilitated the commission of such acts by permitting them to be carried out on the commune's premises. He was also charged with being present during the commission of crimes of sexual violence and thus of encouraging these crimes. The court pronounced that the crimes of sexual violence committed in the Taba commune and throughout Rwanda constituted acts of genocide.

The Trial Chamber was persuaded that the sexual violence was accompanied by the specific intent required for the crime of genocide. The intent was evident in particular from the fact that many rapes were perpetrated near mass graves, and; that statements were made that the women being taken away would be collected later for execution.<sup>17</sup>

The Trial Chamber also considered the meaning of the phrase 'imposing measures intended to prevent births within the group'. Particular attention was given to various acts of sexual violence, such as sexual mutilation, sterilization, forced birth control, and deliberate impregnation. Furthermore, rape was found to be a measure that, due to the mental harm inflicted, may be imposed to prevent births within a group.<sup>18</sup>

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<sup>14</sup> See Rome Statute Article 6.

<sup>15</sup> See Judith G. Gardam & Michelle J. Jarvis, *WOMEN, ARMED CONFLICT AND INTERNATIONAL LAW*, Kluwer Law International, 2001, at page 190.

<sup>16</sup> *Prosecutor v Akayesu*, Case No ICTR-96-4, Judgment (2 Sept 1998) [Akayesu judgment].

<sup>17</sup> *Ibid*, para 733. See Gardam, *supra* note 15, at page 195.

<sup>18</sup> *Ibid*, paras 507-508. See Gardam, *supra* note 7, at page 195. The classification of sexual violence as genocide was confirmed in the subsequent judgment issued by the ICTR in the *Prosecutor v. Musema*, ICTR-96-13-I Judgment, 27 January 2000 [Musema judgment].

# Sexual violence as crimes against humanity

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The widespread or systematic commission of acts of sexual violence against a civilian population may be prosecuted as crimes against humanity, regardless of whether they take place in the context of war or peace. Crimes against humanity include acts such as murder, torture, enslavement, imprisonment, enforced prostitution, forced pregnancy, rape or other inhumane acts when committed systematically or on a mass scale against civilians. They are also war crimes when committed in either international or internal armed conflicts.

Developments in the context of the recognition of sexual violence as a crime against humanity include: torture as one of the acts constituting a crime against humanity; rape has been expressly recognized as one of the acts constituting a crime against humanity;<sup>19</sup> acts of sexual violence (other than rape), have been charged and recognized as crimes against humanity, by means of inhumane acts, and; 'enslavement' as a constituent act of crimes against humanity has been recognized.

The Akayesu judgment articulated a broad definition of rape as a war crime that places rape on an equal footing with other crimes against humanity. The tribunal found that the rapes were both systematic and carried out on a massive scale. The Akayesu definition reconceptualises rape as an attack on an individual woman's security of person, not on the abstract notion of virtue and not as a taint on an entire family's or village's honor. The court defined sexual violence to include forced nudity thus constituting a crime against humanity by way of other inhumane acts.<sup>20</sup> This establishes that acts of sexual violence are not limited to those involving penetration or even sexual contact. This classification of 'serious sexual assault' as a crime against humanity by way of inhumane acts was also confirmed by the ICTY in the Furundzija decision.

In the Tadic case,<sup>21</sup> Dusko Tadic, a member of the Bosnian Serb forces and low-level official at the Omarska camp, was convicted by the ICTY on 7 May 1997 for crimes against humanity for criminal acts of persecution that included crimes of sexual violence. He was not convicted for directly committing an act of sexual assault, but for his participation in a general, widespread and systematic campaign of terror. This decision states categorically that rape and sexual violence can be considered constituent elements of a widespread or systematic campaign of terror against a civilian population. It is not necessary to prove that rape itself was widespread or systematic but that rape was one of perhaps many types of crimes - the spectrum of which was committed on a widespread or systematic basis and comprised an aggressor's campaign of terror.<sup>22</sup>

The first convictions by the ICTY of rape as a crime against humanity came in the Kunarac, Kovac, and Vukovic decision of 22 February 2001.<sup>23</sup> Trial Chamber II found that rape was 'used by members of the Bosnian Serb armed forces as an instrument of terror. An instrument they were given free rein to apply whenever and against whomever they wished'. The court found, amongst other factors, that the actions of the accused were part of a systematic attack against Muslim civilians; they knew that one of the main purposes of that campaign was to drive the Muslims out of the region; to achieve this they terrorized the Muslim civilian population in a manner that would make it impossible to return; they also knew of the general pattern of crimes, especially of detaining women and girls in different locations where they would be raped, and; they were not just following orders, if there were such orders, to rape Muslim women, the evidence showed free will on their part.

Kunarac, Kovac and Vukovic were also convicted for enslavement as a crime against humanity. The decision is the first time that the ICTY found enslavement as a crime against humanity. Six women were found to have been enslaved by the defendants - held for months in sexual slavery and subjected to multiple gang rapes by the defendants and others. This decision has set a legal standard for sexual enslavement as a crime against humanity.<sup>24</sup>

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19 ICTY Statute Article 5(g) and ICTR Statute Article 3. The Rome Statute Article extends the recognition of sexual violence in the context of crimes against humanity in Article 7(1)(g) to 'rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any form of sexual violence of comparable gravity'.

20 See *Akayesu* Judgment, para 697. Also see the *Musema* judgment, supra note 20 - Musema was also found guilty of crime against humanity (rape) as the rape was consistent with the pattern of the widespread and systematic attack on the civilian population which he had knowledge of.

21 *Prosecutor v. Tadic*, Judgment, 7 May 1997 [Tadic judgment].

- 22 Ibid, para 704 and 649. See also Prosecutor v. Blaskic, No. IT-95-14, Judgment (3 March 2000), para 203, which discusses at length what constitutes a crime against humanity. The court listed four elements that comprise a 'systematic attack' including: (a) the perpetration of a criminal act on a very large scale against a group of civilians or the repeated and continuous commission of inhuman acts linked to one another; (b) the existence of a political objective, a plan pursuant to which the attack is perpetrated or an ideology, in the broad sense of the word, that is, to destroy, persecute or weaken a community; (c) the perpetration and use of significant public and private resources, whether military or other; and (d) the implication of high-level political and/or military authorities in the definition and establishment of the methodical plan.
  - 23 See Press Release on the 'Judgment of Trial Chamber II in the Kunarac, Kovac and Vukovic case', The Hague, 22 February 2001 JL/P.I.S./566-e.
  - 24 Ibid, at page 1 and Human Rights Watch, 'Bosnia: Landmark Verdicts for Rape, Torture, and Sexual Enslavement', (New York, February 22, 2001).
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# Sexual violence as a war crime: Grave breaches of the 1949 Geneva Convention, and violations of the laws and customs of war

War crimes cover grave breaches of the Geneva Conventions of 1949 and other serious violations of the laws of war, committed on a large scale in international as well as internal armed conflicts. Not all of the Geneva Conventions apply to internal armed conflicts. In the case of rape, however, international humanitarian law does forbid acts of sexual violence in internal armed conflicts. Common Article 3 of the Geneva Conventions prohibits 'violence to life and person,' 'cruel treatment,' 'torture' or 'other outrages upon personal dignity.' Article 4(2)(e) of Protocol II to the Geneva Conventions, governing the protection of civilians in internal armed conflicts, explicitly outlaws 'outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault.'<sup>25</sup>

The ICTY in the Furundzija judgment and the Kunarac, Kovac and Vukovic case confirmed the status of rape as a war crime. In the Furundzija judgment, the ICTY confirmed, among other things, the status of rape as a war crime, particularly under common article 3 of the Geneva Conventions dealing with internal armed conflicts. The court found Furundzija guilty of aiding and abetting a war crime, the rape of a Bosnian Muslim woman. Furundzija was found to have provided 'assistance, encouragement, or moral support which ha[d] a substantial effect on the perpetration of the crime' when his subordinate orally, anally and vaginally raped a Bosnian Muslim woman Furundzija was interrogating. Kunarac, Kovac and Vukovic were convicted of rape as a violation of the laws or customs of war, a war crime.

According to the Rome Statute, rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence also constituting a grave breach of the Geneva Convention (in international armed conflict) or constituting a serious violation of article 3 common to four Geneva Conventions (in a non-international conflict) are war crimes.<sup>26</sup>

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<sup>25</sup> Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts, opened for signature December 12, 1977, Article 4(2) (a) and (e), 1125 U.N.T.S. 3, 16 ILM 1442 (1977). Burma is not a party to the Protocol, however, it is arguable this is customary international law.

<sup>26</sup> Rome Statute, article 8 (2) (b) (xxii) (international armed conflicts) and (vi) (internal armed conflicts).

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## Command responsibility for rape

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Although the Trial Chamber of the ICTY stated in the Kunarac, Kovac and Vukovic case that it will not 'accept low rank or a subordinate function as an escape from criminal prosecution' stating 'in time of peace as much as in time of war, men of substance do not abuse women', the ICTY has indicted a number of individuals for command (or superior) responsibility for crimes of sexual violence. The doctrine of command responsibility holds those in positions of superior authority liable for the acts of their subordinates.

In the Celebici judgment, the ICTY found Zdravko Mucic guilty on the basis of command responsibility for the violations of international humanitarian law committed by guards at the camp. The tribunal stated, "The crimes committed in the Celebici prison-camp were so frequent and notorious that there is no way that Mr. Mucic could not have known or heard about them." Those crimes included rapes and sexual assaults committed by Mucic's subordinates.

In the Blaskic judgment the ICTY convicted Tihomir Blaskic, a colonel in the armed forces of the Croatian Defense Council (HVO) and Chief of the Central Bosnia Operative Zone of the HVO armed forces, for a range of humanitarian law violations, including war crimes, grave breaches and crimes against humanity against the Bosnian Muslim population of central Bosnia on the basis that he 'ordered, planned, instigated or otherwise aided and abetted in the planning, preparation, or execution of those crimes'.

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## CONCLUSION

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Evidence in this report has revealed that the Burmese military regime is using rape on a systematic and widespread scale as a 'weapon of war' against the ethnic populations in Shan State. It has also illustrated that the increased militarization of the region has greatly increased the vulnerability of women and girls to rape. Examining the jurisprudence from the ICTY and ICTR on sexual violence as an international crime, illustrates there is a strong case that war crimes and crimes against humanity are being committed by the Burmese army in Shan State.

The rape survivors have no recourse either to legal processes, or to any crisis support inside Shan State. Those fleeing to Thailand are also denied their right to protection and humanitarian assistance, and are liable to deportation at any time.

Clearly, the main reason why the Burmese army is able to continue to commit rape on such a systematic and widespread scale with impunity is that most of Shan State, particularly the zones of conflict, is closed off to the outside world. International human rights monitors entering Burma are not allowed into these areas, and in other areas are kept under close scrutiny by the regime. Thus, the only way that news can reach the outside world is across the borders. However, the regime continually seeks to discredit any reports from the border areas, dismissing them as coming from sources linked to "insurgents." Regrettably, some members of the international community, without coming to the borders to verify the stories of the refugees, are increasingly choosing to give the regime the benefit of the doubt. Some foreign governments are now beginning to soften their stance on the regime, and to encourage aid and investment, ignoring the ongoing civil war, and the continuing widespread atrocities being committed against civilians in the ethnic areas.

International pressure must be maintained on the regime to force it to begin meaningful dialogue not only with the democratic opposition led by Aung San Suu Kyi but also with the ethnic opposition. Unless a nationwide ceasefire is called, and political dialogue addressing the country's ethnic issues started, the civil war will continue, and the nightmare of violence in Burma's ethnic areas will continue unabated.

There is no doubt that the context of the war is the direct cause of the levels of sexual violence occurring today. It is urgently needed to end the war, demilitarize the ethnic areas, and restore democracy and the rule of law, so that women and children can begin to be protected from sexual violence.

Given the gender inequalities prevalent in Shan State, we are under no illusion that sexual violence will end completely once the war has ended, but for women to advocate for their rights an essential prerequisite is democratic governance and the rule of law. Only upon this basis will it be possible to work towards the complete end of discrimination against women in our society.

