

Life Under the Junta: Evidence of Crimes Against Humanity in Burma's Chin State

ABOUT PHYSICIANS FOR HUMAN RIGHTS

Physicians for Human Rights (PHR) is an independent, non-profit organization that uses medical and scientific expertise to investigate human rights violations and advocate for justice, accountability, and the health and dignity of all people. We are supported by the expertise and passion of health professionals and concerned citizens alike.

Since 1986, PHR has conducted investigations in more than 40 countries around the world, including Afghanistan, Congo, Rwanda, Sudan, the United States, the former Yugoslavia, and Zimbabwe. With the help of our supporters, we have worked to stop torture, disappearances, political killings, and denial of the right to health by governments and opposition groups; deaths, injuries, and trauma inflicted on civilians in armed conflict; suffering and deprivation caused by political differences or discrimination; mental and physical anguish inflicted on women by abuse; loss of life or limb from landmines and other indiscriminate weapons; harsh methods of incarceration and interrogation and torture in prisons and detention centers; and poor health stemming from vast inequalities in societies.

As one of the original steering committee members of the International Campaign to Ban Landmines, PHR shared the 1997 Nobel Peace Prize.

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PHR is indebted to five Chin community-based organizations, including the Chin Human Rights Organization, for their collaboration, expertise, and tireless advocacy on behalf of the Chin people, without which this research would not be possible.

Foreword

The many peoples of Burma have suffered long and hard under decades of military misrule. Burma's diverse ethnic nationalities, courageous clergy of all faiths, principled democratic opposition, and generations of students and citizens have struggled mightily against dictatorship and oppression. Their struggle continues. The unfree and unfair electoral exercise conducted by the ruling military junta in November of 2010 has neither alleviated Burma's ongoing political crisis nor addressed the suffering of her people.

We greatly welcome the recent release of Daw Aung San Suu Kyi from house arrest after spending 15 of the last 21 years in illegal detention. But Burma is not yet free. Daw Suu Kyi's heartfelt call for dialogue and national reconciliation has thus far gone unheeded by Senior General Than Shwe and the regime he controls. Burma's authoritarian system, with all the harms it has generated, remains intact.

It has long been clear that ethnic nationality peoples in Burma's border regions have faced particularly brutal treatment under military rule. Too much of their suffering has been deliberately hidden from the world by the regime's control of access to these troubled regions. While the horrors of military rule in Eastern Burma have been better known and documented, we know much less about Burma's Western regions, including Chin State, on Burma's border with the Indian State of Mizoram. The Physicians for Human Rights report you hold in your hands is the first independent and population-based assessment of the health and human rights situation across Chin State. We urge you to read it carefully, and to consider its implications seriously, for this report evidences extraordinary levels of state violence against civilian populations. It demands not only attention, but reparative action by all who are concerned with Burma's peoples, their well-being, and Burma's future as a functioning state.

PHR and its partners, including courageous members of Chin organizations, used innovative methods to conduct population-based assessments across all nine townships of Chin State in 2009 and 2010. They conducted quantitative and qualitative interviews with heads of over 600 households, and documented human rights violations at the household level. The quantitative approach used by the investigators lets us see the widespread and systematic nature of these abuses. The qualitative work, which includes the voices of Chin survivors of these atrocities, lets us hear something else—the voices of an enslaved and brutalized population asking for assistance in the struggle for justice, for freedom, and for life itself.

The results are devastating. The most commonly documented abuse, forced labor, was reported by 91.9% of all households, the highest rate yet reported for any region of this troubled country. This number includes Chin family members forced to porter military supplies, sweep for landmines, labor as unpaid servants, build roads, and do hard labor. Other documented violations include hundreds of cases of forced conscription into military service, beatings, torture, intimidation, rape of women, children and men by soldiers, killings, disappearances, and persecution based on Chin ethnicity or Christian faith.

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What can the international community do about the human rights violations of this regime? First, both international law and basic human dignity demand accountability for these crimes. We urge the United Nations to immediately establish a Commission of Inquiry into crimes against humanity in Chin State, and in all of Burma. Second, Burma's neighbors and the regime's allies, China, Thailand, Bangladesh, Malaysia, and most importantly India, must do much more to pressure the regime to cease and desist from its ruthless repression and lawless violence. Chin people, with well-founded fears of persecution, have sought refuge from their unstable homeland in India, Malaysia, and Thailand. These states have special responsibilities to do more to rein in the Burmese junta and to help create the conditions which would allow Chin people to be able to return to a safe and secure homeland. Finally, each and every one of us must do more. We must pay more attention to Burma and her suffering. We must pressure our leaders to address these atrocities. And we must support the courageous democracy movement, the clergy and the students, and the ethnic nationalities and their leaders, as they struggle to bring justice and freedom to this long-suffering country. Please do what you can. It is unconscionable that suffering as dire as that of the Chin people under Burma's dictatorship should be allowed to persist in silence.

