

# **Less than Human:**

**Convict Porters in the 2005 – 2006 Northern Karen State Offensive**

**Karen Human Rights Group**

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An Independent Report by the Karen Human Rights Group  
 August 22, 2006 / KHRG #2006-03

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*To support its military attacks on hill villages throughout northern Karen State since November 2005, Burma's State Peace & Development Council (SPDC) military junta has brought several thousand convicts from prisons across Burma to carry ammunition and supplies and to act as human minesweepers. Many of these men are innocent of any crime, but were imprisoned because they were too poor to bribe police and judges who use their positions to extort money. The corruption continues with their jailers, who send them to the Army as porters if they are unable to pay. The SPDC relies increasingly on convict porters for its major military operations, both as a large-scale and accessible workforce to augment the forced labour of villagers and to legitimise its use of forced labour in the eyes of the international community. However, the use of convict porters in frontline operations is anything but legitimate: treated as property of the soldiers, worked to the point of exhaustion or death, beaten, tortured or murdered whenever they can no longer carry loads, underfed and given no treatment when sick or wounded, their treatment flagrantly violates Burma's obligations under the Geneva Conventions and the ILO Forced Labour Convention. Right now SPDC troops in northern Karen State are leaving a trail of porters' bodies behind them, while hundreds are attempting escape. This report is based on KHRG's interviews with some of those who have escaped, whose stories reveal a system of endemic corruption and horrific brutality. Yet despite the presence of thousands of convict porters SPDC forces continue to recruit villagers for forced labour whenever possible, indicating that Burma's ever-expanding Army is using convict labour as a supplement rather than an alternative to the forced labour of villagers.*

**Table of Contents**

<b>I. Introduction .....</b>	<b>2</b>
<b>II. Background .....</b>	<b>3</b>
<b>III. The Northern Offensive .....</b>	<b>5</b>
<b>IV. Convict Portering .....</b>	<b>7</b>
Arrest .....	7
Conviction .....	8
Prison Conditions .....	8
Recruitment of Porters .....	9
Portering Conditions .....	11
Threats .....	15
Torture and Mistreatment .....	15
Killing .....	17
Escape .....	19
Options for Escaped Porters .....	21
<b>V. Legal Framework .....</b>	<b>23</b>
<b>VI. Concerns .....</b>	<b>25</b>
<b>VII. Conclusion .....</b>	<b>27</b>
<b>VIII. Further Reading .....</b>	<b>27</b>
<b>Map 1: Papun district offensive area .....</b>	<b>28</b>
<b>Map 2: Karen State .....</b>	<b>29</b>
<b>Map 3: Burma showing prisons mentioned in the report .....</b>	<b>30</b>

## I. Introduction

The system of military rule in Burma is such that individual incidents of human rights abuses are inseparable from the country's overall militarisation. With the continued expansion of Burma's military and the impossibility of fully financing such expansion, the SPDC has systematically exploited uncompensated civilian labour as a means of supporting this continued militarisation. Incidents of forced labour have not, therefore, been the isolated acts of entrepreneurial commanders, but rather integral components of military rule.

While international awareness and criticism over the issue of forced labour in Burma has gradually increased - notably through the vehicle of the International Labour Organisation (ILO) - the SPDC has been reluctant to alter its policies on this issue. This reluctance should be seen in the light of the military's heavy dependency on such uncompensated labour. Nevertheless, in effort to secure an air of legitimacy, the SPDC has sought to present itself as complying with international labour standards and the requests of the ILO. Examples of such attempts at legitimacy include the international dissemination of SPDC 'orders' prohibiting the use of forced labour, the alleged domestic cooperation with the ILO, and the increased use of convict porters in military campaigns.

The movement towards a greater use of convict porters has been a means to both placate international criticism, by employing an ostensibly legitimate form of labour, and secure the military a ready supply of porters as a necessary component of the continued militarisation of Burma. However, the mass corruption and ineptitude of the police, judicial and prison systems in combination with the SPDC's use of rule by decree instead of rule by law undermines any claims that such convict labour is legitimate. Forcing convicts to serve as porters in military offensives targeting villagers is not commensurate with the practice of prison labour tolerated under functioning democracies. The abuse, mistreatment and killing of porters are illegitimate practices irrespective of the victims' status as convicts. Furthermore, the continued conscription of villagers for forced labour, including portering, belies the argument that convicts have replaced civilians in forced labour and thus mitigated this form of abuse against villagers.

This report presents information on the patterns of abuse committed by SPDC civilian and military personnel in connection with the use of convict porters during the current offensive against villagers living in northern Karen State, which began in November 2005. The basis of the report is a series of 25 interviews conducted with porters who escaped from the SPDC military after serving in the offensive. Although some analysis has been drawn from their testimonies, the interviewees' own words have been presented to allow them to speak for themselves.

In support of the former porters' accounts of abuses, this report also presents a brief assessment of some of the international legal issues pertinent to the question of forced convict portering as employed in SPDC military operations. While international law does not prohibit convict labour outright, the manner in which it is processed and employed in Burma is in contravention of regulations within the 1930 Forced Labour Convention (ILO Convention 29) and article 3 common to all four of the 1949 Geneva Conventions ('common article 3'). The system of convict portering as employed in Burma is found to be in violation of the SPDC's commitments under international human rights and humanitarian law, making it neither a legitimate component of the country's penal system nor a credible alternative to forced village labour.

The physical and judicial abuses committed against convict porters in Burma are in violation of both local and international human rights standards. Furthermore, the military has continued to subject villagers to demands for forced labour in spite of the increase in convict porters. Convict portering is thus not an acceptable response to the growing international criticism of the SPDC's use of forced labour, but rather a further component of the country's continued militarisation.

## II. Background

The Burmese junta, under both its present SPDC and previous State Law and Order Restoration Council (SLORC) and Burma Socialist Program Party (BSPP) appellations, has pursued a military campaign in the Karen territory of eastern Burma aimed at consolidating central control over the people and resources of the area. While often portrayed as an armed offensive against the Karen National Union (KNU) and its armed wing, the Karen National Liberation Army (KNLA), with civilians as unintended casualties, the campaign is more accurately a widespread and systematic attempt to expand the country's militarisation into Karen regions and force all villagers into areas under military control. This strategy serves the dual purpose of providing the military with greater freedom to exploit the resources of the region while confining all civilians to locations under military rule where they can be controlled and exploited for labour and goods. This aim is evident in the increasing military build-up throughout Karen State despite the de-escalation in SPDC-KNLA confrontation. Seen in this light, abuses committed against Karen villagers are a functional part of the SPDC's growing military presence in the region, rather than an unintended consequence of overt armed conflict. In furtherance of this goal, the military has forced villagers to labour in various capacities as a means to support the overall military build-up which, in turn, has led to a greater frequency of abuse. This practice has been extensively documented in previous KHRG reports.<sup>1</sup>

While the SPDC and its predecessors have not usually referred to any specific legal framework when issuing orders for forced labour, two of Burma's colonial-era laws providing for the legal employment of forced labour remain in place (though the SPDC claims to have ceased enforcing them since 1999). These are the Village Act of 1908 and the Towns Act of 1907. Both laws required that village heads furnish labourers for "Government" use upon request. Failure to do so could be punished with a fine, imprisonment or both.

In the 1960s the ILO began pressuring Burma's military authorities to repeal or amend these laws in compliance with the country's international legal obligations, as they violated the regulations within the 1930 Forced Labour Convention (ILO Convention 29), which Burma ratified in 1955. Rather than comply with the ILO's requests, however, the junta amended the laws to make the wording even stronger in support of their continued use of forced labour. For example, the list of legitimate services that could be permissibly demanded under the Village Act was expanded to include "guides, messengers, porters, supplies of food, carriage and means of transport for any troops or police posted in or near or marching through the village-tract or for any servant of the Government travelling on duty" (Section 8.1, 1993 English version). Earlier versions of the Act (for example the version of 1944) had not included messengers or porters in this list. This change is significant in that one of the most frequent forms of forced labour employed in Burma has been the use of civilians to porter military supplies for advancing patrols.

As evidence of forced labour abuses has been increasingly disseminated internationally, the SPDC has come under greater international scrutiny in regard to this form of abuse. The ILO has, in turn, increased pressure on the SPDC to adhere to their international legal obligations to eradicate forced or compulsory labour within the territory of Burma. Following intensified ILO pressure, the SPDC issued Order 1/99 on May 14<sup>th</sup> 1999 and the Order Supplementing Order 1/99 on October 27<sup>th</sup> 2000. These two orders stated that both the Village Act and Towns Act were to be no longer enforced and went on to articulate criteria, modelled on the 1930 Forced Labour Convention, under which forced labour could still be demanded. However, as KHRG and other organisations have documented, neither Order 1/99 nor Order Supplementing Order 1/99 was widely disseminated to military or civilian officials. Neither of the Orders has been implemented; instead, people attempting to bring

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<sup>1</sup> See, for example, [Forced Labour Orders since the Ban](#) (KHRG #2002-01, February 2002).

complaints based on these Orders have been punished with imprisonment. It is likely that the Orders were written specifically to appease the ILO and other international organisations rather than inform domestic authorities. In fact, when the Orders were first submitted to the ILO, they were provided only in English, and no Burmese language copies were made available. It was only in 2001 after repeated requests by the ILO that Burmese language copies were presented to the organisation.<sup>2</sup>

While the continued documentation of systematic forced labour in Burma contradicts SPDC statements denying this practice and discredits the provisions included in the Orders, the junta's responses do indicate that they are attempting to present themselves as adhering to international labour standards. The SPDC's response to international pressure on the issue of forced labour has been one factor in the shift towards a greater use of convict porters in frontline military operations. Since the mid 1990s, the SPDC has moved towards a policy of increased use of forced convict labour as a means to deflect international criticism over human rights abuses and violations of international labour laws, as prison labour could possibly be presented as a legitimate alternative to village conscripts (the hollowness of this argument is discussed later under 'Legal Framework' and 'Concerns').