### **We therefore make the following recommendations:**

To the State Peace and Development Council:

1. To immediately implement a nationwide ceasefire in order, to stop increased militarization and anti-insurgency campaigns in the ethnic states;
2. To allow the participation of representatives of non-Burman ethnic nationalities in the contacts with Daw Aung San Suu Kyi, which would facilitate broad-based and inclusive national reconciliation and the restoration of democracy;
3. To respect fully their obligations under international humanitarian law, including article 3 common to the Geneva Conventions of 12 August 1949, to halt the use of weapons against the civilian population, to protect all civilians, including children, women and persons belonging to ethnic or religious minorities, from violations of humanitarian law;
4. To respect fully their obligations under the ILO 1930 Convention concerning forced or compulsory labour (No. 29);

5. To end the continuing violations of the human rights of women, in particular forced labour, forced relocations, abuse, torture, sexual violence, exploitation and abuse in detention and summary executions, often committed by military personnel and especially directed towards women who are returning refugees, internally displaced, or belong to ethnic minorities or the political opposition;
6. To put an end to the causes of the systematic forced displacements of persons and the flow of refugees to neighbouring countries and create adequate conditions for their safe and voluntary return and complete reintegration, to allow humanitarian personnel safe and unhindered access to assist their return and reintegration, and to address the problems of trafficking of women and children, especially in the border area;
7. To fulfil its obligations under the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women by bringing national legislation and practice into conformity with these conventions, and to consider signing and ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, as well as the Optional Protocols to the Convention on the Rights of the Child;
8. To implement fully the recommendations made by the Committee on the Elimination of Discrimination against Women, in particular the request to prosecute and punish those who violate the human rights of women;

#### To the Royal Government of Thailand

1. To give protection to Shan civilians along the Thai-Shan border by allowing them to cross the border and to access refugee camps and UNHCR.
2. To allow Shan asylum seekers access to humanitarian aid agencies based in Thailand.
3. To exercise particular caution in relation to the deportation of Shan migrant workers as many are genuine refugees.
4. To not repatriate Shan women into the hands of the Burmese army.
5. The governments of Thailand and Burma should allow the international community and UNHCR to participate in any discussions, negotiations and/or repatriation programs involving Burmese migrants. Such discussions must address the root causes for the outflow of migrant workers.

#### To the international community

1. To not allow political developments in Burma to act as a 'smokescreen' on the continuing human rights violations occurring predominantly in the non-Burman ethnic nationality areas;
  2. To pressure the SPDC to fulfil the recommendations above, which are based on the Commission on Human Rights resolution 2002/67 on the 'Situation of human rights in [Burma],' and to withhold all forms of aid to the regime until irreversible changes are made towards democratic reform in Burma.
  3. To pressure UN agencies and international NGOs working in the ethnic states of Burma to publicly bear witness to the atrocities being committed by the SPDC against civilians in these areas, since their silence makes them complicit in these abuses.
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# Appendix 1 - Detailed interviews (28 cases)

(nos. refer to Summary list of 173 cases)

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## (1) Name: Ya Mie (not her real name)

Age: 19  
 Status: Single  
 Ethnicity: Lahu  
 Religion: Christian  
 Occupation: Farmer  
 Location: La-Hu village, Murng Sart  
 Date of Incident: 8-3-1991  
 SPDC Troops: IB 49, branch 3 base, Murng Sart town

"One night, two friends and I were coming back from a video show. Instead of going home on the main street, we chose to walk back through the farmland. On our way, an SPDC soldier from IB49, branch 3 base in Murng Sart town approached us. He grabbed me and ordered my friends to go away. My friends were afraid, and so they ran back to the village. I knelt down and begged him not to hurt me, but he dragged me to the side of the road and raped me.

"After the incident, I gave up all hope. Though I wanted to complain to the authorities, I was afraid of the SPDC military. Before the incident, I would occasionally get a headache and feel dizzy, but after I was raped the headaches and dizziness increased. I couldn't sleep at night. When my mind wandered to what had happened, my heart would beat so hard. I was afraid of all men.

"My family didn't understand, and they didn't take care of me. They didn't accept me, and my friends looked down on me. I felt completely alone and depressed. This was in 1991, when I was in the 10th standard in Murng Sart high school. I had to take an examination soon after the rape, but my depression kept me from taking the exam. That affected everything, and my life went downhill."

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## (2) Name: Naang Khin (not her real name)

Age: 17  
 Status: Single  
 Ethnicity: Shan  
 Religion: Buddhist  
 Occupation: Farmer  
 Location: Nong Lom village, Nar Worn tract, Murng Pan township  
 Date of Incident: 17.6.1991  
 SPDC Troops: Co.4, LIB 332, Captain Maung Maung Soe

On 17.6.1991, 50 SPDC troops from Co.4 of LIB 332 led by Capt. Maung Maung Soe were patrolling outside the area of Murng Pan town. The troops noticed Naang Khin coming back alone to her village. She had been at her farm. Naang Khin was coming home early to cook dinner and prepare the house before her parents got back from the farm. When the troops saw her, they began asking her many questions and took her with them. When night fell, they still did not allow her to leave. "Join us for dinner," they said. "After dinner our troops will go into the village." Naang Khin didn't eat dinner. She sat alone, sad and afraid. After they finished their dinner, the captain told her they would sleep there. "This isn't a good time to keep going," he said.

Upon hearing this, Naang Khin broke down and cried. The captain approached and raped her, in spite of her loud screams and cries for help. "If you want to go back home and see your parents again, don't cry and scream," the Captain told her. "If you don't obey, I will shoot you right here in this jungle. You are not in your village where you're supposed to be." The troops kept her with them for 4 nights and 5 days before they finally released her outside of her village.

During the time that Naang Khin disappeared, the villagers suspected that Burmese soldiers had taken her. They had seen the footprints of Burmese soldiers passing near their farm. When Naang Khin's parents returned from their farm and didn't find her at home, Naang Khin's 43-year-old father, Loong Sue Yae, reported his daughter's disappearance to the village headman Loong Kan Na. The village headman took her father to complain to the tract headman Loong Sa Pin Yar. Even though the village and tract headman knew about Naang Khin's disappearance, they could do nothing. They simply had to wait for her to come home.

When Naang Khin finally returned, she told her parents what had happened. She was upset and distressed for 2-3 days. Her relatives took her to Murg Pan hospital to be checked by doctors. The doctor put her on an IV and required that she stay in the hospital for two nights and two days. After leaving the hospital, she had to stay at home for 25 days. Shortly after that, she traveled to Thailand with her relatives, Sai Mar Lar and Naang Tun Myint. Since then, she has stayed in Thailand and has gotten married here.

### **(3) Name: Nar Lay (not her real name)**

Age: 26  
 Status: Married, 2 children 6 and 9 years old  
 Ethnicity: La-Hu  
 Religion: Christian  
 Occupation: Farmer  
 Location: La-Hu village, Murg Sart  
 Date of Incident: May, 1992  
 SPDC Troops: LIB 333, Murg Sart

"I lived in a small hut in the jungle with my husband and two children. There, we looked after our buffaloes and cows. One day, my husband took our two children into the jungle to hunt birds and left me alone in the hut. An SPDC soldier from LIB 333 base in Murg Sart came into our yard to steal our bananas. Although I can't speak Burmese that well, I tried to talk to him and to take our bananas back. I called out to my husband, but he was so far away at that time, he didn't hear me. The soldier grabbed me and kicked my legs until I fell to the ground. Then he grabbed my legs. I tried to escape, but he was stronger than I am. He raped me for an hour and a half.

"When my husband came home, I told him what had happened. He was furious at me and beat me. The relationship between me and my husband and children suffered tremendously as a result of the rape. Every day, my husband and children would say 'Prostitute! If you want to sell sex, we will build you a small hut in the jungle. You can sell sex there.' I felt very hurt by those words, until finally I couldn't stand it any longer. I divorced my husband. When I went to see my children, they said, 'Whore, you are not our mother, don't come see us any more,' and drove me away. My husband said, 'You didn't control yourself. You had sex with another man. You are not longer my wife. Leave our house right now.' Eventually I decided to come to Thailand."

### **(4) Name: Naang Jang (not her real name)**

Age: 16  
 Status: Single  
 Ethnicity: Shan

Religion: Buddhist  
 Occupation: Farmer  
 Location: Nam Nor village, Wan Jid tract, Larng Kher township  
 Date of Incident: 24.8.1992  
 SPDC Troops: Co.3, IB 99, Captain Maung Soe

Five SPDC troops led by Captain Maung Soe were patrolling the area when they saw Naang Jang and her 38-year-old mother, Ba Sar, planting sugar cane on their farm. 4 soldiers took Ba Sar to another location where all of them gang-raped her. Meanwhile, the captain raped her daughter, Naang Jang. When they were finished, the soldiers dug up the sugar cane and took the plants with them. When Ba Sar got home she told her 44-year-old husband, Loong Kham Aan, what happened. Loong Kham Aan felt angry but did not report the incident to the village headman Loong Oon till about five days later. The village headman asked, "Why didn't you complain when the case had just happened? Why did it take such a long time to let me know? The case happened so long ago I'm afraid to complain to the military."

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#### **(5) Name: Naang Cham (not her real name)**

Age: 22  
 Status: Single  
 Ethnicity: Shan  
 Religion: Buddhist  
 Occupation: Farmer  
 Location: Na Bang Pai village, Mai Hai tract, Murng Nai township  
 Date of Incident: July 1994  
 SPDC Troops: Co.2, IB 64, officer Soe Maung Nyo

4 SPDC troops led by Officer Soe Maung Nyo were patrolling the area. The troops saw Naang Cham resting in a small hut on her rice farm. The troops didn't ask her any questions, but approached her and raped her. After two of the soldiers had finished raping her, her 38-year-old mother, Ba Nyunt, began to scream loudly, "Burmese soldiers are raping my daughter!" When the soldiers heard her, they pointed their guns at Ba Nyunt and beat her unconscious. Then 3 soldiers raped Naang Cham again before they stole a variety of snake gourds and pumpkins from Naang Cham's farm.

Ba Nyunt reported the incident to the village headman, Loong Bhue Mar. The village headman promised to complain to the tract headman. But nothing happened.

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#### **(24) Name: Nar Lu (not her real name)**

Age: 21  
 Status: Single  
 Ethnicity: La-Hu  
 Religion: Christian  
 Occupation: Farmer  
 Location: La-Hu village, Murng Sart township  
 Date of Incident: April 1997  
 SPDC Troops: Murng Sart-based, mortar battalion

"I spent much of the day looking after our buffaloes. The sun was hot, and I was tired, so I went home, closed the doors to our house, and slept. While I was sleeping, an SPDC soldier from Murng Sart base, mortar Battalion scaled the walls to the house and jumped down into my room. I woke up to see the soldier standing in my room. When he saw me, he ran over and grabbed me. I shouted, but nobody came to help. Finally, the soldier raped me. After he had finished raping me, I got up quickly and found a knife to protect myself.

"In our La-Hu village, everybody works on their farms during the day, so nobody is at home. When the village headman came back from his farm late that evening, I told him all that had happened. He then complained to the SPDC local military camp commander. The commander tied up the soldier who had raped me, beat him and then put him in jail. My family has been very supportive, and has helped me not to give up. I haven't given up, and I work hard on our farm."

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**(53) Name: Na Shi (not her real name)**

Age: 29  
 Status: Married, with 2 sons and 1 daughter  
 Ethnicity: La-Hu  
 Religion: Christian  
 Occupation: Farmer  
 Location: La-Hu village, Murng ton town  
 Date of Incident: 16-7-1998  
 SPDC Troops: Murng Ton-based

"On that day, I came back from working on the farm at 5 in the evening. On my way back to my house, I encountered an SPDC soldier from Murng Ton base. I was afraid and I didn't look at him. But he grabbed my arm and stopped me from continuing on to the village. He said, 'Stop. I'm not letting you go back,' and then he touched my breast. I was very afraid and I screamed as he dragged me to the side of the road. I knelt, begging and entreating him not to hurt me, but he didn't listen or care what I said. Then, he raped me. I was so afraid, and I lay unconscious for a while there at the side of the road. When I woke up, it was 7 o'clock. I never get home so late, and so I hurried back and found my worried children and husband anxiously waiting for me. Crying, I told them all that had happened to me. My husband visited the village headman to report the crime, but because I did not know the identification number of the battalion or the name of the soldier, we could do nothing."

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**(112) Name: Naang Thwe (not her real name)**

Age: 18  
 Status: Single  
 Ethnicity: Shan  
 Religion: Buddhist  
 Occupation: Farmer  
 Location: Bang Yong village, Wan Ler tract, Lai Kha township Bang Yong was relocated to Wan Ler tract on 16-4-1997.  
 Date of Incident: 16-5-2000  
 SPDC Troops: Co. 2, LIB 515, Captain Tun Aung

60 SPDC troops came from Lai Kha to Wan Ler village to patrol the area. When they arrived in the village, they began to search the houses in the village. At that time, most of the villagers were away at their farms, and Naang Thwe was home alone. When the captain saw that Naang Thwe's parents were not at home, he ordered

her into the house, without asking her any questions. She thought that the captain would search the house, and that he simply wanted her to go with him. But when they reached the bedroom, the captain grabbed her hand, threatening her with his pistol. Pointing his gun at her forehead, he said, "If you want to die, go ahead and make a noise." He raped her from 9 in the morning until 12:30 that afternoon.

He finally left, and when her parents came home from the farm that evening, Naang Thwe, crying, told them all that had happened. When her 57-year-old father, Lung Kham Moon heard about the incident, he reported it to the village headman, Lung Saw, and a village elder, Lung Kamg. Two days later, the three of them went with Naang Thwe to complain to authorities in Lai Kha town. Lai Kha authorities called local camp commander, Captain Maung Htwe and discussed the incident with him. The Captain then asked Naang Thwe to come to the military camp to identify the rapist. She was shown a line-up of soldiers, but when she couldn't find Captain Tun Aung among them, Captain Maung Htwe imposed a fine on each of the four villagers. Naang Thwe and Lung Kamg each had to pay 30,000 Kyat. Village headman, Lung Saw had to pay 20,000 Kyat, while her father, Lung Kham Moon paid 15,000 Kyat. If they could not pay the fines, each person would have to spend 10 years in prison.