The Honorable **Richard J. Goldstone**

Former U.N. Chief Prosecutor,

International Criminal Tribunals for the former Yugoslavia and Rwanda (ICTY and ICTR)

Current PHR Board Member

The Most Reverend **Desmond M. Tutu**

Anglican Archbishop Emeritus of Cape Town

Nobel Peace Prize Laureate

Chair, The Elders

Acknowledgements

This report was written by Richard Sollom MA, MPH, Deputy Director at Physicians for Human Rights (PHR) and principal investigator for PHR's work on Burma; Chris Beyrer MD, MPH, Director, Center for Public Health and Human Rights (CPHHR) at the Johns Hopkins Bloomberg School of Public Health; Adam Richards MD, MPH, Robert Wood Johnson Clinical Scholars Fellow at University of California, Los Angeles and PHR Board member; Vit Suwanvanichkij MD, MPH, Research Associate at CPHHR; Parveen Parmar MD, MPH, Clinical Instructor, Department of Emergency Medicine, Brigham and Women's Hospital, Harvard Medical School and Associate Faculty at Harvard Humanitarian Initiative; Luke Mullany PhD, Associate Professor, International Health, Johns Hopkins Bloomberg School of Public Health; and John Bradshaw JD, Washington Director at PHR.

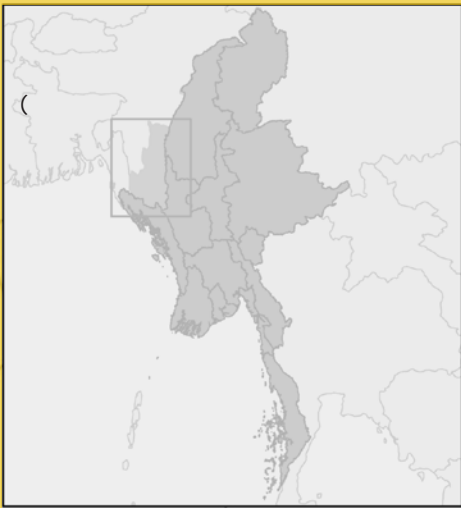
This report is based on field research conducted by Richard Sollom and Parveen Parmar in October 2009 and January-February 2010 as well as a follow-up investigation to Burma in November 2010 by John Bradshaw.

The findings of this report are part of an ongoing project to investigate and document the nature and extent of human rights abuses in Burma by PHR in collaboration with the Center for Public Health and Human Rights at the Johns Hopkins Bloomberg School of Public Health. PHR is grateful to our colleagues at CPHHR: Chris Beyrer MD, MPH, Vit Suwanvanichkij MD MPH, Luke Mullany PhD, and Andrea Wirtz MHS, for their invaluable collaboration, and our colleagues at the Global Health Access Program: Tom Lee MD, MPH, Adam Richards MD, MPH, and Linda Smith MPH.

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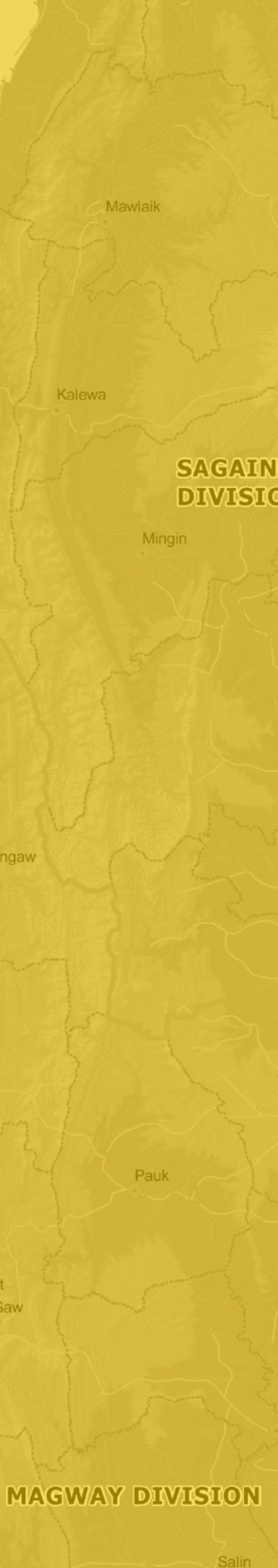
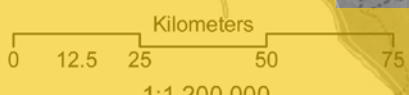
BANGLADESH