The increased use of convict labour also appears to be motivated by the continuous expansion of the military, which has always relied on forced labour to support all of its activities. For day to day operations enough villagers can usually be captured locally, but when larger scale operations are occurring or in areas where SPDC control is weak, villagers usually flee in advance of the troops' arrival at their village and cannot easily be captured in sufficient numbers. Until 1997, whenever the SLORC mounted major military operations such as those now occurring in northern Karen State it would therefore round up thousands of civilians on the streets of towns and cities throughout Burma, particularly the urban poor, and truck them to the frontlines for forced porter duty sometimes lasting months.<sup>3</sup> This was a major logistical operation and also created possibilities for urban unrest, whereas convicts are a more easily accessible and controllable source of labour.

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<sup>2</sup> For further discussion on these orders see the Introduction and Appendices of *Forced Labour Orders since the Ban* (KHRG #2002-01, February 2002).

<sup>3</sup> This practice was well documented by KHRG's interviews with porters from 1992-97. See for example *Porters: SLORC's Salween Offensive* (KHRG #95-12, April 1995), *Porters: SLORC's 6<sup>th</sup> Brigade Offensive* (KHRG #95-11, March 1995), *Porters: Manerplaw and Kaw Moo Rah areas* (KHRG #95-07, February 1995), *Male Porter Testimonies* (KHRG, February 1993), and *SLORC's use of Women Porters* (KHRG, February 1993).

### III. The Northern Offensive

Since its inception the SPDC, following the practice of its predecessor regimes, has conducted military offensives into Karen areas that typically begin after the completion of the rainy season around November and continue until the rains begin again around the following June. The primary purpose of these campaigns is to expand and consolidate military dominance in those areas of Karen State less effectively controlled by SPDC forces. In pursuit of this objective, SPDC military units have targeted villages situated in areas beyond the easy access of military personnel and attempted to move their inhabitants to villages and relocation sites set up along car roads and near army bases. Those unwilling to relocate are targeted as enemies. These villagers are shot on sight and their homes and temporary shelters are shelled by advancing troops. When villagers flee their homes, soldiers loot any abandoned possessions, eat livestock and destroy whatever they cannot take with them. Homes, crops and food storehouses are razed and landmines deployed in and around fields and footpaths. If the troops move on, villagers typically return to retrieve whatever has not been looted, eaten or destroyed. If the troops establish a more permanent presence, displaced villagers are unable to return and must instead move further away from encroaching military positions. Moreover, the construction of roads and military bases supporting the consolidation of the SPDC's presence are built with forced labour extracted from villagers living in areas already under military control.

Such dry-season offensives typically close down for the duration of the rainy season as the weather prevents troops from advancing with any degree of consistency. At this time of year travel in rural areas is severely hampered as it rains almost daily, washing out roads and turning footpaths to mud. Army units cannot effectively function because movement is slow, rivers cannot be crossed, starting fires is practically impossible, food rots quickly, weapons and equipment are damaged and illness is rife. The yearly break in military operations provides villagers with temporary respite during which they can tend to their crops, operate *ad hoc* schools in the forest, and focus their attention on addressing their other needs.

The current SPDC operations in northern Karen State, however, differ from most earlier campaigns in that the military has not ceased attacks with the onset of the rainy season. Beginning in November 2005, SPDC military units began widespread attacks on villages in mountain areas outside of military control in Toungoo, Nyaunglebin and Papun Districts. Villages have been shelled with 120mm mortars; villagers shot on sight; property looted; homes, fields and food storehouses burned; and landmines laid to prevent the return of villagers. KHRG researchers have documented such attacks in Than Daung (Daw Pa Ko) and Tantabin (Taw Ta Tu) townships in Toungoo District; Mone, Kyauk Kyi and Shwegyin townships (Mu, Ler Doh and Hsaw Htee) in Nyaunglebin District; and Lu Thaw township in northern Papun District. Despite the continuance of SPDC attacks well into the rainy season, troops have been unable to advance as they would during standard dry season operations. While there is every indication that high-level military authorities are ordering battalions to sustain the offensive, troop advances have been slow and hesitant. Army columns use any excuse to return to base to rest and resupply, and are focusing much of their effort on setting up new camps in areas they have newly occupied.

In order to support the massive troop build-up required for the current offensive, military authorities have arranged for the transfer of thousands of convicts from across Burma to northern Karen State to serve as porters for military columns. Some of the larger columns have approximately 300 troops and as many as 400 convict porters; the total number of convict porters in the three northern Karen districts right now is difficult to estimate, but probably lies between 3,000 and 5,000. Escaped porters interviewed by KHRG reported being removed from prison and transferred to the frontlines in groups of 40-160 individuals at a time. Upon arrival in eastern Burma convicts were amalgamated into groups of 300-500 porters and then taken on to the areas of military operation. The military transferred these

porters from prisons across the country including Rakhine, Kachin and Shan States and Mandalay, Rangoon (Yangon), Irrawaddy (Ayeyarwady), Pegu (Bago) and Magwe Divisions. Most of those interviewed by KHRG were sent to military bases along the Kyauk Kyi - Saw Hta car road in Mone (Mu) township, northern Nyaunglebin District and Lu Thaw township, northern Papun District (see **map**). Other convicts were transited via various prisons along the way or where the offensive battalions are based, namely those at Toungoo, Thaton and Moulmein. Convicts from Thayet prison in Magwe Division, for example, were sent to Insein Prison near Rangoon and then to Moulmein Prison in Mon State, where they were handed to a battalion that took them to Karen State. From these bases and prisons, porters were assigned to battalions under the control of Military Operations Command (MOC) #10, MOC #15 and Light Infantry Division (LID) #101 to be used in operations throughout Tantabin (Taw Oo) township, southern Toungoo District, Lu Thaw township and Mone (Mu) township. By transferring prisoners from distant areas of Burma, the military may believe that they will be less likely to attempt escape, given their unfamiliarity with the local language and geography.

All of the convicts interviewed for this report were deployed in Papun and Nyaunglebin districts. Almost half of them had been sent to Baw Hser Ko, an SPDC military base overlooking Pwa Ghaw along the Kyauk Kyi – Saw Hta road in western Papun district. Other Army bases named by interviewees as sites from which they operated were strung out along the Kyauk Kyi – Saw Hta road at (from west to east) Kyauk Kyi, Mu Theh, Plah Ko, Yunzalin camp (near Maw Pu) and Saw Hta; some were also sent to Pah Heh camp just north of Papun. Meanwhile, convicts being sent to Toungoo district are brought up into the hills along the road from Toungoo to Kler Lah and then deployed to Army camps throughout the district. Previous KHRG reports have also documented the large-scale use of convict porters in 2006 by MOC #16 and MOC #21 in Nyaunglebin District and by (LID) #66 in Toungoo District.<sup>4</sup>

Despite the high numbers of convict porters used in the current offensive, the conscription of villagers for this duty has not ended. Villagers continue to be forced to porter rations on a rotating or *ad hoc* basis for one or more days at a time, mostly locally, and to serve as *nam pya* (guides), which involves ‘guiding’ military patrols to the next village while also carrying supplies and sometimes being sent in front of the patrol as a human shield or minesweeper. Some of the worst abuse of villagers as porters has occurred along the Kler Lah – Bu Sah Kee and Kler Lah – Mawchi roads in Toungoo district; for example, SPDC Light Infantry Division #66 rounded up over 800 villagers from Kler Lah (a.k.a. Bawgali Gyi), Kaw Thay Der (Yay Tho Gyi) and Klay Soe Kee (Yay Tho Lay) villages in Toungoo district and forced them to start portering supplies down the road to Bu Sah Kee on May 25<sup>th</sup> to resupply offensive columns in the district.<sup>5</sup> This demonstrates that the Army does not see the use of convicts as an alternative to the conscription of village porters, but as a way to supplement the available civilian labour force with a more reliable and plentiful source of porters.

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<sup>4</sup> See Convict Porters: *Falsely charged, brutally abused, and unable to go home* (KHRG #2006-B8, June 2006).

<sup>5</sup> The use of civilians in Papun and Toungoo districts has been documented in *Forced labour, extortion and abuses in Papun district* (KHRG #2006-F7, July 2006) and *Offensive columns shell and burn villages, round up villagers in northern Papun and Toungoo districts* (KHRG #2006-B7, June 2006).

## IV. Convict Portering

The SPDC's system of procuring convict porters spans police, judicial, prison and military institutions and corruption is rife at all stages. The penal system frequently functions primarily as a means to extort funds and conscript labour. SPDC authorities collect convicts from prisons across the country and deliver them in convoys of trucks and boats to military units operating in Karen State where overwork, mistreatment, torture and killing prompt many to flee into unfamiliar landmine-ridden forests. Escaped porters interviewed by KHRG included Rakhine, Burman, Shan, ethnic Chinese, Akha and Karen convicts taken out of Sittwe, Mandalay, Insein, Lashio, Thayet, Myitkyina and Kengtung prisons.

### Arrest

From the outset, individuals are charged on dubious grounds. The arbitrary application of laws allows police to extort bribes and give effect to personal grudges. While many of the escaped porters interviewed by KHRG had actually committed crimes, the majority were given excessive sentences for minor offences. About a third of the charges were drug related, a quarter for black market trading, and a tenth for minor thefts. These crimes can largely be attributed to the country's current financial situation and the grinding poverty of many of those arrested. Furthermore, about a third of those interviewed denied any involvement in the commission of the crime that they were charged with.