Naang Thwe was ill for 3 months, but she recovered eventually. Her relatives were supportive, and felt sad about the incident. There was little they could do, however, because the soldiers had the guns and the power.

**(119) Name: Naang Yone (not her real name)**

Age: 16  
 Status: Single  
 Ethnicity: Shan  
 Religion: Buddhist  
 Occupation: Farmer  
 Location: Original Ho Pai village, relocated to Ham Ngai tract, Mung Kerng township on 27-8-1997.  
 Date of Incident: 20-7-2000  
 SPDC Troops: Co. 3, LIB 514, Captain Than Maung

In July 2000, 50-55 SPDC troops were patrolling the area around the original location of Ho Pai village to search for villagers who had secretly returned to tend their farms. Captain Than Maung spotted Naang Yone in the fields, and called her to come to a small hut on the farm. When they got to the hut, he asked, "Who came with you to the farm?"

Naang Yone answered, "I came with my father, but right now he is fetching water." Upon hearing that, Captain Than Maung ordered Naang Yone into the hut where he raped her at gunpoint. He raped her from 10 in the morning until 3 that afternoon. She cried and pleaded, but he didn't release her until after 3 o'clock.

Though she reported the incident to her relatives and the village headman, they didn't dare complain to the military. They wanted to see justice done, but they knew of others who had complained about rape, and had been forced to pay a fine of 10,000 Kyat to the military. After the incident, Naang Yone kept to herself. She didn't want to see or communicate with anyone. Her family understood and took care of her.

**(133) Name: Naang Yin (not her real name)**

Age: 18  
 Status: Single  
 Ethnicity: Shan  
 Religion: Buddhist  
 Occupation: Shopkeeper, High School Student

Location: Market quarter, Kaeng Tawng town, Murg Nai township S IB 246,  
 PDC Troops: Kun-Hing-based, Commander Myint Oo, Officer San Win Po  
 Date of Incident: January, 2001

Naang Yin was the 18-year-old daughter of two shopkeepers, Lung Tha and Pa Khong. Lung Tha and Pa Khong sold dry foods in their shop, such as oil, beans, seeds, and rice. Naang Yin studied at the high school in Kaeng Tawng town, and so she spoke Burmese in addition to Shan. SPDC troops from the local military camp regularly came to the shop to sell staples they got from the military camp, and to supplement their basic provisions. The troops from IB 246, including officer San Win Po, invited Naang Yin to come to the camp to buy some basic provisions at cheaper prices.

Naang Yin went to the camp for the first time alone in January, 2001. She arrived to find that many of the commanders, captains and soldiers were away from the camp, patrolling the surrounding area. But there were still a few soldiers at the camp, including officer San Win Po. Coming into the camp alone, she was taken by officer San Win Po and ten other soldiers. They held her prisoner and gang raped her for four days. Her parents searched everywhere for her, until, finally she was released on the fourth day. She reported the incident to the village headman, and received a medical check-up from a relative who was a nurse.

The village headman, worried for her safety, told her, 'If you have a place to go, you should go. If you have a place to move, you should move. You shouldn't face those soldiers again.' And so Naang Yin stayed on the move, spending each night at a different relative's house. Her parents were anxious about her security, but they didn't dare complain to the military for fear of repercussions. Ten days after her release, Naang Yin's mother took her to Thailand. The people in village were angry and blamed the soldiers for what had happened. When the village headman counseled the young girls in the village, many of them would talk about what happened to Naang Yin.

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**(135) Name: Ar Phue (not her real name)**

Age: 24  
 Status: Widowed 2 years ago, married at 14, mother of 3-year-old son  
 Ethnicity: Akha  
 Religion: Christian  
 Occupation: Farmer  
 Location: Wan Pa Khae village, Nam Phung tract, Ta-Khi-Laek township  
 Date of Incident: February, 2001  
 SPDC Troops: LIB 359, Ta Khi Laek township

Note: When Me Lue was 10 years old, she had lost partial use of her leg due to an illness. As a result, she cannot walk very well.

Two years prior to being raped, Ar Phue's husband, 30-year-old Ah Kho, had been beaten to death by SPDC soldiers. He had been taken to be a porter for their troops, and Ar Phue did not know exactly where her husband had died, nor the identification number of the battalion that had killed him. Nevertheless, she was left to work on their farm alone, a half-hour walk from the village. In February, 2001, seven soldiers from LIB 359 base in Ta-Khi-Laek approached her and threatened to shoot her with their guns. Not able to speak Burmese, she couldn't understand what the soldiers were saying, and could not run away on her bad leg. The soldiers proceeded to gang rape her for an hour. A villager, hearing her screams, ran over to help. Upon seeing the villager, the soldiers stopped their attack, and left the scene.

Ar Phue reported the incident to the village headman. Luckily, she did not get ill, but at the time of the interview, she was three months pregnant. Fighting between the Shan army and the Burmese army broke out two days

after the rape, preventing Ar Phue from seeking medical attention. Her village is close to the Burmese camp, and she could hear bombs and shelling near by. She was forced to relocate, with her child and relatives, to further inside Shan State away from the border with Thailand. She stayed there for 4-5 days before moving to an IDP settlement on the border. She traveled to the camp with her neighbor's family, as her parents did not live in the same village.

On days it did not rain, Ar Phue left the camp to work on a tea plantation. She left earlier than the others, because her bad leg forced her to walk slowly and she wanted to get there early enough to get work. She received 3 baht for every kilogram of tea leaves she picked, and one day she earned as much as 30-40 baht for her work. At the time of the interview, there were so many people looking for jobs, that there were days when there was no work for Ar Phue to do.

Knowing she was pregnant, her neighbor's family urged her to find a husband. "If other people knew that I was pregnant with a Burmese baby," Ar Phue said, "who will like that?" She didn't want to marry a soldier, for fear of having to either worry about his safety, or endangering herself or her child by accompanying him on his forays into the jungle. "I know that we'll have a difficult time, but I don't want my child to have a step-father," she said. "Some men love only women, but not their children. If I get married it will be difficult to get a divorce."

Added to her difficulties, Ar Phue was not educated and spoke limited Shan. "I don't know how to deal with the incident," she said. After her husband died, Ar Phue had decided not to go to live with her parents. Her father had died due to illness around the same time as the attack. Her mother visited her at the camp and stayed to marry a Shan villager there.

The village she had left, which was so close to the Burmese army camp, often fell prey to the Burmese soldiers when fighting broke out. The troops regularly forced villagers to be porters for the army, and looted village houses for livestock, food and household items. Although she didn't know exact details, Ar Phue believed that other women in her village had also been raped by Burmese soldiers.

**(136) Name: Naang Shwe (not her real name)**

Age: 18, youngest daughter  
 Status: Single  
 Ethnicity: Shan  
 Religion: Buddhist  
 Occupation: 4th Standard Student in primary school, Farmer  
 Location: Nong Tao village, Nong Long tract, Larng Kher township  
 Date of Incident: 29-3-2001  
 SPDC Troops: Co. 4, LIB 525, Captain Soe Nyint

Eighteen-year-old Naang Shwe went out to her family farm to look after their cows. At that time, SPDC troops from Co. 4 of LIB 525 led by Capt. Soe Nyint were patrolling the area and noticed Naang Shwe staying at the farm. The Captain called her to him, and when she approached he grabbed her and raped her. She cried and shouted, but he didn't release her until he had finished. She told her relatives what had happened, and her uncle, Lung Aue Zay Ya, went to complain to the village headman and village elder. A Shan police captain told Lung Aue Zay Ya not to bother reporting the incident because he expected that the villagers would lose the case, and that there would be no consequences for Capt. Soe Nyint. After the rape, Naang Shwe felt ashamed, angry and sad. Eventually, she traveled across the border to Thailand.

**(138) Name: Naang Mie (not her real name)**

Age: 5  
 Status: single

Ethnicity: Shan  
 Religion: Buddhist  
 Occupation: N/A  
 Location: Ba Sar village, Kaeng Tawng, Murng Nai township  
 Date: March, 2001  
 SPDC Troops: IB 99, Mitthela and Myinchan-based from Central Burma, new camp in Ba Sar Village

Naang Mie lived with her parents, Lung Lao and Pa Kham Sar in Ba Sar village. In March 2001, when Naang Mie was five years old, her parents went to work on their farm, leaving Naang Mie with her twelve-year-old sister. That night, her elder sister went out to a movie. The movie finished at 9 p.m., and their house was far away from the other houses in the village. So Naang Mie was left alone.

At 7 o'clock, an SPDC soldier from IB 99 came into the house. He tied up Naang Mie's hands and legs with rope, and raped her. When her sister came home from the movies, she found Naang Mie there, tied up and crying, with her sexual organs bloody. There was no one else around. Naang Mie was too afraid to tell her sister what had happened, because the soldier had threatened to kill her if she complained to anybody. A neighbor came and took Naang Mie to the hospital that night. She summoned the courage to tell a doctor what had happened, and a nurse stitched up her ripped vagina. They gave her medicine and took photographs for their records. The doctor and nurses told the girls that they would try to report the incident. Naang Mie's parents complained to the village headman, but they were too afraid to go to the military with their grievance. They were afraid for their children's safety, and because they were often away from their house all day, they worried that the military might loot and destroy their home. Many of the villagers blamed the parents for the incident, believing that if the parents had not been away, Naang Mie would not have been raped.

**(140) Name: Naang Mya (not her real name)**

Age: 19  
 Status: Single  
 Ethnicity: Shan  
 Religion: Buddhist  
 Occupation: Farmer  
 Location: Koong Sar village, Nar Kharn tract, Murng Nai township  
 Date of Incident: 16-4-2001  
 SPDC Troops: Co. 3, LIB 248, Captain Hla Phey

On April 16, 2001, 19 year old Naang Mya was alone at home, in an area regularly patrolled by SPDC troops from Co. 3, LIB 248. When Captain Hla Phey, the commander of the patrol unit saw that Naang Mya was alone, he approached her and said, " One of the soldiers from my battalion is lost. He might be hiding in your house." Claiming that he needed to search the house, he entered and ordered Naang Mya to come with him. He directed her into the bedroom, where he raped her. After the rape, he ripped Naang Mya's gold necklace off her neck and took it with him. Her gold necklace weighed 1 baht and was worth 5000 Thai Baht. Ashamed, and fearful of retaliation by the Burmese soldiers, Naang Mya did not complain to the authorities. She kept to herself, lost weight and eventually fell ill, becoming severely jaundiced. Though her relatives supported and took care of her, her fiance, 21 year old Zaa Moon, would not come to see her. As a result of the rape, they broke off their engagement.

**(144) Name: Naang Tong (not her real name)**

Age: 12

Status: Single  
 Ethnicity: Shan  
 Religion: Buddhist  
 Occupation: Farmer  
 Location: en route to Ton Hoong village from temple in Ba Sar village, Kaeng Tawng, Murng Nai township  
 Date of Incident: April, 2001  
 SPDC Troops: IB 99, Mitthela and Myinchan-based from central Burma, new branch in Kaeng Tawng, Murng Nai township

Twelve-year-old Naang Tong lived with her parents, Lung Malar and Pa Ong, in Ton Hoong village. She had had trouble with her eyes since she was a baby, and could not see very well. In April, 2001, the villagers from Ton Hoong went to worship at the temple in Ba Sar village, Kaeng Tawng, Murng Nai township. On her way to the temple, she walked with the elders of her village. On the way back, however, Naang Tong walked alone with a friend. An SPDC soldier, from IB 99, saw the two girls, grabbed Naang Tong and tried to rape her. Her friend was afraid and ran away, but Naang Tong could not run far because of her poor eyesight. She struggled away from the soldier, but tripped and fell on the ground in the dirt road. The soldier grabbed her and tried again to rape her. At that moment, a woman riding a bicycle from Ton Hoong to Ba Sar village passed by and saw what was happening. When the soldier saw the woman watching him, he released Naang Tong.

Though the soldier didn't have a chance to rape Naang Tong, her face was bruised and scarred from the blows he had inflicted, and her body was sore. She reported the incident to the village headman, and a villager took her to Kaeng Tawng hospital for medical treatment. A doctor and several nurses took photographs of her injuries to keep on record.

The family and village headman did not complain to the military, for fear of repercussions. Others had been raped in the past, and when they went to complain they were forced to pay a fine of ten chickens and one bucket of oil to the military. Many of the villagers blamed Naang Tong for the incident, claiming that she had been foolish to return to Ton Hoong without the elders.