CHIN STATE

SAGAIYAN DIVISION

MAGWAY DIVISION

RAKHINE STATE



Executive Summary

RATIONALE

Despite the November 2010 electoral exercise in Burma (also known as Myanmar), the military junta still controls all branches of government and leverages its power to suppress ethnic nationalities, who represent approximately 40% of the population occupying 55% of the land area of this Southeast Asian country. Since 1996, over 3,600 villages in Eastern Burma are estimated to have been destroyed, forcibly relocated, or abandoned, comparable in scale to the conflict in Sudan's Darfur, forcing over 500,000 people from their homes. Forced relocation is often accompanied by widespread abuses against ethnic civilians, including confiscation of land and property, destruction of food supplies, arbitrary taxation, rape and other forms of sexual violence, torture, and extrajudicial execution. Several reports have been published on the situation in Eastern Burma, highlighting the widespread and systematic nature of such human rights violations, and underlining the need for an independent, impartial, international investigation into alleged war crimes and crimes against humanity.

By contrast, comparatively little has been written about the situation in Western Burma. Chin State, an isolated, mountainous region in Western Burma, has poor health outcomes and lacks basic infrastructure. There is no network of roads connecting the nine major townships of Chin State; the few roads that exist are unpaved and often impassible in the rainy season. Access to Chin State is problematic from the bordering northeast Indian States of Mizoram and Manipur and the Chittagong Hill Tracts area of Bangladesh, as those areas are designated restricted zones, limiting the possibilities for cross-border humanitarian assistance to Chin State.

While the people of Chin State have not suffered the protracted 60-year conflict of Eastern Burma, rapid militarization in Chin State since 1988 has resulted in widespread human rights violations. Since 1988, estimates place more than 75,000 displaced Chin in India, and another 50,000 in Malaysia. Decades of neglect and widespread abuses have debilitated the Chin who remain in Chin State and rendered them highly food insecure and vulnerable to the current famine.

Qualitative research has shed light on the atrocities committed by successive military regimes over the past five decades. While some quantitative research has been carried out in Eastern Burma, this research represents the first quantitative study on Western Burma to assess the scale and scope of alleged crimes against humanity, defined as the most serious crimes of concern to the international community. These crimes include murder, torture, rape, group persecution, and other inhumane acts, which are committed as part of a widespread or systematic attack against a civilian population.

METHODS

This study was approved by the Institutional Review Board at the University of California Los Angeles Office for the Human Research Protection Program, and the Johns Hopkins Bloomberg School of Public Health Committee on Human Research. Our research team first conducted a field investigation along the Chin State border in October 2009 and met with 32 key informants and representatives from Chin civil society to assess the feasibility of conducting a population-based survey in Chin State to quantify alleged rights abuses and to determine whether they are widespread or systematic.

With the help of local partners, we trained surveyors to perform a multi-stage, 90-cluster sample survey of households in Chin State from January to March 2010, using an 87-question survey instrument that was translated into five regional languages.

FINDINGS

Twenty-two trained surveyors approached 702 households in all nine townships of Chin State in 2010, and 621 (89%) agreed to participate in the study. One third of these households (34%) were headed by women or a woman spoke for the family on the day of the interview, and two-thirds were men. We questioned them about their experiences over the past year, forced labor and other human rights violations, food security, their health status, and access to healthcare.

Surveyed households in all nine townships in Chin State reported a total of 2,951 abuses in the 12 months prior to the interview, with forced labor being the most prevalent. Of the 621 households interviewed, 91.9% reported at least one episode of a household member being forced to porter military supplies, sweep for landmines, be servants, build roads, and do other hard labor. The Burmese military imposed two-thirds of these forced labor demands; they also accounted for all reported rapes. Government soldiers tortured or beat ethnic Chins (reported by 14.8% of households), and killed and abducted civilians with impunity. One out of eight Chin households was forcibly displaced (most to find food), and one-third of all forcible conscriptions were of children under 15. The tatmadaw military accounted for more than 92% of all forced recruitment, and ethnic forces (for example the Chin National Army) were not reported to have forcibly conscripted any children or adults.