*"I was accused of stealing a telephone cable that was buried underground. A person named Nay Lin was arrested first. The police told him that if he gave the names of others involved in stealing the cable they would release him. Nay Lin foolishly mentioned three people because he wanted to be released. I had been working with him at a construction site. I did not know anything about, nor had ever seen the telephone cable. After Nay Lin gave out our names he was imprisoned for 18 years... The police tortured us and forced us to admit that we had committed the theft. We could not tolerate their torture for long and so we did as they demanded."*

- A--- (male, 39, Akha), Kengtung township, Shan State (June 2006)

A common charge in Burma when more plausible crimes are untenable is something which translates as 'hiding in the dark'. Under this law, the police can arrest and detain anyone who happens to be out late at night, or simply loitering during broad daylight. As would be expected, this offence provides an easy means of extorting funds or rounding up potential porters. In the case below, the individual was taken by the police while walking alone at night and immediately sent to porter with the military.

*"The SPDC soldiers arrested me on June 3<sup>rd</sup> 2006. I had gone to watch a football match and had come back late around half-past eleven or midnight. The SPDC soldiers arrested me on my way home."*

- M--- (male, 26, Karen), Yin Kyi Township, Irrawaddy Division (June 2006)

Freedom to arrest and detain individuals without due process provides police with the means to extort money or coerce accusations against others. One convict porter from Shan State described how police there routinely make money by arresting people on drug possession or trafficking charges. In this tactic, a group of people are arrested and told they will only be released on payment of a large sum of money. Ironically, any real drug traffickers pay the ransom easily and are released, while those with no involvement or money cannot pay the police or the judiciary and are automatically convicted to prison without evidence. Escaped porters interviewed by KHRG reported that police officers had demanded between 10,000 and 500,000 kyat for their release after arrest on a variety of charges. Those too impoverished to manage such payments were thrown in jail, irrespective of any actual evidence against them.

*"I did not steal it [a bicycle]. I followed my friend Maung Oo, who I did not know well. He had brought a bicycle and asked me to ride. When I rode the bicycle, the police arrested me. I was arrested on May 10<sup>th</sup> 2003. The deputy sub-inspector at the #1 police station in Sittwe, named Khing Maung Hla, arrested me. The police officer demanded 10,000 kyat but I had no money to pay him."*

- M--- (male, 21, Rakhine), Kyaut Pyu Township, Rakhine State (March 2006)

*"The police accused me of using drugs. They asked for 300,000 kyat for my release, but I had no money to give them and so I was imprisoned for six years."*

- M--- (male, 21, Burman), Chan Mya Tha Si Township, Mandalay Division (April 2006)

Police frequently torture prisoners in order to extract confessions, extort money or merely vent their anger. Interviewees reported that after being confined at police stations, the officers beat them in pursuit of these aims.

*"We had to stay in our cell for 14 days prior to our court appointment. After only five days in the cell my employer's son [who had been imprisoned at the same time] got diarrhoea and died. Then we were then taken out of our cell and beaten by the police one at a time."*

- M--- (male, 21, Burman), Chan Mya Tha Si Township, Mandalay Division (April 2006)

*"The police came to arrest us but did not find any drugs in our possession. I said to the police that I am not a drug addict, but they did not believe me. They beat us and sent us to the police station. The police charged us with drug use and they asked for 500,000 kyat from each person in order to lessen the charge."*

- S--- (male, 22, Shan), Lashio township, Shan State (April 2006)

## **Conviction**

*"I was sentenced on February 16<sup>th</sup> 2005 to three years in Sittwe prison. I do not know the judge's name. The judge demanded 100,000 kyat from us but we had no money to pay him and so we were sentenced to three years imprisonment."*

- Maung S--- (male, 44, Rakhine), Thanddawe Township, Rakhine State (March 2006)

Burma's inept judicial system functions as a further sieve where civilians are processed through the grates of institutionalised graft. Mounting a defence is prohibitively expensive; court proceedings are mere formalities; and the only way defendants can avoid conviction is by bribing the presiding judge. As a consequence, the accused are almost certainly given prison sentences and occasionally fined as well. Those interviewed by KHRG were sentenced to anywhere from four to twenty years for theft, six to twelve years for drug use and possession, and three to ten years for black market trading.

*"Before the judge sentenced us the police sent us to a doctor to diagnosis our urine. [Had we taken morphine,] it would have appeared when the doctor tested our urine. When the doctor was testing us, we [were told we] could give 300,000 kyat to the doctor and 300,000 kyat to the police so that they would not find anything. We could not pay the money, so they said that they found morphine in our urine and we could not argue with them about anything."*

- S--- (male, 22, Shan), Lashio township, Shan State (April 2006)

## **Prison Conditions**

Prison conditions in Burma function on levels of such neglect and abuse that illness, injury and death are commonplace. Upon arrival, convicts are forced to maintain the prison through regular cleaning, gardening and construction projects. Inadequate food provisions and unhygienic living conditions lead to rampant disease and illness. One convict from

Thayet Prison told KHRG, “we are not allowed mosquito nets in prison, because the jailers worry that we will make ropes with the mosquito nets and use them to escape”, leaving convicts vulnerable to malaria, dengue fever and other mosquito-borne diseases. Prisoners frequently develop diarrhoea, often leading to death. Prison guards and senior prisoners given relative levels of authority regularly subject convicts to physical and mental abuse. In order to access anything close to adequate medical treatment convicts must bribe prison medics.

Some escaped porters told KHRG researchers that they had been present at prison visits by the International Committee of the Red Cross (ICRC). Prior to the ICRC’s arrival prison officials forced inmates to clean up the premises and threatened that if anyone spoke negatively about prison conditions they would be subsequently beaten. They also provided prisoners with more adequate food for the duration of the ICRC’s visit. Following the ICRC’s departure, prison officials reduced prison rations back to their regular insufficient levels. In December 2005 ICRC suspended all prison visits because the SPDC said it would no longer allow them to meet prisoners in private, an essential condition if their visits are to be meaningful. As of August 2006, the visits remain suspended and despite continuous negotiations by the ICRC the SPDC is showing no sign of relenting on its position. With or without ICRC visits, prisoners depend heavily on the support of family members who bring food and money to their incarcerated relatives. Those without such external support are unlikely to stay healthy or even survive for long.

*“Prisoners get sick often. Prisoners die most often from diarrhoea and four or five die each month. Prisoners who die are taken out of the prison and I think that the chief warden informs their families. We had a medic in the prison. If we could give him money, he would treat us when we got sick. But if we did not give him money he would not give us any treatment... The ICRC visited us once each year. Before the arrival of the ICRC we had to polish the brick building with lime and clean our rooms. The prisoners who the prison warden chooses can talk with the people from the ICRC but other prisoners are not allowed to talk with the ICRC people. We got to eat good curry when the ICRC came to visit the prison. But the ICRC did not enter to check each room individually.”*

- Maung T--- (male, 35, Burman), Min Bu Township, Magwe Division (February 2006)

*“If prisoners get sick, they get some medicine to take. They [prison medics] give injections to prisoners who can pay money. They never give injections to prisoners who have no money... Most prisoners die from diarrhoea and before we were taken out [for portering] I saw four or five people die from diarrhoea... The ICRC visited us, and we could meet with them. They asked us if we had enough food, enough space, and if we got treatment when we were sick. We must answer yes and say that there is enough of all of those things for the prisoners. If we did not say like that, we would be beaten by the jailers after the ICRC left. We dared not tell the truth to the ICRC people when they visited and asked us questions.”*

- M--- (male, 38, Burman), Kanma Township, Magwe Division (February 2006)

## **Recruitment of Porters**

*“I was taken out from prison on May 3<sup>rd</sup> 2006. There were 50 convicts taken out at the same time. Some convicts who do not want to porter paid between 50,000 and 150,000 kyat depending on their case. I think that 15 convicts gave money to the jailer and did not have to go as porters.”*

- A--- (male, 30, Shan), Lashio township, Shan State (June 2006)

Those interviewed by KHRG remained between six months and six and a half years in prison prior to being taken out to Karen State in convoys for forced labour as military porters. At no time prior to being removed were convicts told that portering for the military was a part

of their sentence. The practice of recruiting convicts to serve as porters begins with prison officials informing convicts that large groups will be taken for this work, but also offering them yet another opportunity to bribe their way out. Porters described being taken out of prisons to be transferred to military operations in groups of between 40 and 160 prisoners at a time. However, this number is in some cases only two thirds of the total number initially called out, the rest having paid the requisite bribe to escape service as porters. It is probable that prison officials factor this into their calculations; for example, choosing 200 prisoners when the Army has demanded 150, and deliberately including at least 50 convicts who they know are likely to be able to pay.