**(145) Name: Naang Nyunt (not her real name)**

Age: 18  
 Status: Single  
 Ethnicity: Shan  
 Religion: Buddhist  
 Occupation: Farmer  
 Location: Nong Kor village, Wan Zad tract, Ke See township  
 Date of Incident: 1-5-2001  
 SPDC Troops: Co.5 of LIB 424, Captain Soe Phu

Naang Nyunt, an 18-year-old woman from Nong Kor village, Wan Zad tract, Ke See township was attacked and raped in her house by Captain Soe Phue on 1.5.2001. After the incident, Naang Nyunt's father complained to the village headman, Lung Tun Hla. Together they reported the rape to Captain Thung Zaw, commander of LIB 424 based in Ke See township. As there were no eyewitnesses, other than Naang Nyunt herself, the commander said he could do nothing.

**(147) Name: Naang Phong (not her real name)**

Age: 21  
 Status: Married  
 Ethnicity: Shan  
 Religion: Buddhist  
 Occupation: Farmer  
 Location: Nam Kat village, Nar Boi tract, Nam Zarng township. Nam Kat was relocated to Nam Zarng town on 11-3-1997.  
 Date of Incident: 18-5-2001  
 SPDC Troops: IB 66, Captain Than Maung Tun

On May 18th, 2001, local camp commander, Captain Than Maung Tun, ordered fifteen women from Nam Kat village to come to the military camp to clean the camp's guardhouse. The fifteen women entered the camp, and Captain Than Maung assigned fourteen women to clean the bedrooms of the other captains, while ordering Naang Phong to clean his room. As Naang Phong entered the room to begin cleaning, Captain Than Maung followed her, closing the door behind him. He grabbed at her, and she screamed "The Captain is raping me!" He slapped her mouth with his hand, and raped her.

When she got home, she told her husband, Zaai Pan Ti, what had happened. He reported the incident to the village headman, Lung Au Li Ya, who in turn took Naang Phong and her husband to see the Captain. Naang Phong accused the Captain saying, "Yesterday, you raped me in your room."

In response, Captain Than Maung replied, "If I raped you, why didn't you tell anyone, or call for help? If I raped you, why didn't the other fourteen women who came with you see or hear any noise or sign of a struggle?" Turning to the other fourteen women, the Captain asked, "Did anybody here see me rape this woman? If so, raise your hand." No one raised her hand, because no one had seen the rape with her own eyes. They had only seen the Captain take Naang Phong into his room. Upon that, the Captain fined Naang Phong 15,000 Kyat for causing him to "lose face."

After the incident, Naang Phong felt sad, ashamed and afraid. She was lethargic and had no appetite. Her husband and relatives understood and supported her, and she and her husband continue to live together. Two to three months after the incident, Naang Phong and her husband came to live in Thailand.

### **(152) Name: Naang Ang (not her real name)**

Age: 27  
 Status: Married, no children  
 Ethnicity: Shan  
 Religion: Buddhist  
 Occupation: Farmer  
 Location: Ter Hong village, Nong Hee tract, Murng Nai township. Ter Hong was relocated to Ton Hoong on 11-4-1996.  
 Date of Incident: 4-7-2001  
 SPDC Troops: Co. 3, LIB 524, Capt. Tun Oo, Kun Hing town-based

On June 29, 2001, as SPDC troops were patrolling the area around the Ton Hoong relocation site, Captain Tun Oo noticed Naang Ang in the village. The Captain then ordered 30 troops, led by Captain Tan Aung, to patrol the area. A few days later, the captain ordered Lung Min, the village headman, to bring Naang Ang's husband, Zaai Maung Hla, to him. When Zaai Maung Hla arrived, the Captain said, "Today, I want you to serve as a guide for my troops for two days. Go pack your things and come back and wait here." Zaai Maung Hla could not protest, and had to do as he was ordered.

On July 4th, Zaa Maung Hla was still away from home. Knowing her husband was away, Captain Tun Oo went to see Naang Ang, and without any questions, walked right into the house. "What do you have in your bedroom? Let's go and see."

"Captain," Naang Ang said, "go and see by yourself."

At that, the Captain said, "You will go inside with me." He pulled out his pistol, aimed it at her forehead, and threatening her, he dragged her into the bedroom and raped her. He raped her for five hours, from 10 in the morning until 3 in the afternoon.

When Zaa Maung Hla came home, Naang Ang told him all that had happened. Her husband reported the incident to the village headman and a village elder. Upon hearing what happened, they said. 'The only eyewitness is Naang Ang. Though we want to report the incident, it is your word against his. We will not be able to win.' They decided not to complain to the military.

At times, her husband called Naang Ang "Burmese leftovers." But family members from both sides intervened and talked through what had happened, making it clear that Naang Ang had not chosen to have sex with the Captain, but rather had been raped at gun point. In August 2001, she and her husband came to Thailand.

#### **(155) Name: Naang Aye (not her real name)**

Age: 16  
 Status: Single  
 Ethnicity: Shan  
 Religion: Buddhist  
 Occupation: Farmer  
 Location: Koong Sar village, Wan Nong-Koong Mong tract, Nam Zarng township  
 Date of Incident: 16-7-2001  
 SPDC Troops: Co. 2, IB 66 Nam Zarng-based, Captain Zaw Hlaing

On July 16, 2001, Naang Aye, a 16-year-old girl from Koong Sar village, Wan Nong-Koong Mong tract in Nam Zarng township, was raped by Captain Zaw Hlaing one and a half miles east of her village. She did not report the incident to authorities. 9-10 days after the rape, however, Naang Aye fell ill. She was depressed, lethargic, and had no appetite. Her relatives brought her to Nam Zarng Hospital, where she stayed for 5 days. As she still had not recovered after 5 days in the hospital, her family moved her to Loi Lem Hospital. After 10 more days of treatment and 17,000 Kyat in medical bills, Naang Aye felt well enough to return home.

#### **(160) Name: Naang Hla (not her real name)**

Age: 16  
 Status: Married, with 2-month-old child  
 Ethnicity: Shan  
 Religion: Buddhist  
 Occupation: Farmer  
 Location: Keng Lom village, Keng Lom tract, Kun Hing township. Keng Lom was relocated to Kun Hing in 1996. Lived in Kun Hing for 2 years due to difficulty in securing money and food. In 1998 she went into hiding in the jungle near Keng Lom, and had been there until the incident. After the attack, she crossed the border into Thailand.  
 Date of Incident: August, 2001

SPDC Troops: LIB 246

Naang Hla was sixteen years old, had been married three years, and was seven months pregnant when she and her husband were attacked by SPDC troops patrolling the area. Naang Hla lived with her twenty-six-year-old husband, Zaai Kue Na, in a small hut on their farm. In August, 2001 SPDC troops entered their farm and beat, tortured and interrogated Zaai Kue Na. They blindfolded him with a towel and tied him to a tree. After beating Zai Kue Na, the soldiers took Naang Hla into the hut and beat her with a stick, threatening her with their guns. They pushed at her body and face with their guns until her nose bled. Then, although she was seven months pregnant, they raped her, one after the other. In all, ten soldiers raped her while others stood outside the hut, laughing when she cried and shouted. They had tied her husband near enough to the hut to hear everything happening to his wife and to hear her cry out loudly in pain. They treated her as though she were not a human being, and raped her from 8am until 4pm. As the nightmare continued, Naang Hla lost consciousness several times.

When they had finished raping Naang Hla, the soldiers took her husband with them to be a porter for the SPDC troops. He never came back. Naang Hla knew that he must have died.

Naang Hla was left alone, sick and numb, in the small hut in the jungle. She was too dizzy to stand or walk. She had a constant headache, violent dysentery, and bled so profusely she thought she had lost the baby. Still alone four days later, Naang Hla gave birth to her child, after only seven months of pregnancy. The next day, her husband's relatives arrived from Kun Hing to take her to Thailand. They were worried about the troops patrolling the area, and by the time they arrived, they had heard about the rape and Zaai Kue Na's death.

She wanted to complain about her husband's death, and to punish the soldiers who raped her, but she couldn't. She spoke no Burmese, and did not know how to approach the authorities. Not being sure of the troop number of the soldiers, she was hesitant to report the rape or her husband's murder.

At the time of the interview, her baby was two months old and very ill. Drinking her milk gave the child violent dysentery, but Naang Hla had no money to buy milk. Too weak to work, she had no money to travel to a clinic or pay for medical attention.

**(161) Name: Naang Mo (not her real name)**

Age: 13  
 Status: Single  
 Ethnicity: Shan  
 Religion: Buddhist  
 Occupation: Farmer  
 Location: Nam Kham village, Kun Hing township  
 Date of Incident: August, 2001  
 SPDC Troops: LIB 246, Kun Hing-based

SPDC troops were patrolling the area near Kun Hing base, when they saw thirteen-year-old Naang Mo with her fourteen-year-old friend, Naang Jung collecting vegetables in the forest, two hours outside Nam Kham village. They approached the girls, and Naang Jung managed to escape and run to safety. But a captain caught and raped Naang Mo and then released her near Nar Khue village early the next morning. Just outside Nar Khue village, Naang Mo put her face in her sarong and cried. Eventually, she made it back to her village and told her relatives what had happened. They wanted to complain to the local base commander, but they were afraid that, if they were to report the incident, they would be punished with fines or imprisonment. Although they wanted justice, there was nothing they could do. Naang Mo felt depressed, ashamed, and lethargic.

**(162) Name: Naang Kham (not her real name)**

Age: 16  
 Status: Single  
 Ethnicity: Shan  
 Religion: Buddhist  
 Occupation: Farmer, Finished 4 Standard in primary school in Murng Pan town  
 Location: Loi Noi village, Nong Long tract, Murng Pan township Loi Noi was relocated to Murng Pan town in 1998.  
 Date of Incident: 11-9-2001  
 SPDC Troops: Co. 4, LIB 520, Captain Kyaw Won

Sixteen-year-old Naang Kham was alone at home when Capt. Kyaw Won came into the village, saying that he wanted to buy some chickens. Finding Naang Kham alone, he entered her house and raped her. She cried out loudly, and he slapped her face, leaving it badly bruised. After the incident, she did not complain to authorities, but confided in her family. She later went across the border to Thailand with her relatives.

**(168) Name: Naang Tun (not her real name)**

Age: 19  
 Status: Married  
 Ethnicity: Shan  
 Religion: Buddhist  
 Occupation: Farmer  
 Location: Kang Oon village, Nong Kaw tract, Lai Kha township. Kang Oon was relocated to Wan Long Bue Hui, Lai Kha township on 4-4-1997.  
 Date of Incident: 24-10-2001  
 SPDC Troops: Co. 3, LIB 515, Captain Soe Soe Aung

On October 24, 2001, 4 SPDC soldiers, led by Captain Soe Soe Aung, left the local military camp to buy chickens in the relocated village of Kang Oon. Arriving in the village, Captain Soe Soe Aung noticed Naang Tun alone, and asked her, "Where is your husband?"

"He is away, doing forced labor," she answered.

"I need to search your house," he said. "You must come with me to protect against the loss of any personal property." At the house, the captain grabbed Naang Tun's hand and forced her to lie down, pointing his pistol at her head. "Don't get up," he ordered. "If you do, I'll shoot you."

As he was raping her, she cried out loudly two or three times, screaming "Don't do this to me, Captain!" He slapped her face and threatened her again with his pistol, saying, "Do you want to die?" Afraid, she grew silent and said nothing more until he had finished raping her and left with his troops to go back to the camp.

Naang Tun reported the incident to headman Lung Kan Na and 7 or 8 elders in the village. They asked her to wait until her husband came home. He arrived home 2-3 days after the rape, and Naang Tun, crying, told him what had happened. They went with the headman and village elders to the camp. In all, 13 villagers approached to local LIB 515 military camp to talk to the camp commander, Captain Than Tun. The Captain said, "Captain Soe Soe Aung has been patrolling the area for the last 19-20 days. He's not back yet." Naang Tun insisted that she would easily recognize him, so the camp commander ordered a line-up of all his troops. 146 soldiers stood in line, but Captain Soe Soe Aung was not among them. When Naang Tun could not identify the rapist, Captain Than Tun said, "These are all the soldiers in my camp right now. I don't know who raped you, but you can't blame my soldiers and my military camp like that." Upon saying that, he sent Naang Tun to a

military jail. She stayed there for one day and one night, until a village elder went to see Capt. Than Tun again. The villager apologized to the Captain, and asked that Naang Tun be released. The Captain said, "You have to pay for Naang Tun's release. You have made me feel shame, and have caused me to lose face. You must pay 20,000 Kyat." The villagers paid the money, and Naang Tun was released.

After her release, Naang Tun did not feel well. She had a headache and was dizzy and had to go to the hospital in Lai Kha town five times. Eventually, she recovered. Her family is supportive and understanding, but Naang Tun wants to see her rapist punished.