LEGAL ANALYSIS

Our data reveal that Government authorities have perpetrated human rights violations against the ethnic Chin population in Western Burma. Although other researchers have posited that a prima facie case exists for crimes against humanity in Burma, the current study provides the first quantitative data on these alleged crimes. At least eight of the violations that we surveyed fall within the purview of the International Criminal Court (ICC) and may constitute crimes against humanity. The ICC has jurisdiction over the most serious crimes of concern to the international community, including murder, extermination, enslavement, forced displacement, arbitrary detention, torture, rape, group persecution, enforced disappearance, apartheid, and other inhumane acts.

For acts to be investigated by the ICC as crimes against humanity, three common elements must be established: (1) Prohibited acts took place after 1 July 2002 when the ICC treaty entered into force. (2) Such acts were committed by government authorities as part of a widespread or systematic attack directed against a civilian population. (3) The perpetrator intended or knew that the conduct was part of the attack.

Our research demonstrates that the human rights violations we surveyed in Chin State meet these necessary elements. All reported human rights violations in our study occurred during the immediate 12 months before the interview in 2010 and thus fall within the temporal jurisdiction of the ICC. Additionally, our data show that 1,768 attacks were directed against a relatively large body of civilian victims. And although there is no threshold definition of what constitutes widespread, these data provide evidence that these reported abuses occurred on a large scale with numerous victims. Coupled with qualitative information that our team of investigators gathered, this quantitative data reveal patterns of abuse that constitute systematic targeting and executing of human rights violations against an ethnic and religious minority.

While our data imply knowledge that would satisfy the third element of the definition of a crime against humanity, further evidence is needed to establish individual culpability. This evidence would likely stem from a U.N. Commission of Inquiry or another thorough investigation.

RECOMMENDATIONS

Based on our findings, Physicians for Human Rights recommends:

TO THE GOVERNMENT OF BURMA:

- Stop human rights violations against individuals and communities in Chin State and throughout Burma including but not limited to forced labor, killings, beatings, sexual assault, and arbitrary detention.
- Cease the persecution of ethnic groups and religious minorities.
- Conduct a thorough investigation of human rights violations documented in this report.
- Remove provisions of the 2008 Constitution that provide immunity for human rights violations.
- Allow United Nations agencies, officials, and international humanitarian and human rights organizations unrestricted access to provide essential services, and to monitor and conduct investigations into alleged human rights violations throughout the country, especially in remote areas such as Chin State.

TO THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS (ASEAN):

- Call on the Government of Burma to conduct an investigation into human rights violations in the country.
- Ensure that any engagement with Burma centers on human rights and accountability.
- Demand that Burma adhere to its commitments under the ASEAN Charter.
- Work with the United Nations and others in the international community to protect human rights in Burma and end impunity. Support efforts from the United Nations to investigate alleged crimes in Burma.
- Encourage the ASEAN Intergovernmental Human Rights Commission (AICHR) to protect human rights in Burma.

TO CHINA, INDIA, BANGLADESH AND OTHER KEY REGIONAL PARTNERS:

- Exert pressure on the Burmese authorities to respect human rights and promote accountability.
- Ensure access to protection and essential services to those fleeing persecution, human rights violations, and food insecurity in Burma.

TO THE UNITED NATIONS:

- Establish a Commission of Inquiry to investigate reports of human rights and humanitarian law violations in Burma, through the mechanisms of the Human Rights Council, the Security Council, the General Assembly, or the office of the Secretary General.

TO MEMBERS OF THE UNITED NATIONS HUMAN RIGHTS COUNCIL:

- Use Burma's Universal Periodic Review in January 2011 to discuss the human rights violations committed by the authorities in Chin State. Develop recommendations for the government that reflect the information contained in this report. Make public statements calling for an end to human rights violations and impunity.
- Include calls for accountability in official statements and reports of the Human Rights Council.

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TO THE UNITED STATES GOVERNMENT:

- Work to build consensus within the international community to support a Commission of Inquiry to investigate crimes against humanity and war crimes in Burma, and press for public support from the EU, ASEAN, and key regional countries.
- Continue to press for national reconciliation, including dialogue incorporating human rights issues, between the government, democratic opposition, and the leaders of ethnic groups, including the Chin.

TO THE OFFICE OF THE PROSECUTOR OF THE INTERNATIONAL CRIMINAL COURT:

- Continue monitoring the situation in Burma and liaising with local, regional, and international groups who are trying to end impunity in Burma.
- Encourage open communication between human rights documentation groups and the Office of the Prosecutor, so that the Court can remain informed about human rights violations in Burma.
- Build the capacity of human rights organizations documenting human rights violations in Burma to facilitate future complementary forms of justice, including truth commissions and/or local prosecutions.

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