*“Before we were taken out, the SPDC chief jailers called all the prisoners, and demanded 50,000 kyat from those convicts who did not want to porter ... I was taken out from prison on January 29<sup>th</sup> 2006. There were 150 of us prisoners taken out from Sittwe prison at the same time as well as 25 convicts from Buthidaung, 65 convicts from Kyaut Pyu prison and some from Thandwe prison as well, but I did not know how many. In total there were over 300 convicts.”*

- Maung S--- (male, 44, Rakhine), Thanddawe Township, Rakhine State (March 2006)

*“There were 155 convicts taken for portering at the same time. At first there were 180 convicts on the list to serve as porters, but some convicts did not want to go as porters so they gave money to the prison officers. The prison officers asked for 30,000 kyat from those who did not want to porter. In the end there were 155 convicts to follow the army as porters.”*

- S--- (male, 22, Shan), Lashio township, Shan State (April 2006)

*“Prisoners who did not want to porter had to give 50,000 kyat to SPDC prison officers. Prisoners who had no money to pay had to follow army troops and carry loads as convict porters. One of our seven friends gave money and he did not have to serve as a convict porter like us.”*

- Maung K--- (male, 38, Rakhine), Kyaut Pyu Township, Rakhine State (March 2006)

*“I stayed until January 1<sup>st</sup> 2006, as I was taken out on that day. The SPDC took out 155 convict porters at the same time... The convict porters were from many prisons and we were 400 convict porters [in total].”*

- M--- (male, 21, Burman), Chan Mya Tha Si Township, Mandalay Division (April 2006)

Convicts departing for portering duty are given a standard uniform consisting of a blue shirt, trousers and pair of sandals made from car tires. They are in some cases also provided with a cap and a plastic sheet to serve as cover from the rain. Upon receiving their uniform these convicts are shackled and loaded onto trucks for a journey lasting up to a week, and in some cases involving additional travel by boat. Along the way they are held at other prisons for anywhere from a day to a week and eventually deposited at locations near to the areas of military operations. Previous KHRG reports described the SPDC’s use of *Won Saung* porter camps where convoys deposited convicts brought from various prisons around Burma to await pickup by their assigned battalion. The SPDC established these camps in 1996 in order to better facilitate the process, which had nevertheless been ongoing for decades. With the military’s rapidly increasing demand for convict porters, however, the SPDC appears to be relying less on these camps. For the current offensive in northern Karen State, the convoys of prison labour travel directly to the military camps being used to launch attacks on surrounding villages. The porters interviewed by KHRG were mostly sent to military bases along the Kyauk Kyi - Saw Hta car road in Mone (Mu) township of northern Nyaunglebin District and Lu Thaw township of northern Papun District, or were picked up by their battalions from prisons at Toungoo, Thaton or Moulmein. Almost half said they had been sent directly to Baw Hser Ko, an SPDC base overlooking Pwa Ghaw on the Kyauk Kyi – Saw Hta road. Upon arrival at their point of debarkation, individual military battalions

almost immediately come to collect their assigned porters from the base or prison, load them up with supplies and march them out on operations.



Two former porters shortly after they escaped from SPDC military patrols in Papun District. Note the blue shirt and trousers they wear; the standard porter uniform handed out when convicts depart from prison to serve as porters. [Photos: KHRG]

*“When we were taken out from prison I heard the jailer call my name, my father's name and my prison serial number and ask me to come from my room, but without saying what he wanted me to do. Then they gave me a dark blue shirt and trousers, a cap and also a pair of sandals that were too small, but they did not change the sandals for a pair that [I] could use. After I got the dark blue uniform I knew that I must go to porter. I got two uniforms and a plastic sheet... I was taken out from prison on January 3<sup>rd</sup> 2006. There were 100 convicts taken out at the same time. Our legs were chained all the time. ... [After a journey of several days] The next morning our chains were released when the army came to take us. I asked the soldiers [how many porters there were] and they told me that there were 500 convict porters. Porters had been taken from Thayet, Moulemein, Insein, Pyi and Paung T'Lay prisons. I saw many trucks, maybe around 50 that the army had brought to collect the convict porters. We rode in the morning and arrived at the camp in the forest in the afternoon. We then started carrying the loads.”*

- Maung T--- (male, 35, Burman), Min Bu township, Magwe Division (February 2006)

*“I had been staying in prison for nearly two years and then I was taken out on January 28<sup>th</sup> 2006. There were 150 convicts taken out from Sittwe prison at the same time. We were taken by boat from Sittwe to Taung Gon. From Taung Gon to Thayawaddy prison we were taken by truck. The next morning [we went] from there to Thaton prison and we slept there five days. LIB #252 from LID #101 came to take us from there to Papun.”*

- T--- (male, 50, Rakhine), Sittwe township, Rakhine State (May 2006)

## Portering Conditions

*“We did not get enough food and we had to eat whatever amount they fed us. When I went to the frontline with the soldiers I carried half a sack of rice weighing 27 viss [44 kg. / 97.2 lb.]. I saw some convict porters who could not carry their loads. The soldiers beat and kicked them. Some porters fell down and could not stand up to*

walk. They were unconscious and lying down beside the road. I heard the last soldiers in the group make records, such as the name of the convict, their prison serial number, which prison they came from. Then they shot them dead... If I had continued to carry the loads of the Burmese soldiers I would have surely died.”

- A--- (male, 44, Chinese ethnicity), Tachilek township, Shan State (June 2006)

Unlike conscripted villagers, convict porters are thought of as criminals, expendable and easily replaceable, and are treated worse than pack animals. The heavy workload demanded of them would be unmanageable even for those operating in good health and receiving adequate food and rest. Military personnel, however, not only force convict porters to bear heavy loads, but to do so without rest, for long hours, with too little food and frequently while ill and injured. Soldiers overload the woven bamboo baskets that porters must carry with ammunition, rice, other foods, soldiers' personal gear and villagers' belongings looted along the way to the point where each porter's basket weighs between 33-44 kilograms (72 – 97 lbs). The basket digs into the flesh where the straps rub against the bearer's back and shoulders, often cutting or wearing through the skin. The footwear provided is nothing more than rubber flip-flops, which leave feet exposed to injury by sharp bamboo or rocks on the path, erode the skin through excessive use and frequently break, leaving porters to continue barefoot. Furthermore, porters must keep pace with military personnel who wear jungle boots, carry only their weapons and ammunition belts and constantly harass the porters against slowing down. They are not allowed to rest, drink or talk while marching. As a consequence, convict porters often collapse under their loads only to be subject to threats and beatings.



Mortar shell cases left behind by SPDC troops from MOC #15 while operating around Dta Paw Der and Dta Meh Der in Lu Thaw township, Papun district. Porters are regularly forced to carry shells such as these along with food and other supplies in woven bamboo baskets. [Photo: KHRG]



Woven bamboo baskets which porters are forced to carry on their backs. Their wood or hard bamboo frames wear against porters' skin leaving deep and lasting wounds. These baskets were abandoned by SPDC military patrols operating in Lu Thaw township. [Photos: KHRG]

*“The weight of each load was over 20 viss [32.7 kg. / 72 lb.]... We walked through the river and our legs were injured by rocks. In one place we could not walk in the river and so we had to climb a cliff beside the river. The soldiers tortured the porters who could not climb the cliff with their loads. I did not see any porter die on the way*

*but I saw some porters bleeding who were tortured by SPDC soldiers. I know that the soldiers beat one of my friends whose name was An Lin with bamboo sticks on his back many times when he had fallen down. I passed him and did not see him again. Maybe he ran away or fell down a gorge and died. I do not know.”*

- T--- (male, 42, Shan), Mu Seh township, Shan State (June 2006)

*“I carried 8 mortar shells and 8 bowls [12 kg / 26 lb] of rice. The weight of my load was 25 viss [40.83 kg. / 90 lb.] Every convict had to carry loads... I had to walk all the day and sleep at night. I saw soldiers scold and kick porters on the way when porters could not carry their loads. I did not want to be kicked by the soldiers. I tried to carry the loads because I was afraid of them.”*

- Maung T--- (male, 35, Burman), Min Bu township, Magwe Division (February 2006)

At the end of a day's march porters are not relieved from their duties, as soldiers force them to collect water, prepare fires and build temporary shelters. Soldiers then restrict these shelters to their own use leaving porters to cook and sleep outside in often drenching conditions. In some cases convicts also serve in other large forced labour projects, such as road construction. Porter rations are largely limited to rice and fish paste and they are only allowed two meals a day. As they are only allowed to cook in the evening, some porters told KHRG that by morning their leftover rice was already wet and rotten due to the rain. Such provisions are barely enough to subsist on, let alone sustain the arduous work involved in portering alongside military patrols.



The remains of bamboo shelters at an abandoned temporary camp in Papun District. SPDC soldiers force porters to construct these structures, then cover them with plastic tarps, but forbid the porters from resting inside. [Photo: KHRG]

*“I walked both day and night. I had no sandals or shoes and my foot got seriously wounded. The soldiers tortured me when I could not walk and carry the load. I got wet from the rain and slept at night with wet clothes in a small room with many people. The SPDC soldiers ordered us to build huts and make fires. After we made them the soldiers cast us out. They warmed themselves beside the fire and we porters had to stay in the rain. The SPDC soldiers did not give us enough food. We cooked in the evening, and they told us we could only eat twice a day. The convict porters got sick. The soldiers did not give us medicine and they said they had no medicine for convict porters, only for soldiers. I saw two convict porters left along the way, one had fallen beside the path and was cold and shivering. The other one, his leg was swollen and [he] could not walk and [he] was sitting beside the path. I think that those two people died because they could not walk anywhere from there. The SPDC soldiers have no sympathetic hearts and they are cruel. I did not have enough food, not enough time to sleep, and no strength to carry the loads.”*

- Y--- (male, 48, Chinese ethnicity), Myitkyina township, Kachin State (June 2006)

As a consequence of the overwork and poor conditions under which porters are forced to labour, they frequently fall ill and suffer injury. Neither illness nor injury are treated by army medics who state explicitly that medical care and medicine is only for soldiers, as it makes no difference whether porters live or die. Illnesses therefore become more serious and wounds become infected and swollen. Regardless of the severity of their condition, porters are forced to continue at pace with the soldiers. This leads to more porters collapsing under their loads and being unable to continue. Collapsed porters on the verge of death are left to die, kicked down ravines or shot in order to prevent them from providing information to opposition groups.