**(169) Name: Naang Lawnt ( not her real name)**

Age: 32  
 Status: Married, with 3 children (Zaai Won, 9, Naang Moon, 7, and Zaai Lin, 5)  
 Ethnicity: Shan  
 Religion: Buddhist  
 Occupation: Farmer  
 Location: Loi Sim village, Wan Lone tract, Murng Kerng. Loi Sim was relocated to Murng Kerng town on 27-4-1997.  
 Date of Incident: 6-11-2001  
 SPDC Troops: LIB 514, Officers Thein Myint & Nyan Lin

60-70 SPDC troops were patrolling the area around Naang Lawnt's village. When her husband, Zaai Tun, saw the troops approaching, he ran away, but the soldiers saw him leaving. They surrounded Naang Lawnt's house, and searched it thoroughly, inside and out without finding anything illegal. When they were finished searching the house, they ordered Naang Lawnt to come with them, but she didn't want to go. Officer Thein Myint slapped her face three or four times, saying, "Are you coming with us, or not?" She had no choice, and was forced to leave with the troops.

They took her first to the jungle for two nights, where both officers Thein Myint and Nyan Lin raped her. They then took her to the deserted village of Koong Ben, Hui Hey tract in Murng Kerng township. They kept her there for three nights, and then took her to the local LIB 514 camp for one last night. She was raped throughout this time, for a total of six days and nights.

Finally she was released at 7 am. Before she left, officer Thein Myint warned "If you tell anybody about this, I will come and kill you and your husband." When Naang Lawnt got home, she told her husband everything, but they were too afraid to complain to anyone.

Naang Lawnt and her husband still live together. He is understanding, and only blames the Burmese soldiers for what happened. Naang Lawnt is depressed, and frustrated that there was no way to punish the soldiers for what they did to her. She fell ill after the incident, and spent seven days in the hospital in Murng Kerng town.

**(170) Name: Naang Ying (not her real name)**

Age: 17  
 Status: Single  
 Ethnicity: Shan  
 Religion: Buddhist  
 Occupation: Farmer  
 Location: Wan Khom village, Murng Khun tract, Murng Kerng township. Wan Khom was relocated to Murng Kerng on 11-6-1997.

Date of Incident: 6-11-2001

SPDC Troops: Co. 5, LIB 514, Captain Kyaw Myint and 4 of his officers

Naang Ying was outside the village, searching for food, when 60-70 SPDC troops passed by. They saw her working, and took her with them. They took her to the jungle for two nights and the deserted village of Koon Ban, Hui Hey tract in Murng Kerng township for three nights, and then, finally, the local camp for one night. Captain Kyaw Myint, along with 4 of his officers, gang raped her every night for those six nights. They released her at 6am on the seventh day.

When she got home, she told her parents and relatives what had happened. Her family took her to the hospital in Murng Kerng for a blood test, and her uncle, the village headman Lung Nan Ti, went to report the incident to Murng Kerng town's headman, Lung Hla Shwe. Upon hearing what had happened, Lung Hla Shwe went to discuss the incident with a Shan Captain, Shwe Hla of Company 3, LIB 515. The Captain said, "Burmese soldiers have a habit of lying. Since we didn't witness the incident ourselves, they will ask who can verify that it happened. Although Naang Ying knows which soldiers raped her, they can still claim that she is lying. I'm not saying this because I want the soldiers to go unpunished. Even though I'm an SPDC soldier, all my relatives are Shan, and I'm very sorry about what happened. I just know that it will be impossible to win this case."

Her family was understanding and supported Naang Ying. She was frustrated, because she wanted to punish the rapists, but she could do nothing.

**(171) Name: Naang Seng (not her real name)**

Age: 14

Status: Single

Ethnicity: Shan

Religion: Buddhist

Occupation: Farmer

Location: Nar Lein village, Wan Phey tract, Murng Kerng township. Nar Lein was relocated to Murng Kerng township on 13-9-1997.

Date of Incident: 6-11-2001

SPDC Troops: Co. 5, LIB 514, Captain Kyaw Myint

When 60-70 SPDC troops entered Nar Lein village, the men of the village ran away in fear of being forced to be porters for the SPDC, leaving only women in the village. Captain Kyaw Myint approached Naang Seng's house and saw that the fourteen-year-old girl was alone at home. Ordering his troops to stand guard outside the house, Captain Kyaw Myint dragged Naang Seng into the bedroom and raped her. She cried loudly, and he slapped her.

After the troops left the village, her family came back. Naang Seng told them what had happened, but they were too afraid to complain to authorities. Two days after the incident, Naang Shwe, Naang Seng's older sister, took her to the hospital in Murng Kerng for a medical exam. Afraid and depressed, Naang Seng couldn't sleep for five or six nights. She wanted to punish the captain, but could do nothing.

**(172) Name: Naang Khei (not her real name)**

Age: 24

Status: Married (8 years ago, has 6-year-old daughter and 3-year-old son)

Ethnicity: Shan

Religion: Buddhist

Occupation: Farmer  
 Location: Na Lae village, Murng Boo Long tract, Murng Paeng  
 Date of Incident: 28.11.2001  
 SPDC Troops: Co.3, IB 248, Captain Tun Yin and Lt. Than Maung

On 28.11.2001 Naang Khei was gathering wild vegetables on her farm one mile from her village. Capt. Tun Yin and Lt. Than Maung saw that Naang Khei was alone there. They aimed a gun at her and walked toward her. She thought that the 2 officers might want to steal the villagers' vegetables from the farm. But after they reached her, they ordered her to put both her hands up and searched her whole body. When they didn't find anything, they ordered her to go to a pile of straw on the farm. Naang Khei didn't go at first, but they pointed their gun at her back and forced her forward. When they arrived at the straw pile one pointed his gun at her while the other raped her. Then they switched. In all, it took 2-1/2 hours before they let her go back home. When she arrived home, she told her husband and parents about the incident. Together with her parents and her 33-year-old husband, Sai Kaw, Naang Khei went to report the incident to the village headman Loong Saw. The village headman then accompanied the four of them to complain to Co.3, Commander Capt. Kyaw Kaeing in Murng Boo Long tract base. Naang Khei told him all the things that happened to her. The Commander said that it was good for him to know. He told the five of them to come again tomorrow at 8:30 am. On 29.11.2001 at 8:30 am, the five of them arrived at the military camp. The Commander asked Naang Khei to identify the rapist. "Look carefully at their faces, and point out the ones who raped you," he instructed. She was shown a line-up of soldiers, but she couldn't find Captain Tun Yin and Lt. Than Maung among them. Naang Khei told the Commander that Capt. Tun Yin and Lt. Than Maung were not among the 48 soldiers. "I would recognize them," she said.

The Commander said, "These are all the soldiers in Co.3. We are all here together 49 soldiers including myself. This means you wanted my military branch to be blacklisted." He started to send all five of them to prison. But the village headman intervened and asked for forgiveness. Instead of prison, the Commander imposed a fine on each of the five villagers. Within five days, Naang Khei and the village headman each had to pay 10,000 Kyat, her husband had to pay 5,000 Kyat and her parents were required to pay 7,000 Kyat each. This came to a total of 39,000 Kyat.

**(173) Name: Naang Ku (not her real name)**

Age: 18  
 Status: Single  
 Ethnicity: Shan  
 Religion: Buddhist  
 Occupation: Farmer  
 Location: Warn Lao village, Warn Lao tract, Kun Hing town ship  
 Date of Incident: 4.12.01  
 SPDC Troops: Co.4, LIB 524, Captain Myint Maung Htwe

On 4.12.01, Capt. Myint Maung Htwe from Co. 4, LIB 524, was on a regular patrol of a relocation area to which villagers were relocated in early 2001. When the captain saw Naang Ku alone at home in the relocation site, the captain went up to her house and asked, "I see you're alone at home. Where are your parents?"

"My father is away doing forced labour and my mother and my elder sister went to work on the farm," Naang Ku answered

"Last night, who came to your house? Did you have a guest?"

"Nobody came," she said. The captain, saying he would find out whether or not a guest had stayed there,

asked Naang Ku to let him see the house and bedrooms. He ordered her inside with him, drew and aimed his gun at her and ordered her to lie down. When she refused, he grabbed her hand and forced her to lie down. Twice Naang Ku shouted, "The captain is raping me!" The captain slapped her face and her mouth and continued to rape her.

"If you scream or tell your parents or relatives what happened, I will come and shoot all of you dead," he threatened as he was leaving her house. In the evening time, when her parents and her relatives came back home from work, she told them about the incident. They didn't report the incident to anyone. The next morning her mother brought her to Kun Hing hospital for a medical check up. After the incident, her parents didn't want to stay in the relocation site any longer. They moved to Murng Ton and later to Thailand. They arrived in Thailand on 26.12.01.

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## Appendix 2 - List of SPDC battalions whose members committed sexual violence

	Military Unit/No.	Location of base (if known); on patrol (if known)	No. of Cases	Area/township where sexual violence occurred & No. of Cases
1	IB 246	Based in Kun Hing	19	Kun Hing 14, Murg Nai 2, Nam Zarng 3
2	LIB 515	Based in Lai Kha	14	Lai Kha 11, Loi Lem 1, Murg Kerng 2
3	IB 66	Based in Nam Zarng & patrolling	13	Nam Zarng 10, Murg Nai 2, Murg Pan 1
4	LIB 524	Based in Kun Hing	11	Kun Hing 8, Murg Nawng 1, Murg Nai 2
5	LIB 514		8	Murg Kerng 6, Loi Lem 1, Ke See 1
6	IB 99	Based in Malkthila and Myingan(Central Burma)2, based in Larng Khur 1, based in Nam Zarng 1	7	Larng Kher 2, Murg Nai 3, Nam Zarng 2
7	IB 225	Based in Murg Ton	6	Murg Ton 6
8	LIB 333	Based in Murg Sart	6	Murg Sart 5, Murg Ton 1
9	LIB 334	Based in Murg Yawng	4	Murg Yawng 6
10	IB 64	Based in Murg Nai 2, based in Lai Kha 1	4	Murg Nai 3, Loi Lem 1
11	LIB 520	Based in Murg Pan	4	Murg Pan 3, Murg Nai 1
12	LIB 513	Patrolling	3	Loi Lem 3, Murg Kerng 1
13	LIB 332		3	Murg Pan 4
14	IB 49	Based in Murg Sart	3	Murg Sart 3
15	IB 227	Based in Murg Yarng 1, based in Murg Phyak 1	3	Murg Yarng 1, Murg Khark 2
16	LIB 314	Patrolling	3	Kaeng Tung 3
17	LIB 316	Based in TaKhiLaek	2	TaKhiLaek 3
18	LIB 424	Based in Ke See 2, based in Kun Hing 1	2	Ke See 2, Kun Hing 1
19	LIB 359	Based in Ta-Khi-Laek	2	TaKhiLaek 1, Murg Sart 1
20	LIB 519	Based in Murg Ton 1, based in Kun Hing 1	2	Kun Hing 1, Murg Ton 1
21	IB 247	Patrolling	2	Nam Zarng 2
22	IB 226	Based in Kaeng Tung	2	Kaeng Tung 2
23	IB 55	Patrolling	2	Lai Kha 2
24	IB 248		1	Murg Nai 1, Murg Paeng 1
25	LIB 277	Based in Murg Ton 1, patrolling 1	1	Murg Ton 1, Murg Pan 1
26	LIB 525	Patrolling	1	Larng Kher 1
27	IB 45	Patrolling	1	Murg Sart 1

## Military Unit

28	LIB 378	From Arkan State	1	Kun Hing 1
29	LIB 44	Patrolling	1	Kun Hing 1
30	IB 43	Patrolling	1	Murng Paeng 1
31	LIB 242	Patrolling	1	Kae See 1
32	LIB 442	Patrolling	1	Lai Kha 1
33	LIB 517	Patrolling	1	Lai Kha 1
34	LIB 502	Patrolling	1	Murng Pan 1
35	IB 65	Based in Murng Ton	1	Murng Ton 1
36	LIB 324	Based in Nam Tu	1	Nam Tu 1
37	IB 22	Patrolling	1	Nam Zarng 1
38	LIB 422	Based in Murng Nai	1	Murng Nai 1
39	LIB 527	Based in Murng Sart	1	Murng Sart 1
40	IB 102	Patrolling	1	Kun Hing 1
41	IB 279		1	Murng Yarn 1
42	LIB 514	Patrolling	1	Kae See 1
43	LIB 529	Based in Kaeng Tung	1	Murng Ton 1
44	IB 245		1	Kaeng Tung 1
45	IB 226	Patrolling	1	Kaeng Tung 1
46	LIB 503	Based in Murng Phyak	1	Murng Ton 1
47	LIB 383	Based in Murng Kerng	1	Murng Kerng 1
48	LIB 516	Patrolling	1	Kae See 1
49	IB 64		1	Lai Kha 1
50	IB 221	Based in Murng Phyak	1	TaKhiLaek 1
51	IB 9		1	Murng Kerng 1
52	IB 244		1	Kaeng Tung 1