Two escaped porters in Papun District display wounds caused by the constant friction and pressure of the bamboo baskets they had to carry on their backs. [Photos: KHRG]

*“The loads were too heavy for me but I dared not complain to the soldiers because if I complained, they would beat and kick me. They told me they did not care if Rakhine [people] died here. When I got sick I asked for medicine from the medic and he said to me ‘I do not care if convicts die. I care only for my soldiers.’ The SPDC soldiers threatened us [saying] that we must not run away. They said there were many landmines planted and we would step on the landmines and die. And that if the resistance group found us they would kill us too.”*

- Maung S--- (male, 44, Rakhine), Thanddawe Township, Rakhine State (March 2006)



*“I saw a porter die beside the road near to the river. The SPDC soldiers did not allow us to look [at the dead porter] and they told us it is not our job to look, our job is only to carry loads.”*

- H--- (male, 38, Burman), Kyaut Meh township, Shan State (June 2006)

A festering wound on the left foot of a convict porter caused by the wear of his rubber sandals. SPDC soldiers and medics provide no treatment to wounded porters and forbid them from resting to recover from such injuries. [Photo: KHRG]

## Threats

*"I climbed a mountain carrying 12 mortar shells and the soldiers threatened to kill me the whole time."*

- K--- (male, 43, Rakhine), Bok Na Kyo Township, Rakhine State (March 2006)

Escaped porters interviewed by KHRG recounted how SPDC soldiers threatened them ceaselessly as they marched along with military columns. The soldiers described how they would beat, torture and kill convict porters if they ran away or even slowed down. Soldiers and even medics told the porters that their lives had no value. Often these threats were tied to attacks on porters' ethnicity, such as by stating that all Rakhine people should die.

*"I was beaten and kicked by the SPDC soldiers many times when I could not carry the sacks of rice and [other] loads. The soldiers said to me that Rakhines must die and they threatened that they would kill me."*

- Maung M--- (male, 21, Rakhine), Kyaut Pyu township, Rakhine State (March 2006)

Porters were further threatened that if they ran away from the SPDC columns, they would be found by KNLA soldiers who would execute them. Or if this didn't happen they would step on any of the innumerable landmines deployed across Karen State and be blown up. When escaped porters were recaptured by SPDC units, their torture and killing served as exemplary punishment to support the threats made against other porters.

*"I could not tolerate the heavy work [they] forced in the army camp. The soldiers threatened us convict porters every day. They said that if we ran away they would shoot us. They said if they shot and killed a convict porter it would cost them only 7,000 kyat [whether they meant the cost of the bullet or of replacing a porter is unclear]. We convict porters are not important to the SPDC soldiers."*

- K--- (male, 45, Rakhine), Min Pya township, Rakhine State (March 2006)

Such threats aimed to cultivate a state of fear and submission in the porters that would make them more pliable and limit the likelihood that they would abscond at an opportune moment. Instead, however, these constant threats along with the daily abuse and overwork impressed upon the porters the necessity of flight as they came to expect that they would eventually be killed or worked to death if they did not escape.

## Torture and Mistreatment

*"I saw SPDC soldiers cut off a convict porter's ear when he could not carry his load. His name was Poe Zaw. SPDC soldiers cut another one too when he could not carry his load, and many other porters were hit by the butts of [the soldiers'] guns."*

- M--- (male, 21, Burman), Chan Mya Tha Si Township, Mandalay Division (April 2006)

Convict porters are seen as expendable and renewable resources and are therefore tortured freely by the soldiers they are serving under. Soldiers can do this with impunity as convicts are considered undeserving of any level of humane treatment. Porters described how they were punched, kicked and beaten with rifle butts, leaving them bruised and bleeding, their bodies swollen, limbs aching and yet soldiers expected them to continue carrying their overloaded packs as always.

Such treatment is typical punishment for porters who are unable to carry their loads. Where their body simply gives out under the physical burden, abusive treatment and starvation diet, torture is employed to force porters to extract any last drop of energy from their flesh in order to carry their loads. They often die in the process.

*“The SPDC soldiers beat and tortured us porters when we could not carry the loads that they had given us to carry. When the porters were unable to walk and apologised to the soldiers the soldiers never cared. We had to carry heavy loads. When we got thirsty we asked for a drink, they never let us to drink, and they kicked us with their boots... The SPDC soldiers were always hostile to me. They punched me and bruised my eyes. My face swelled. My teeth hurt as well, and I could not eat anything. I was very upset when I had to face the SPDC soldiers torturing me.”*

- H---, (male, 33, Chinese ethnicity), Lashio township, Shan State (June 2006)

Torture is also used as a means of silencing those who complain about their workload or ask for rest or water. Porters reported that some of the worst examples of torture were meted out to those caught after attempting to escape from the military. In these cases captured porters are tied up to each other or to trees and heavily beaten. One interviewee described how he was bound and left out in the sun all day without water. Another interviewee told KHRG how a drunken officer had made him and about a hundred other convict porters beat a group of captured escapees. In yet another instance, captured escapees were tied up and dragged behind marching troops.

*“Some convict porters were put in handcuffs because they were recaptured after they had tried to run away. When the non-commissioned officer [NCO] got drunk he took out those convict porters and beat them and asked other convict porters who had not run away to beat them as well. The convict porters had to beat them heavily. If they did not beat them heavily, the soldiers would beat them again. There were over 100 convict porters kept there. The soldiers show their power to the other convict porters [so that they] dare not run away. One convict porter’s eardrums were fragile and blood came out from his ears, and he could not hear anymore.”*

- S--- (male, 22, Shan), Lashio township, Shan State (April 2006)

The constant torture of porters serves multiple purposes for the military. For one, it contributes to breaking the natural resistance that individuals put up in the face of excessive demands. Knowing that they would be tortured, porters told KHRG how they kept quiet despite their frustration over the situation of abuse. Torture also serves to push exhausted porters to the limits of their capacity so they will continue working beyond what their body can sustainably manage. In most cases this entails working through extreme exhaustion, but the threat of torture is also used to coerce porters into sweeping for landmines despite the obvious danger. A further purpose of torture is to stifle the temptation to abscond.

*“They ordered me to carry heavy loads, but when I had no strength to carry the loads the soldiers kicked me, reprimanded me, and did not give me enough food. Where I come from I have never seen such high mountains like there are here. I was unable to climb such mountains, so they kicked and scolded me many times. When I got sick the soldiers told me I must die and they said they had no medicine for the convict porters and they never gave us any medicine.”*

- Maung K--- (male, 38, Rakhine), Kyaut Pyu Township, Rakhine State (March 2006)

*“I saw the SPDC soldiers torture convict porters along the way. Soldiers tied with ropes and dragged those porters who could not walk. The SPDC soldiers beat convict porters when they fell down on the ground. The porters had no strength to carry their loads because the SPDC soldiers did not provide enough food... The SPDC soldiers ordered porters to sweep the NCOs’ and soldiers’ sleeping places for landmines along the way. A convict porter whose name is Ba Aye stepped on a landmine. One of his legs was blown away.”*

- K--- (male, 30, Shan), Nam Kham township, Shan State (April 2006)

## Killing

*“A person I knew from Mandalay prison named Lwan Maung... fell down on the ground. The soldiers beat him. He could not stand up again. He tried to roll away into a gorge but then the SPDC captain shot him in the head with his pistol and killed him there. That captain was very cruel. He beat and punched porters who could not walk. He threatened to shoot us like the other one he had shot. I heard that three porters died along the way.”*

- K--- (male, 30, Shan), Nam Kham township, Shan State (April 2006)



The body of a convict porter killed by SPDC troops from MOC #15 while operating around Dta Paw Der and Dta Meh Der villages in the Bilin River area, Lu Thaw township, Papun district. [Photo: KHRG]



The decayed remains of another convict porter killed and left behind by SPDC soldiers in Lu Thaw township, Papun district. [Photo: KHRG]

SPDC soldiers routinely kill convict porters, at times leaving a trail of bodies along the route of their patrol. In some cases porters are killed through overwork. However, it is more often the case that soldiers simply shoot those porters who reach a state of utter exhaustion and collapse due to the workload, starvation diet and brutal treatment. Such murder serves to intimidate other porters into continuing despite their wounds and exhaustion. By killing those porters who cannot continue, the soldiers also eliminate the possibility that porters could give strategic information to opposition groups or tell their stories to human rights groups.

*“I saw a convict porter die in Mu Theh camp and the SPDC soldiers left him there beside a river. The next morning when we arrived at Naw Lah Gone I saw a convict porter who could not carry his load and had [tried to] run away but had been shot there by the SPDC soldiers.”*

- T--- (male, 20, Burman), South Okkalapa, Rangoon division (April 2006)

*“I heard the SPDC soldiers shoot dead four or five convict porters but I did not see this. The SPDC soldiers shot dead those porters who could not walk because they were afraid those porters would give information to resistance groups. If they left porters alive their enemies would find those porters and those porters would give information to their enemies. So they shot those porters dead.”*

- T--- (male, 42, Shan), Mu Seh township, Shan State (June 2006)

*“When we slept at Pu Teh a convict died there. I saw that the porter's face and chest were swollen because he had been tortured by the SPDC soldiers. I heard other convict porters say that the SPDC soldiers shot and killed one of the porters when he could not carry his load and the soldiers threw him into a valley.”*

- M--- (male, 33, Burman), Shwe Pyi Tha township, Rangoon Division (April 2006)

*"I accompanied LIB #370 which is under the control of Military Operations Command #10. A convict named Kyaw Thu Rah from Toungoo prison tried to run away when he was unable to carry his load and the SPDC soldiers shot him dead."*

- H--- (male, 33, Chinese ethnicity), Lashio township, Shan State (June 2006)

In other instances, soldiers execute porters after torturing them as a form of exemplary punishment because the victims had attempted to escape. The remaining porters are told that they will likewise be killed should they attempt to flee. In all cases, soldiers and officers kill convict porters with impunity. Being convicts, they are considered undeserving of humane treatment with no right to continue living. They remain alive at the discretion of the military personnel for whom they labour and as a result, their lives are arbitrarily taken at whatever time and in whatever manner is most expedient for military operations. After a column of MOC #15 had moved along the upper Bilin River destroying villages from late May to mid-June, they withdrew to their camp at Baw Hser Ko;<sup>6</sup> villagers who had fled into the nearby hills returned to their villages to find a trail of dead bodies everywhere the soldiers had been; all of them convict porters. KHRG obtained reports of at least ten convict porters whose bodies were left behind by the troops, but it is impossible to know how many other bodies remain hidden in the bush.