## Appendix 3 - Names of perpetrators of sexual violence

<b>1. IB 246</b> - Maj Saw Win - Maj Too Nyeing - Maj Tu Nyein - Maj Aung Shein - Commander Myint Oo - Capt Soe Naing Oo - Capt Tin Maung Win - Capt Than Naing Oo - Capt Kyaw Aye - Capt Than Maung - Capt Aung Moe - Capt Htun Myint - Capt Aung Htay - Capt Kyaw Myint - Capt Zaw Thein - Officer Saw Win Po	<b>2. LIB 515</b> - Maj Soe Hpyu - Commander Maung Maung - Commander Han Aung - Capt Tun Aung - Capt Myin Oo - Capt Aung Hpyu - Capt Soe Soe Aung - Lt-Col-Htun Sein	<b>3. IB 66</b> - Commander Htun Myint - Commander Tin Myint - Commander Myint Sein - Capt Than Kyaw - Capt Htun Aung - Capt Htay Aung - Capt Aung Kyaw - Capt Soe Win - Capt Nyunt Maung - Capt Than Maung Tun - Capt Zaw Hlaing - Sgt. Khin Maung - Sgt. Sein Win	<b>4. LIB 524</b> - Maj Htun Mya - Commander Htun Mya - Commander Khin Hla Win - Commander Khin Maung - Commander Hla Aung - Capt Htun Mya - Capt Win Naing - Capt Tun Oo - Capt Soe Win Hpyu - Capt Myint Maung Htwe
<b>5. LIB 514</b> - Capt Kyaw Myint - Capt Sein Win - Capt Myint Aung - Capt Than Maung - Capt Thein Maung - Capt Kyaw Myint - Capt Than Myint - Officer Thein Myint - Officer Nyan Lin - Lt. Aung Hla - Sgt Pa Thein	<b>6. IB 99</b> - Capt Aung Zaw - Capt Than Than - Capt Aung Htun - Capt Than Maung - Capt Maung Soe	<b>7. IB 225</b> - Capt Aung Zaw - Capt Kyaw Aye - Capt Htun Myint - Capt Myint Lwin	<b>8. LIB 333</b> - Commander Thein Maung - Capt Maung Maung - Capt Naing Oo - Corporal Kin Maung Soe
<b>9. LIB 334</b> - Copal Kyagyi - Private Kyaw San	<b>10. IB 64</b> - Commander Khin Than Aye - Commander Chit Htwe - Maj Kyaw Khang - Officer Soe Maung Nyo	<b>11. LIB 520</b> - Maj Than Maung - Maj Maung Ong - Capt Than Maung - Capt Kyaw Won	<b>12. LIB 513</b> - Maj Kooma - Commander Hla Thaug
<b>13. LIB 332</b> - Capt Maung Maung Soe - Capt Hla Hpe - Capt Kyaw Win	<b>14. IB 49</b> - Capt Han Sein	<b>15. IB 227</b> - Capt Sein Win - Private Hla Tin	<b>16. LIB 314</b> - Lt Kyaw Soe - Lt Hla Htwe
<b>17. LIB 316</b> - Commander Naing Lin - Private Maung Bo	<b>18. LIB 424</b> - Maj Maung Kyaw Tun - Capt Soe Hlaing - Capt Soe Phu	<b>19. LIB 359</b> - Capt Htun Kyaw	<b>20. LIB 519</b> - Maj Min Sein - Sgt Hla Phyu
<b>21. IB 247</b> - Commander Tha Aye - Capt Mya Htoo	<b>22. IB 226</b> - Private Kyaw Lwin - Lt. Kyi Htun	<b>23. IB 55</b> - Capt Khin Soe - Capt Thein Win	<b>24. IB 248</b> - Capt Hla Phey - Capt Tun Yin - Lt Than Maung
<b>25. LIB 277</b> - Maj Aye Thant - Capt Khin Maung Nyunt	<b>26. LIB 525</b> - Capt Soe Nyint		