The remains of four porters killed by SPDC troops in Lu Thaw township, Papun District. Note the blue shirts and trousers that make up the standard convict porter uniform. [Photos: KHRG]

*"When we arrived in Baw Hser Ko army camp there were eight porters who had tried to run away. Five had escaped and three were recaptured. The SPDC soldiers hung those three porters upside down with ropes from trees. The soldiers called every porter to come look at those porters. The soldiers told us that they would do this to porters who tried to run away like that. Then they shot dead those three convict porters in front of us. I did not know their names but they were from Myaung Mya and K'Tha prisons. In Baw Hser Ko one SPDC NCO [non-commissioned officer] tried to run away when he went to take a bath because he was an officer cadet<sup>7</sup> and he could not endure the difficulties of the frontline. But one group of SPDC soldiers recaptured him and killed him at Baw Hser Ko army camp."*

- M--- (male, 26, Karen), Yin Kyi township, Irrawaddy Division (June 2006)

<sup>6</sup> See [New SPDC military moves force more villagers to flee](#) (KHRG #2006-B9, July 2006) and [Offensive columns shell and burn villages, round up villagers in northern Papun and Toungoo districts](#) (KHRG #2006-B7, June 2006).

<sup>7</sup> A trainee fresh from officer training doing a rotation in the field as a requirement to receive his commission.

## Escape

*"I saw SPDC soldiers torture convict porters along the way and I saw the soldiers shoot a convict porter dead. I did not know his name. The first time that a friend and I ran away we were recaptured. The soldiers ordered us to lie face down. They beat us five times, they tied our hands behind our backs against a tree and we slept like that for one night. The next morning the SPDC soldiers tied our legs with ropes and a piece of bamboo and sent us to Operations Command headquarters at Baw Hser Ko by truck. When we arrived at Baw Hser Ko they put us in handcuffs and beat us. I do not know how many times they beat me because many soldiers beat me. The next morning they put us out in the sun and heat for the whole day. We stayed in a cell for twelve days and then they sent us back to the Yunzalin camp [in the Papun district offensive area]."*

- Maung H--- (male, 32, Burman), Hmawbi Township, Rangoon Division (April 2006)

Porters can readily perceive the likely outcome should they continue labouring in military operations. They observe their colleagues collapse around them as a consequence of the fatal workload, starvation diet and regular beatings. Furthermore, soldiers are quite explicit in telling porters that their lives have no value and it would be best if they just died. Convict porters therefore come to see the only viable option as escaping from military control.

*"We thought that if we stayed with the SPDC soldiers for a long time we would die. We then decided to run away, as perhaps someone would help us. Then we ran away... We ran away when we went to fetch water. We found a villager on that day and he told us to follow him to his village. He gave us food and we ate. Then KNU soldiers came to us. They told us not to worry and they sent us here."*

- Maung T--- (male, 39, Rakhine), Myin Pu township, Rakhine State (March 2006)

Military personnel attempt to instill an ever-present fear in porters to make them more compliant to orders as well as to undermine their will to abscond. Officers thus employ exemplary punishment on those who attempt to escape so as to convince others not to attempt the same. Further threats about escaping describe the dangers that porters will face should they manage to get away. Soldiers and officers tell porters that KNLA soldiers they encounter in the forest will slit their throats. And further, that the forest is so densely seeded with landmines, that they will most certainly step on one – mangling their bodies or killing them instantly - should they travel too far from military camps and patrols.



Three escaped porters in Papun District still wearing the uniforms they were given on departure from prison. [Photo: KHRG]

*"I ran away from the SPDC army because they asked me do too heavy work and did not give me enough food. The soldiers eat good food but do not feed us when they eat. We porters have been eating only fish paste and rice. The SPDC soldiers threatened us that if we ran away we would die from landmines and if KNU soldiers saw us, they would arrest us, order us to do the heavy work and then they would kill us. After I ran away the SPDC soldiers may have told the [other] convicts that I had died in the forest or that Karen soldiers had already killed me."*

- M--- (male, 33, Burman), Shwe Pyi Tha township, Rangoon Division (April 2006)

Some officers combine these threats with inducements, by telling the convicts that if they complete a month or two of portering they will then be pardoned and allowed to return home to their families. Such promises have often been made to convict porters over the past ten years, but are never honoured; instead, past experience shows that any convicts still with the troops when a military operation ends are either sent back to prison or to another military unit.

*“They [the SPDC soldiers] told us to stay with them, to complete the duty that they asked us to do and then they will give us recommendation documents and will send us back, but they did not do as they said.”*

- A--- (male, 30, Shan), Lashio township, Shan State (June 2006)

Despite the risks involved in flight, convict porters understand that their chances of living could hardly be worse. As a consequence, some attempt to flee whenever opportunities present themselves, such as when they are sent from a hilltop army camp to fetch water. Escaped porters told KHRG how they ran into the forest or sought to float down rivers to get away from their battalions. In some cases soldiers fired on fleeing porters and chased them down.

*“They threatened us [by saying that] if we ran away we would die from landmines or if the Nga Pway [pejorative slang for the KNU/KNLA used by SPDC soldiers] saw us they would kill us. I thought that if I continued to stay with the SPDC soldiers I would die anyway. I did not want to die there, so I ran away from there. We ran away when we went to carry water at 4:00 am. When we came to the side of a river we saw three other convict porters who had already run away. We joined with them and we became five people. We cut down bamboo. We made a raft and we crossed to the other side of the river. Before we arrived at the other side we heard gun shots. Three people jumped into the water and swam. Two of them arrived to the other side and one drowned in the water. His name was Ko San Myint and he was from Insein prison. One of my friends and I stayed on the raft. We floated downstream. I heard gun shots again. I jumped into the water and swam to the riverside but he stayed on the raft and I have not seen him since. His name was P'Dtee and he was from Mandalay prison.”*

- M--- (male, 21, Burman), Chan Mya Tha Si Township, Mandalay Division (April 2006)

As illustrated by the exemplary torture and killing of captured porters described above, the SPDC has foiled many attempts at escape. Notwithstanding those subsequently captured, large numbers of porters are able to successfully flee. Those interviewed by KHRG said that after escaping from military forces, they encountered Karen villagers who provided them with food and water and in some cases civilian clothing. After staying in villages for a short while, local villagers helped put escaped porters in contact with KNLA soldiers who provided them with further assistance. During interviews former porters expressed deep appreciation to the Karen villagers and KNLA soldiers who helped them.



Five escaped porters under the temporary care of local KNU officials in Papun District. [Photo: KHRG]

*“I could not carry heavy loads for the SPDC soldiers and so I ran away. One day when we were cooking our food I said to my friends, ‘I cannot continue to carry the loads. Tonight I will run away.’ We discussed how we would run away that night together and then that night we ran away together. We ran away from Kwih Kler on February 4<sup>th</sup> 2006 at 3:00 am. My friends ran away first, then I followed them. I heard soldiers shouting ‘Captain!... Captain!... the porters are running away,’ but they did not shoot us and I crossed the river to other side. I did not find my friend*

*that time but when I arrived at a village I found him again. I found him with an uncle [elderly man], who was Karen. He asked me, ‘What did you do and where did you come from?’ I answered him, ‘I am a convict porter who ran away from an SPDC army camp.’ He gave me food to eat, helped me and accompanied us from village to village. We walked four days and then we arrived here. When I met with Nga Pway [SPDC slang for KNU/KNLA] at first I was afraid of them. They were good to us. They gave us food to eat and then we were not afraid of them and we stayed and recovered with them. The SPDC soldiers told us that if Nga Pway saw us they would slit our throats, but the character of Nga Pway is not like what the SPDC soldiers had told us; it is very different from what the SPDC soldiers had told us. The SPDC soldiers told us that if we arrived [with the troops] as far as the last of their camps they would allow us to go back to prison again. But if SPDC soldiers caught the convict porters who ran away, they tortured them until they were nearly dead.”*

- Maung T--- (male, 35, Burman), Min Bu Township, Magwe Division (February 2006)

### **Options for Escaped Porters**

As the SPDC continues to press forward with its current offensive, increasing numbers of porters are escaping from military patrols. Those who manage to survive their escape and evade recapture inevitably end up in the care of the KNU. The support provided by local KNU officials is temporary at best and not a sustainable option for escaped porters. KNU resources are insufficient to support its own troops and the many displaced villagers under its care, let alone all escaped porters. While cross-border aid is urgently needed to help these men survive and recover, escaped porters must nonetheless decide on what to do next.