## **Appendix 4**

**[FORCED RELOCATION IN SHAN STATE 1996 - 1998](#)**

**[VILLAGES FORCIBLY RELOCATED IN KUN HING TOWNSHIP \(1996 - 1998\)](#)**

**[VILLAGES FORCIBLY RELOCATED IN NAM ZARNG TOWNSHIP \(1996 - 1998\)](#)**

**[VILLAGES FORCIBLY RELOCATED IN LAI KHA TOWNSHIP \(1996 - 1998\)](#)**

**[VILLAGES FORCIBLY RELOCATED IN NORTHERN KE SEE TOWNSHIP \(1996 - 1998\)](#)**

**[VILLAGES FORCIBLY RELOCATED IN SOUTHERN KE SEE TOWNSHIP \(1996 - 1998\)](#)**

**[VILLAGES FORCIBLY RELOCATED IN MURNG KERNG TOWNSHIP \(1996 - 1998\)](#)**

**[VILLAGES FORCIBLY RELOCATED IN MURNG NAI TOWNSHIP \(1996 - 1998\)](#)**

**[VILLAGES FORCIBLY RELOCATED IN LARNG KHER TOWNSHIP \(1996 - 1998\)](#)**

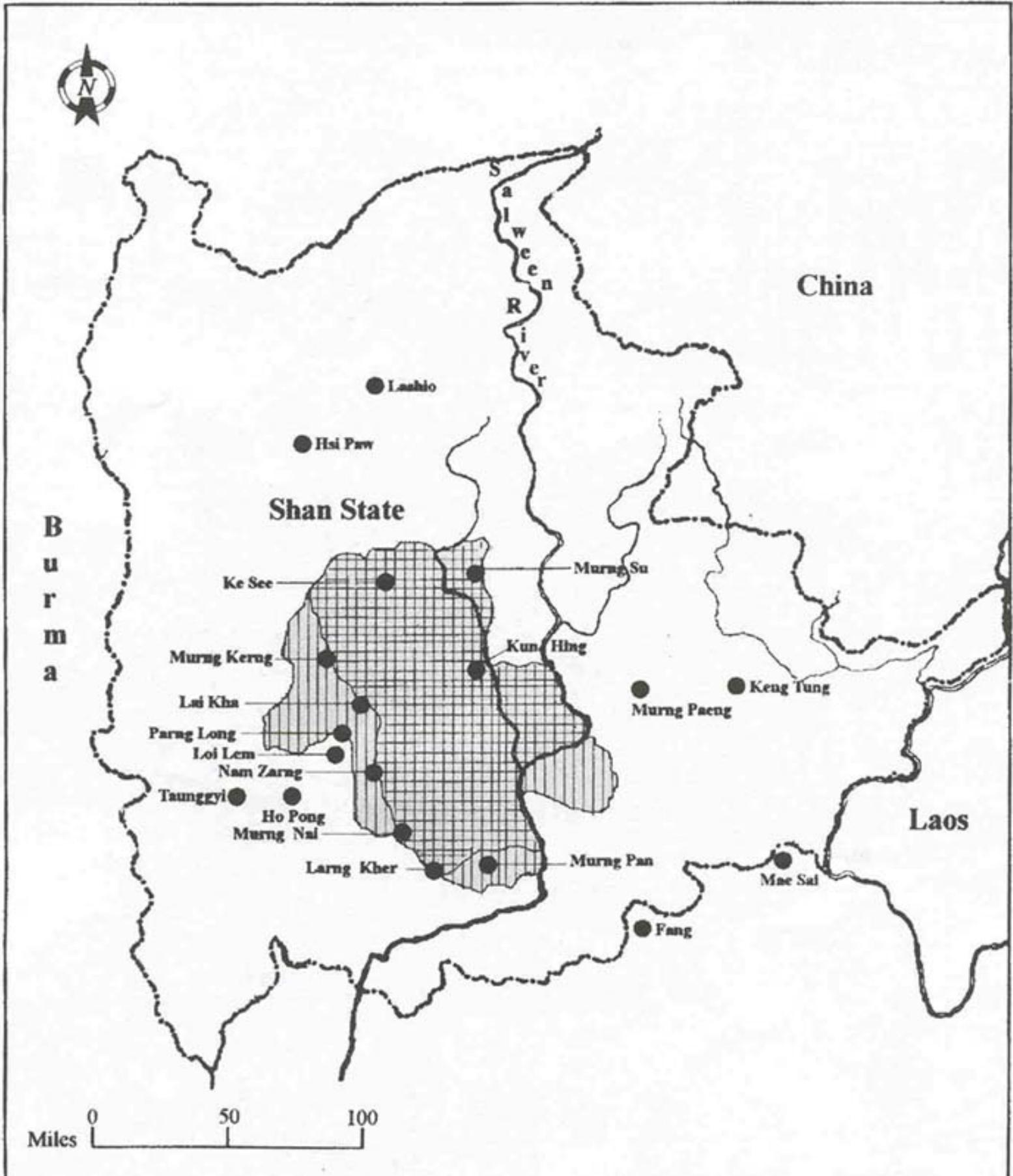
**[VILLAGES FORCIBLY RELOCATED IN MURNG PAN TOWNSHIP \(1997 - 1998\)](#)**

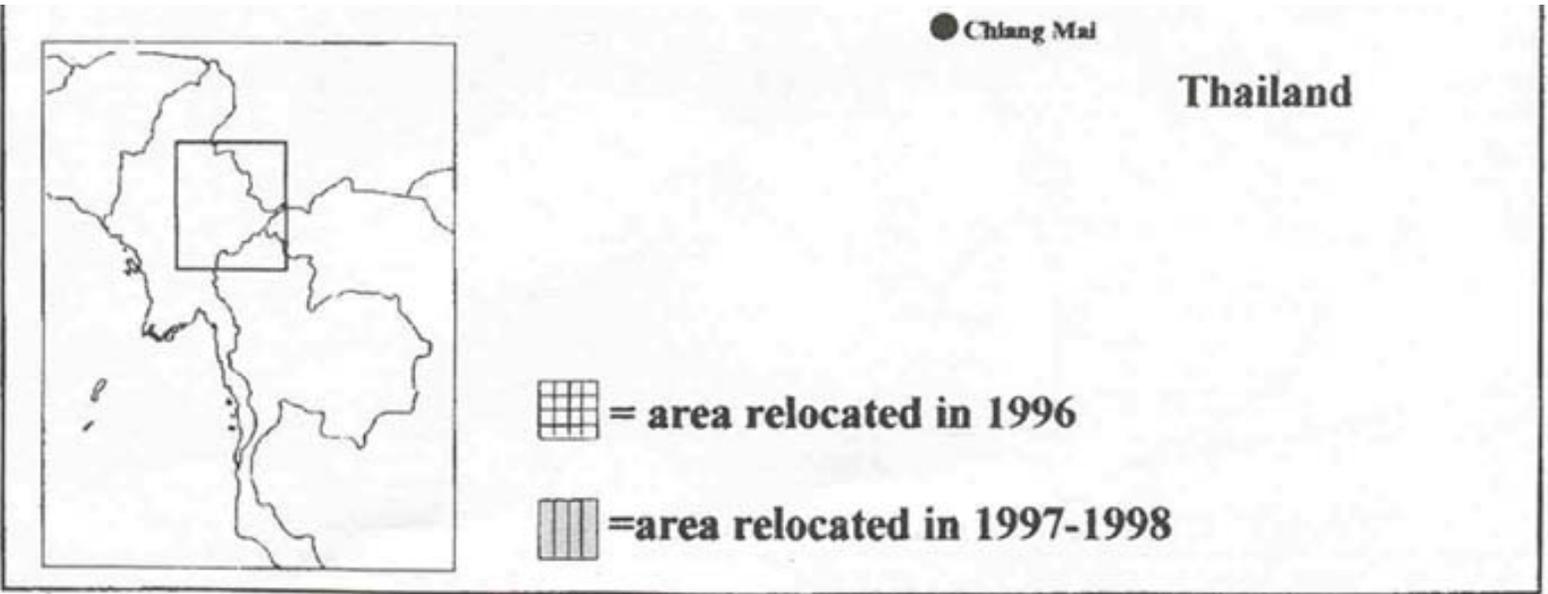
**[VILLAGES FORCIBLY RELOCATED IN MURNG PAENG TOWNSHIP \(1997 - 1998\)](#)**

**[VILLAGES FORCIBLY RELOCATED IN HO PONG AND LOILEM TOWNSHIP \(1998\)](#)**

Appendix 4 – maps of locations of incidents of sexual violence

**FORCED RELOCATION IN SHAN STATE 1996 - 1998**

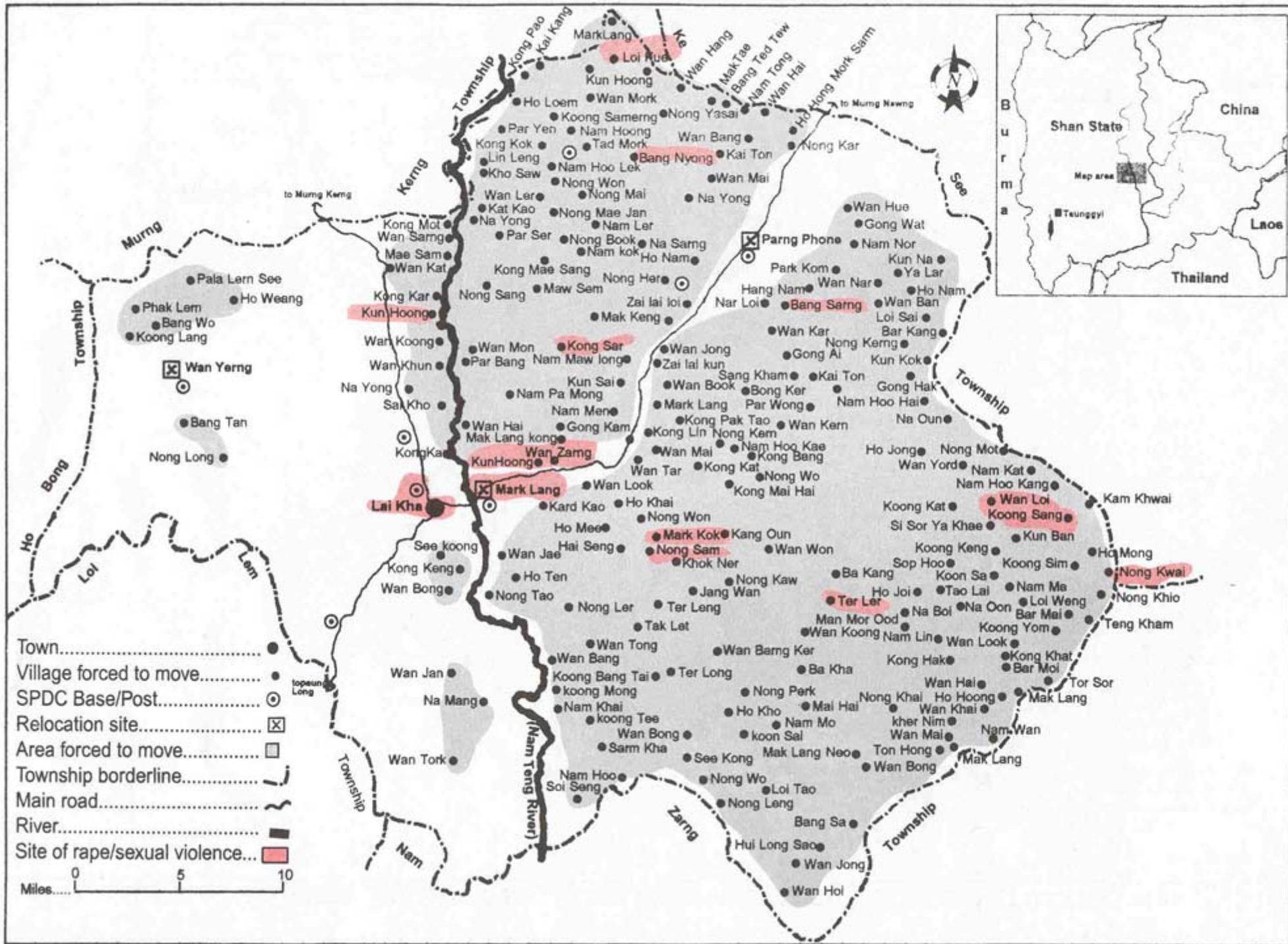








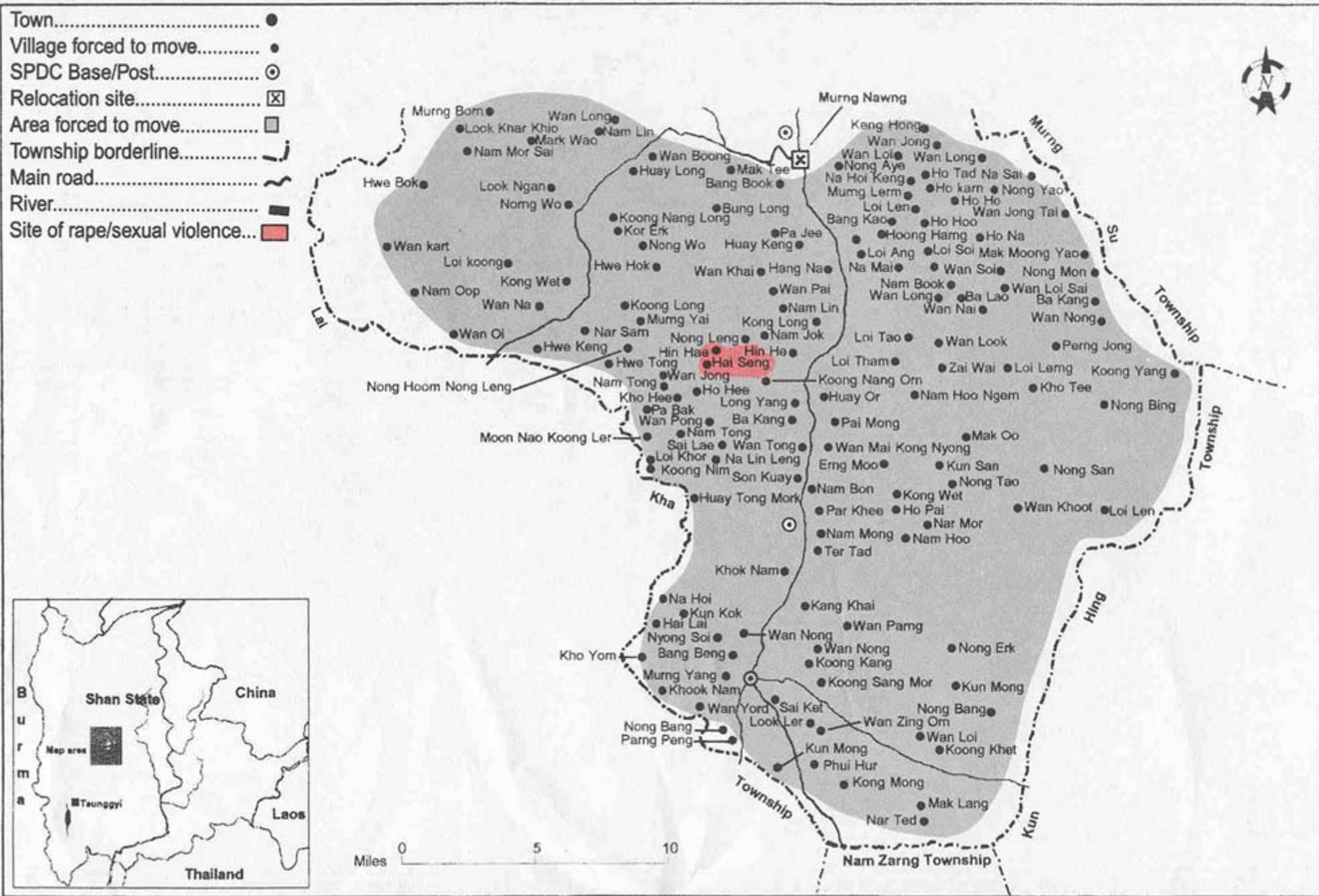
### VILLAGES FORCIBLY RELOCATED IN LAI KHA TOWNSHIP (1996-1998)



### VILLAGES FORCIBLY RELOCATED IN NORTHERN KE SEE TOWNSHIP (1996-1998)

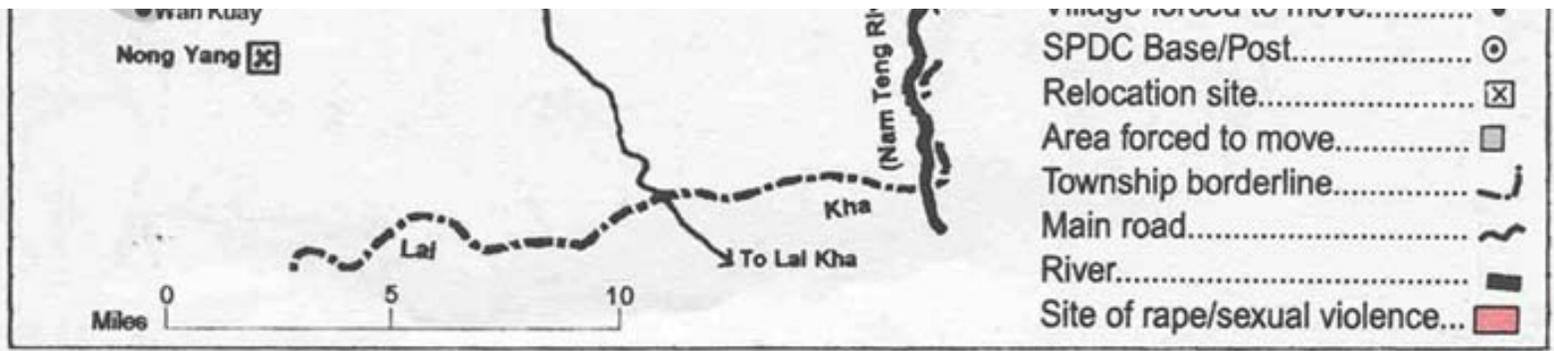


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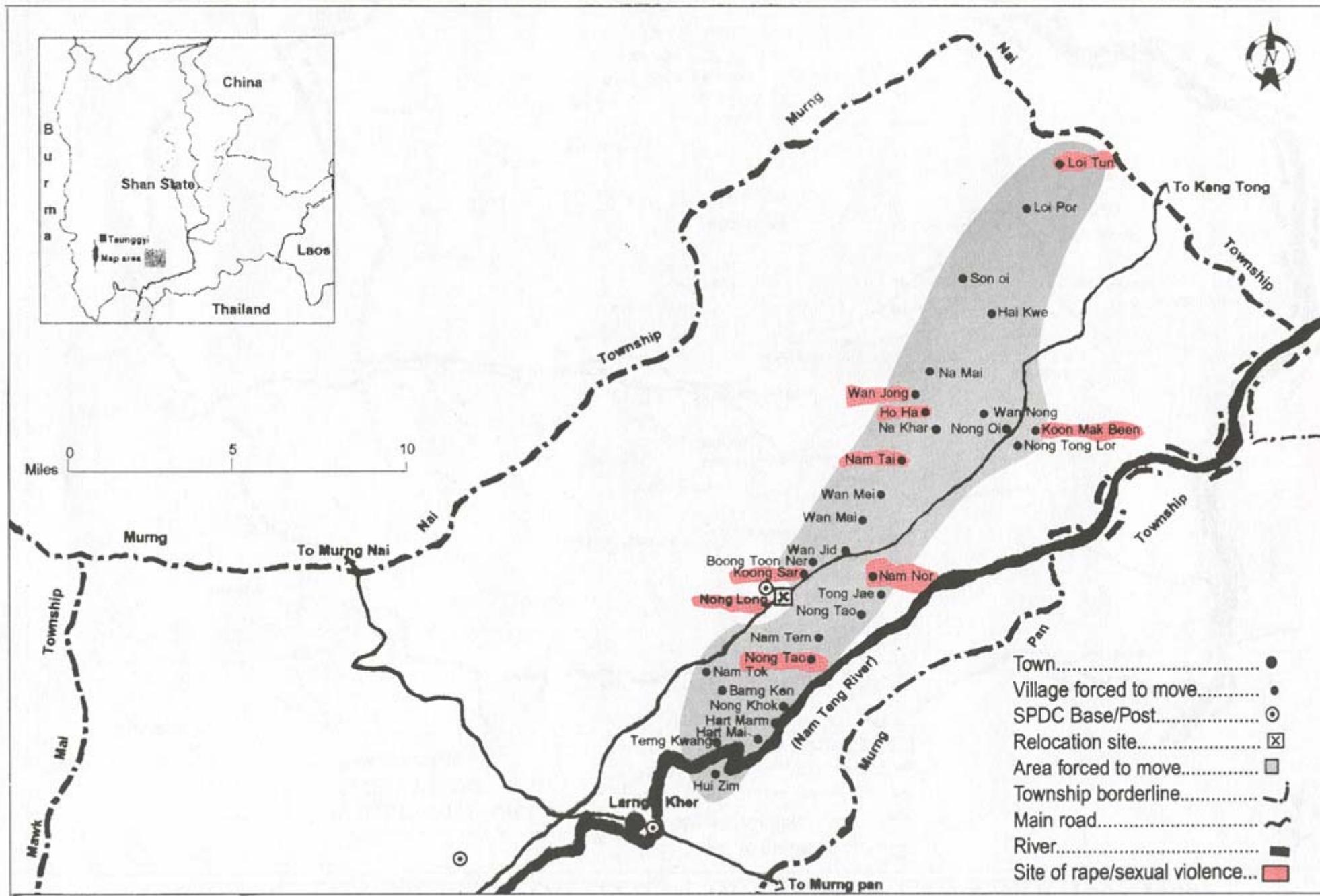
## VILLAGES FORCIBLY RELOCATED IN MURNG KERNG TOWNSHIP (1996-1998)