Many escaped porters express strong desires to return to their homes and reunite with their families. However, this is extremely difficult as most of them come from distant regions in Burma. Venturing through Nyaunglebin, Toungoo and northern Papun would see them collide with the very military units from which they fled. Even if they could bypass these areas, travel throughout Burma is heavily restricted with countless SPDC checkpoints requiring identification and toll payments in order to pass through. Furthermore, their knowledge of the local language and geography is limited and they risk recapture by SPDC soldiers and police anywhere they go. Nevertheless, many are prepared to take such risks and attempt the journey home.

*“The last time I stayed in camp there were ten convict porters and all of us were Rakhine. I ran away because I was afraid that I would die. I ran away while I was carrying rice for the SPDC soldiers. At the time [I ran away] the soldiers were not beside me. I think I will go back to my native land but I do not know how to go back from here. I will follow someone to go back. If I go back, I have no ID card, and I will lie to the SPDC police when they check me by saying my ID card was stolen by a pickpocket. If I cannot escape them I will be imprisoned again.”*

- K--- (male, 43, Rakhine), Bok Na Kyo township, Rakhine State (March 2006)



Escaped porters in Papun District pose for the camera with new clothing provided for them by Karen villagers and soldiers. These former porters now face the difficult task of travelling through SPDC-controlled areas in order to return to their homes. [Photo: KHRG]

*“I think I will go home because my mother is staying at home alone. Then I will try to find any kind of job.”*

- S--- (male, 22, Shan), Lashio township, Shan State (April 2006)

*“I want to go home. My mother is already 82 years old. My youngest child is over three years old and my whole family is facing a big problem now. I must go back home secretly to discuss things with my wife. Then they can all move to another place [with me] because if those who arrested me before find me, they will arrest me again. I do not know how to go back to my home... when I arrived at the Karen soldiers’ camp I dared to talk with them. They helped us. They gave us food and I thought about my family wanting to see me.”*

- A--- (male, 44, Chinese ethnicity), Tachilek township, Shan State (June 2006)

Some escaped porters, however, are wary of the possibility of re-arrest and would rather not return home if it meant taking such a risk. Crossing the border to reach refugee camps in Thailand is not an option for most, because these camps are only supposed to accept refugees of Karen or Karenni ethnicity, and many refugees in the camps would not want to accept former convicts. Finding employment as migrant workers in Thailand is a stronger possibility. However, exploitation, arrest and deportation are constant risks for everyone entering the migrant labour market, particularly men like these with no foreknowledge of the border areas or relatives nearby. Moreover, if identified by Thai authorities as former convicts these men would be handed directly across the border to the Burmese military, as has happened in some cases in the past.

*“I do not want to go back to my home. I will go back to another place and will work there and then I will inform my family to come to me. I do not want to go back to my home because I will be imprisoned again. I am already old and I do not want to be imprisoned again.”*

- H--- (male, 50, Rakhine), Sittwe township, Rakhine State (June 2006)

## V. Legal Framework

Although not absolutely proscribed under international law, forced labour is now highly circumscribed as a consequence of the widespread adoption of prohibitive treaties. Conventions outlawing forced labour include, *inter alia*, the 1926 Slavery Convention and the 1930 Forced Labour Convention (ILO Convention 29). The Slavery Convention commits States Parties to “recognise that recourse to compulsory or forced labour may have grave consequences and undertake, each in respect of the territories placed under its sovereignty, jurisdiction, protection, suzerainty or tutelage, to take all necessary measures to prevent compulsory or forced labour from developing into conditions analogous to slavery” (Article 5) and the Forced Labour Convention commits States Parties “to suppress the use of forced or compulsory labour in all its forms within the shortest possible period” (Article 1).<sup>8</sup>

Forced convict labour, however, has been less restricted under international law than has the forced labour of non-convicts. This can be explained as the result of a perceived legitimacy of delivering judicial sentences involving punitive labour. Notwithstanding the international leniency towards the use of convict labour, the manner in which such labour may be utilised is not unlimited. More specifically, the 1930 Forced Labour Convention and common article 3 of the 1949 Geneva Conventions provide for a minimum standard of treatment, which is applicable to convicts forced to porter in frontline military offensives in Burma.

As an established rule of customary international law, the Geneva Conventions are binding on all states regardless of their individual ratification status. Nevertheless, Burma ratified the Geneva Conventions in 1992, thereby acknowledging their international obligations to adhere to the rules of humanitarian law enshrined therein. Most of the regulations within the four Geneva Conventions are limited to international armed conflicts. However, common article 3, which enumerates basic principles of protection for victims of armed conflict, is stated as applicable in situations “of armed conflict not of an international character” and therefore applies to SPDC military campaigns throughout Karen State. Common article 3 does not address forced labour specifically, but it does articulate a minimum standard of treatment for those “taking no active part in hostilities” including those in “detention”. Under the regulations listed therein, the SPDC is bound to refrain from “violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture” as well as “outrages upon personal dignity, in particular humiliating and degrading treatment.” While common article 3 does not prohibit the use of convict labour in military operations, it does restrict the manner in which such labour may be employed and proscribes the abuse that SPDC forces regularly mete out to those convicts serving frontline duties. Given the habitual mistreatment, torture and killing of convict porters during military offensives, and the military’s failure to either prevent or punish such acts, the SPDC leadership is guilty, under the principle of command responsibility, for violations of its duty under international humanitarian law.

Although the 1930 ILO Forced Labour Convention does not prohibit the use of convict labour, it does articulate clear parameters delimiting the circumstances and manner in which such labour may be employed. Article 2.2c of the Convention states that the definition of forced labour excludes “any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations.” The Convention is therefore not applicable when these conditions for prison labour are met. In order to be permissible, however, there are two conditions specified here which the SPDC’s use of

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<sup>8</sup> Excerpts used here are taken from the 1930 Forced Labour Convention (ILO Convention 29), available online from the [ILO’s website](#); the 1949 Geneva Convention (IV), available on the [ICRC website](#); and the 1926 Slavery Convention, available from the website of the [United Nations High Commission for Human Rights](#).

convict portering does not satisfy: 1) the connection of forced labour to the sentence specified upon conviction; and 2) supervision by a public authority.

In the case of convict portering in Burma, the labour involved has never been articulated as part of the sentence. Typically, those convicted are sentenced to time in prison and often fined as well. Those convicted know nothing of forced portering for military operations until after having arrived at prison, as shown by the statements of porters cited earlier and statements like these:

*"I was sentenced on September 1<sup>st</sup> 2005 to three years in prison and fined 7,000 kyat, but I do not know the name of the judge. I was imprisoned in Sittwe's prison... I was taken out from prison [for porter duty] on January 29<sup>th</sup> 2006."*

- Maung K--- (male, 38, Rakhine), Kyaut Pyu Township, Rakhine State (March 2006)

*"I was sentenced on October 5<sup>th</sup> 2004... The judge of Sittwe sentenced me to 5 years in Sittwe prison... I was taken out from prison on January 29<sup>th</sup> 2006... There were 150 people taken out of prison at the same time."*

- K--- (male, 43, Rakhine), Bok Na Kyo Township, Rakhine State (March 2006)

Furthermore, convict labourers serving as frontline porters are under the control of battalion officers and rank-and-file soldiers. Such personnel are not "public authorities", as they have no administrative role at any level of government. Forced portering of convicts in Burma is thus not in conformity with the criteria for legitimate prison labour as defined in the Forced Labour Convention. The regulations governing forced labour, as enumerated within the Convention, are therefore applicable.

Under the Forced Labour Convention, only "adult able-bodied males" 18-45 years old (article 11.1) may be compelled to do so. Individuals may only be called upon to work 60 days out of every 12 months (article 12.1). Working hours must reflect what is prevalent for voluntary labour, overtime must be remunerated (article 13.1), and workers must be granted a "weekly day of rest" (article 13.2). In specific reference to forced portering, the Convention states that "the competent authority" is responsible for setting maximum limits on the loads to be carried (article 18.1.c) and for establishing whether potential porters are "medically certified to be physically fit" (article 18.1.b). State authorities must codify regulations pertaining to the above parameters and broadly disseminate those regulations (article 23.1) and investigate alleged violations as they are reported (article 23.2). The SPDC's recruitment and treatment of convict porters violates every one of these conditions. Many convict porters are over 45 years old, no fitness certification is carried out, no limits are set on working hours, no day of rest or payment is given, and no limits are set on the loads to be carried.

Burma became a State Party to the Forced Labour Convention in 1955 by ratifying the treaty. As a State Party, Burma is required to punish, as a penal offence, any violation of the Convention occurring in its territory (article 25). The practice of forced convict portering, as perpetrated by SPDC military units, has transgressed all of the regulations listed in the preceding paragraph. The SPDC is therefore in violation of its international legal requirements, as it refrains from punishing, or even investigating, the systematic abuse of convict porters at the hands of frontline military units, as in the current northern Karen State offensive.

## VI. Concerns

Given the limited regulation on prison labour within the Forced Labour Convention, there is a danger that the SPDC's use of convict porters may be viewed internationally as a legitimate alternative to the forced conscription of villagers for portering duty. However, as highlighted above, the SPDC's use of convict porters in military offensives is neither legitimate nor an alternative. KHRG field researchers have documented the continued use of villagers for portering duties throughout the current offensive. Convict labour is clearly not replacing that of villagers. Instead, convict labour is serving as a large-scale supplement to forced portering by villagers. Furthermore, the corrupt and ineffective police force, judicial system and prison system in Burma and the brutal treatment of convict porters by military forces undermine the credibility of any claim that this practice is in any way a legitimate part of the country's penal system. As a KHRG field researcher recently observed,

*"Every convict porter mentioned that police, judicial, prison and military personnel responsible for them sought to extort money, and thus abused their rights [to due process]. If judges received money from convicts they would change their verdict accordingly and if they did not receive money from convicts they would deliver an opposite verdict. The responsible prison personnel try to get money out of as many convicts as possible. They call convicts who do not want to porter and demand money from them. The police arbitrarily arrest people and the judges deliver inappropriate judgments."*<sup>9</sup>

In many of the cases documented in this report, prisoners were detained on trumped up charges for the purpose of extorting money or based on false testimonies about the guilt of third parties. Confessions were in some cases extracted under torture and the accused given little or no opportunity to mount a defence without the employment of a lawyer whose fees are beyond the means of most of those charged. Extorting money at all stages of the penal system is frequently the primary function of the process.

*"The police asked me for 10,000 kyat, otherwise they would arrest me. But I did not give any money to the police because I had no money to give them... The judge demanded 100,000 kyat from us, but we had no money to pay and so we were sentenced to three years in prison... Before we were taken out [for portering], the SPDC chief jailer called all of the prisoners and demanded 50,000 kyat from each convict who did not want to serve as a porter."*

- Maung S--- (male, 44, Rakhine), Thanddawe township, Rakhine State (March 2006)

Given the institutional corruption of Burma's penal system it is clear that many of those in prisons should not be there. While some of the convict porters interviewed by KHRG admitted to having committed murders for which they were subsequently charged, many of those who had actually committed crimes were only guilty of violating the SPDC's self-serving trade regulations. High tariffs demanded on all trade serve to squeeze out any last drop of financial benefit for the regime, while state-enforced monopolies prevent any 'legal' free trade by small traders, resulting in a pervasive black market. Most of the escaped porters from Rakhine State who were interviewed for this report were charged with black market trading of rice and cattle, as they had attempted to circumvent SPDC customs offices. Such black-market trading and many of the crimes involving petty theft and drug use can be ascribed to the country's current economic stagnation and financial mismanagement. Furthermore, the lengthy prison terms to which individuals are sentenced are disproportionately harsh for the severity of the crime. Possession of a small quantity of methamphetamines, for example, can lead to a sentence of 12 years imprisonment.

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<sup>9</sup> Situation report, KHRG field researcher, Papun district, 2006.

The dubious nature of many of the charges and the large-scale use of convict porters further suggests that Burma's penal system may be operating under a quota system for arrests. The need to secure a vast pool of ready labour may thus be one motivating factor, along with rampant corruption, for widespread arrest and imprisonment on groundless charges or negligible crimes. It is therefore important that outsiders monitoring the developments of forced labour in Burma recognise that many of those languishing in Burmese prisons and serving as convict porters have been sentenced under an illegitimate penal system. Convict portering is thus unjustifiable as one of the types of prison labour tolerated within the bounds of international human rights standards.

*"We are civilians. We have committed crimes. We have been imprisoned. But I don't believe that convicts belong to SPDC soldiers in this way."*

- S--- (male, 22, Shan), Lashio township, Shan State (April 2006)

## VII. Conclusion

The twenty-five porters interviewed for this report described an abusive system through which they were processed and delivered as porters to support military attacks on civilians in Karen State in eastern Burma. Within the SPDC's corrupt and inept police, judicial and prison systems individuals' actual guilt is rarely a concern. These institutions serve as mechanisms for extortion as well as for the recruitment for convict labour. Furthermore, convicts reaching the frontlines are subject to brutal mistreatment, torture and killing.

As the SPDC sustains its current offensive in northern Karen State and military units continue attacks against villagers hiding in the hills, convict porters serve as crucial supports to the overall campaign. Indeed, the ongoing militarisation of Karen State depends on the ability of SPDC forces to exploit the uncompensated labour of convicts and local villagers. The abuse of convict porters is thus a necessary component of the region's overall militarisation and not the isolated practice of rogue commanders.

This abuse by SPDC military personnel violates both local and international human rights standards. Porters recognise that they have a right to be free from forced labour on insufficient rest and rations as well as from the threats, beatings and risk of death to which soldiers continuously subject them. Moreover, the manner in which the SPDC employs forced convict portering in frontline military operations violates international humanitarian and labour law. This practice is thus not a legitimate alternative to the forced conscription of villager labour, which nevertheless continues despite the increased numbers of convict porters.

Given the concern that convict portering in Burma may mistakenly be viewed as a legitimate practice, international pressure on the SPDC over human rights abuses must also demand the humane treatment of those forced into this form of labour. Human rights must not be dependent on an individual's legal status. The use of convict porters in the manner employed by SPDC military forces is thus not a legitimate alternative to forced village labour.

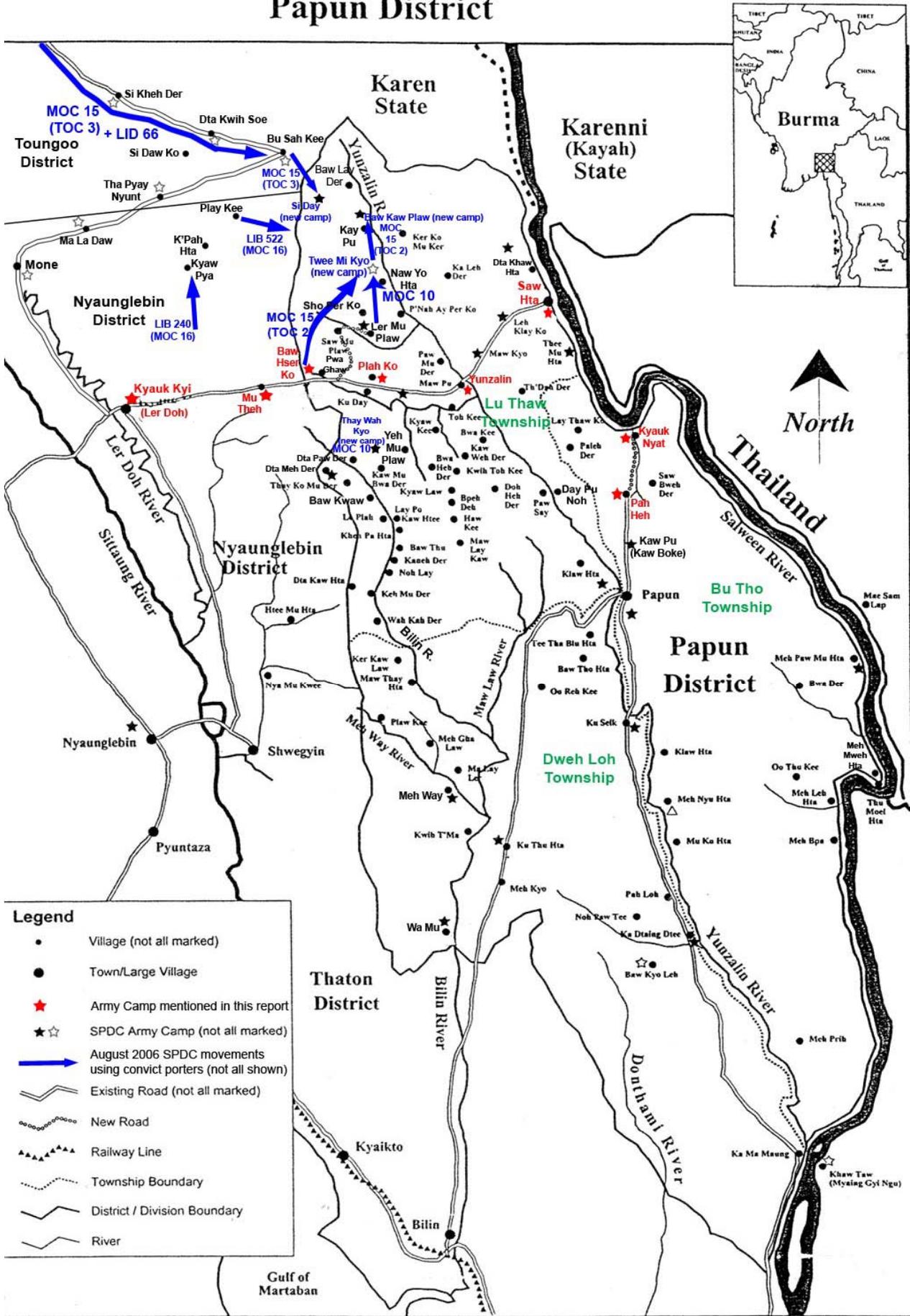
## VIII. Further reading

Many KHRG reports since 1992 contain information on convict portering. The reports listed below are among those that pay particular attention to this form of abuse:

- [\*Convict Porters: Falsely charged, brutally abused, and unable to go home\*](#) (KHRG #2006-B8, June 2006)
- [\*Abuses in SPDC-controlled areas of Papun district\*](#) (KHRG #2006-F3, April 2006)
- [\*Convict Porters: The brutal abuse of prisoners on Burma's frontlines\*](#) (KHRG #2000-06, December 2000)
- [\*Report by an escaped SLORC munitions porter\*](#) (KHRG, November 1992)

Photos related to convict portering are included in [\*KHRG Photo Gallery 2005\*](#), [\*KHRG Photo Set 2005A\*](#), and previous KHRG photo sets.

# Papun District



Scale: 1 cm to 7.5 km

Map by KHRG, Karen Human Rights Group

# Karen State (Kawthoolei)



- Legend (Not all features marked)**
- Small town / Village
  - Major town
  - ★ Federal capital
  - District Boundary
  - State Boundary
  - Federal Boundary
  - Vehicular Road
  - River

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Scale: 1 cm to 22 km  
1 in. to 35 miles

# Burma



**Legend**

- National/State/Divn capital, town
- 2006 offensive region
- ▲ Prison mentioned in this report
- State/Division boundary
- National boundary

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Scale: 1 to 800,000