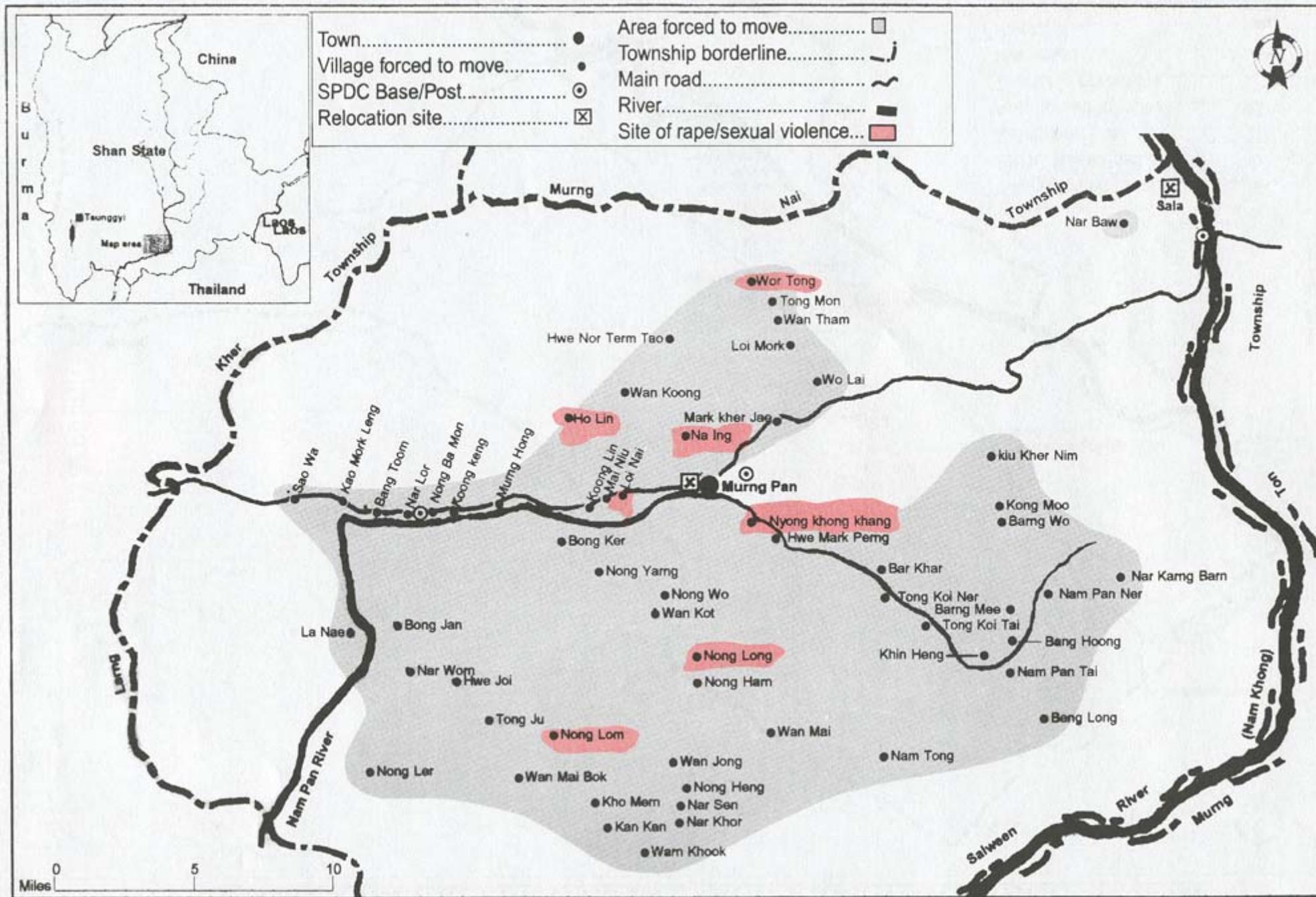




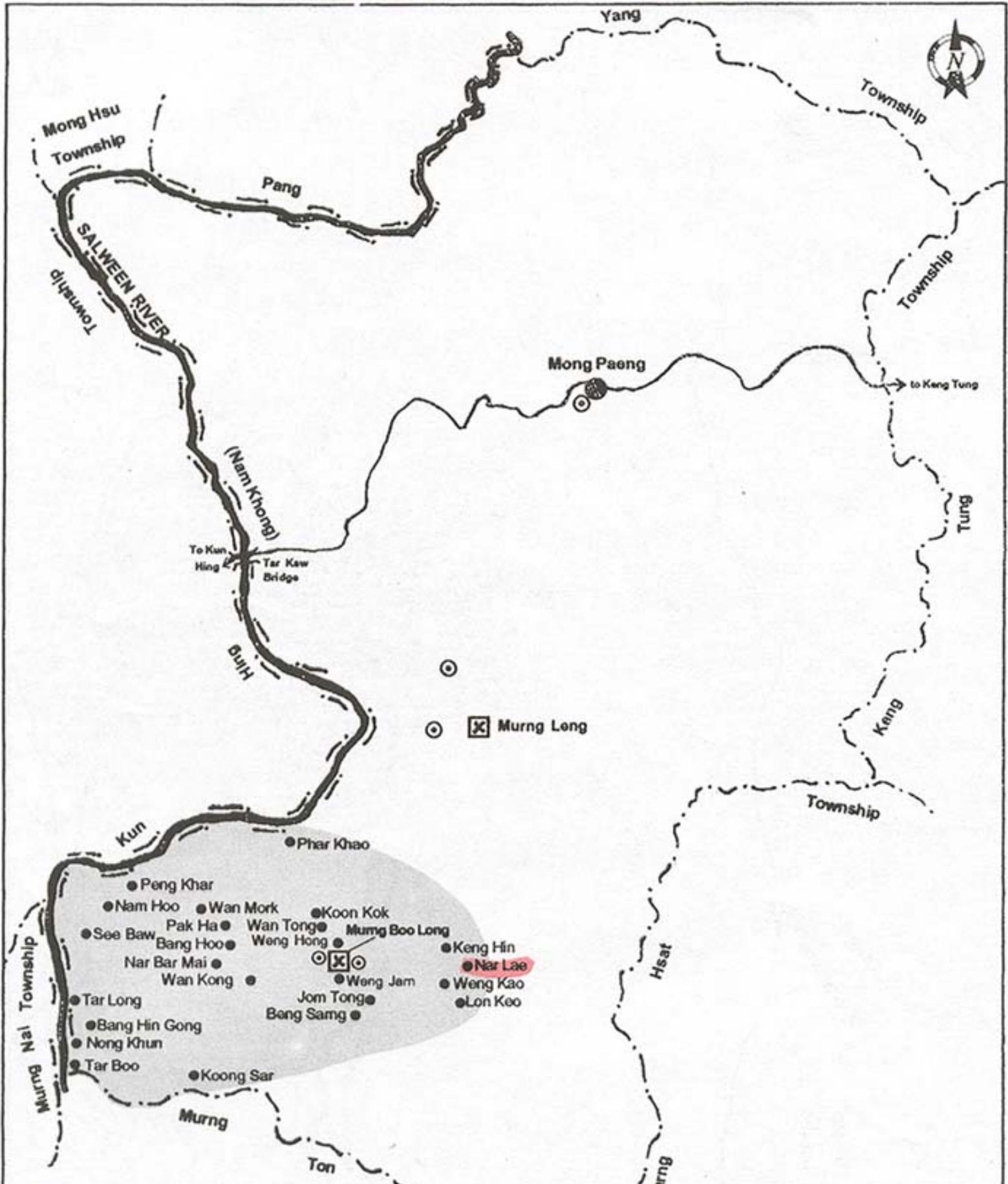
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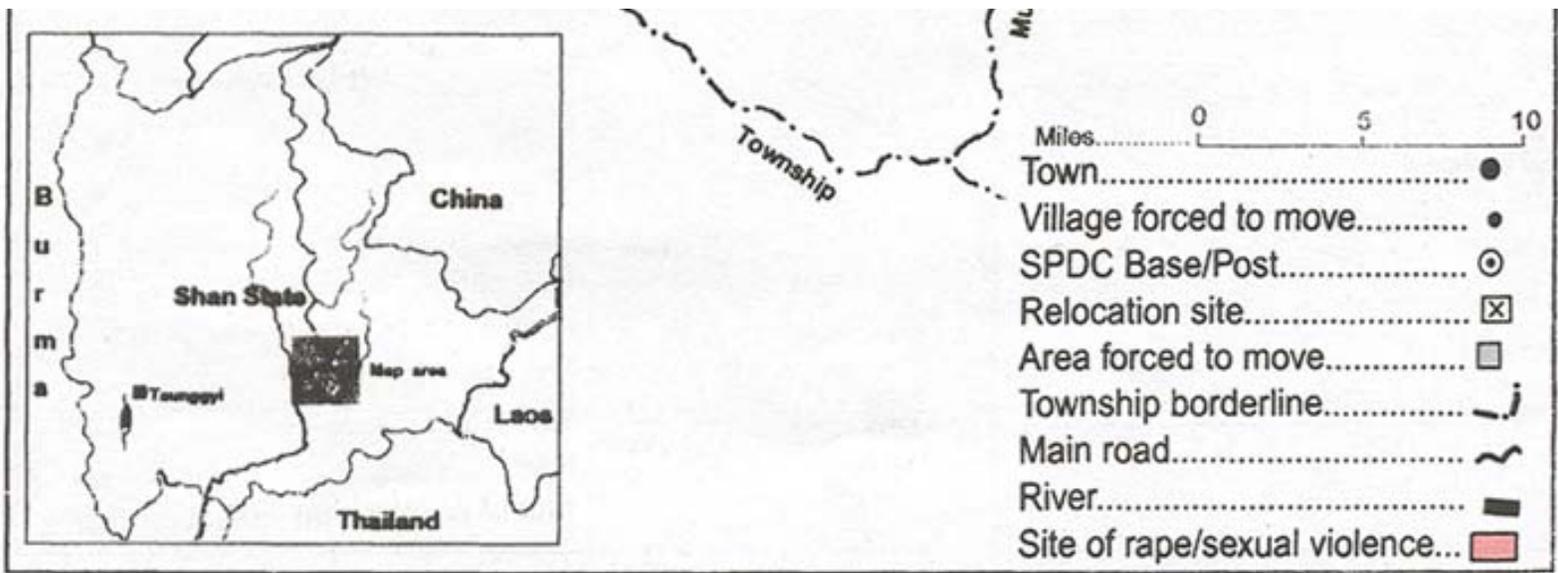


### VILLAGES FORCIBLY RELOCATED IN MURNG PAN TOWNSHIP (1997-1998)

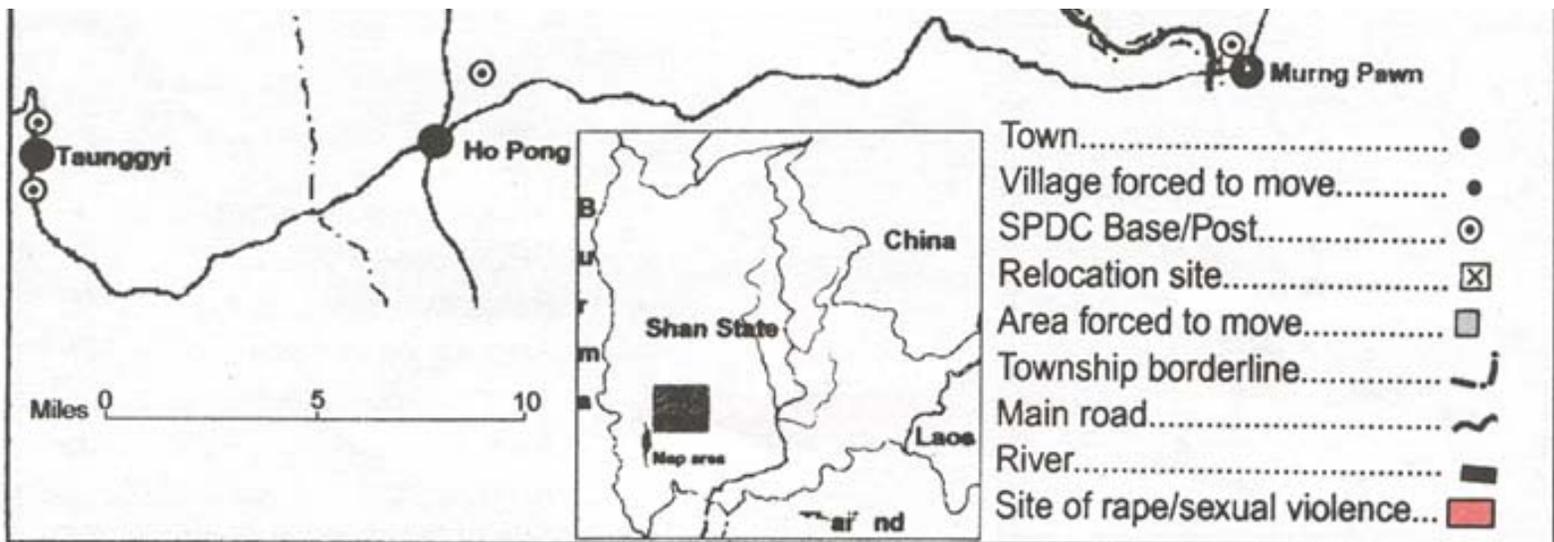


## VILLAGES FORCIBLY RELOCATED IN MURNG PAENG TOWNSHIP (1997-1998)









# Appendix 5

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[Chart A \(left\)](#)

[Charg B \(right\)](#)

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