



## **“We Are Like Forgotten People”**

**The Chin People of Burma: Unsafe in Burma,  
Unprotected in India**

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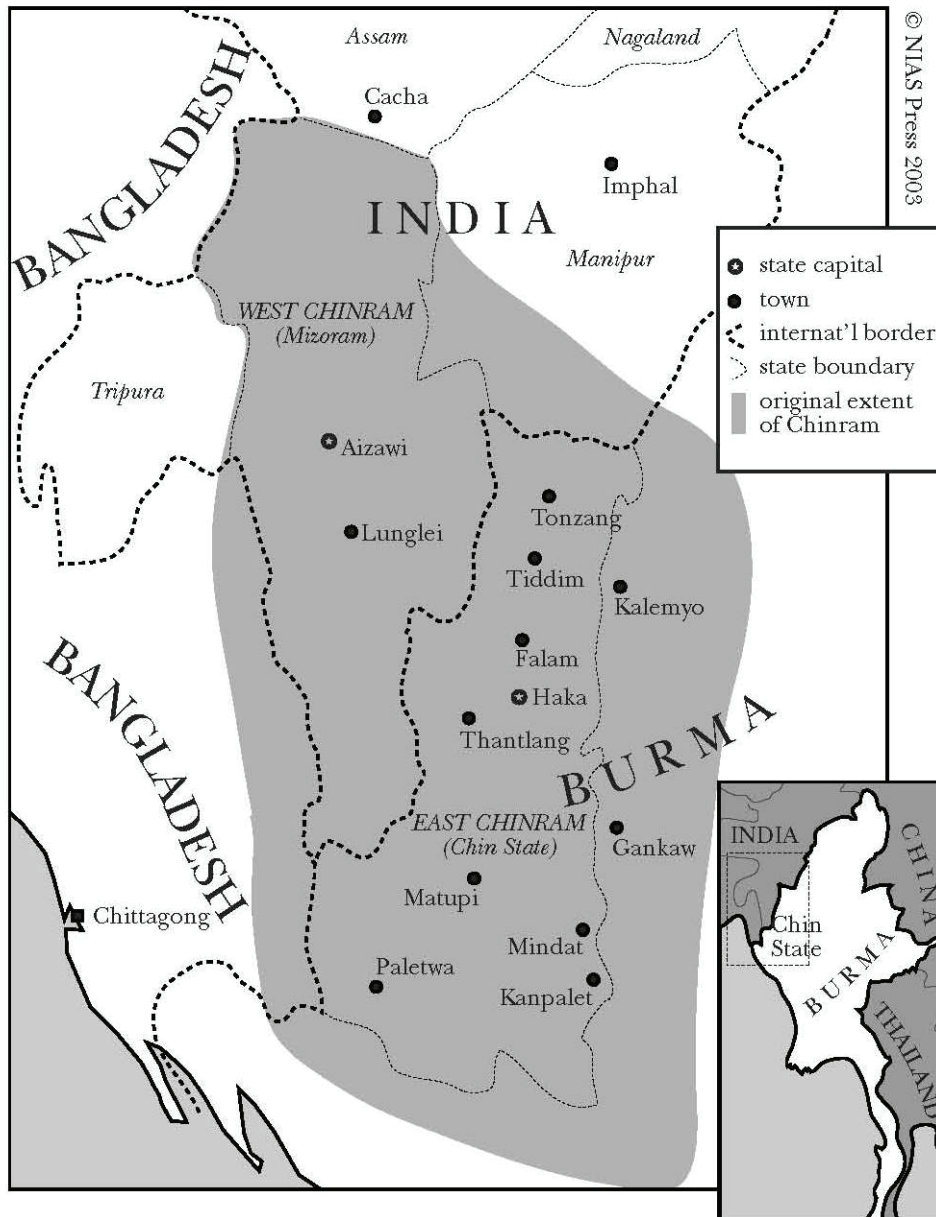
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## Map of Chin State, Burma, and Mizoram State, India



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## Map of the Original Territory of Ethnic Chin Tribes



© 2003 Lian H. Sakhong, *In Search of Chin Identity: A Study in Religion, Politics and Ethnic Identity in Burma* (Denmark: Nordic Institute of Asian Studies).

## I. Summary

[The military intelligence officers] tied my hands together and hung me from the ceiling. They used sticks to beat me. They had a tub of water and they covered my face with a cloth and would dunk my head under the water until I fell unconscious. When I regained consciousness, they would do it again. For the entire week, they didn't give me any water for drinking. I was so thirsty so I told them I wanted to use the toilet. When I got to the toilet I drank the toilet water.

—Former Chin political prisoner from Hakha township, Chin State, Burma

The army has called me many times to porter, more than 10 times. When I cannot carry their bags, they beat me. [The soldiers] get angry and slap us and kick us. They tell us to go faster. When I tried to refuse, they beat me. They said, 'You are living under our authority. You have no choice. You must do what we say.'

—Chin woman from Thantlang township, Chin State, Burma

We need protection. We can be deported back at any time by the Mizoram government or the YMA [Young Mizo Association]. Most of us will be killed or permanently jailed if we are deported to Burma. We are refugees, but we are not recognized as such.

—Chin refugee leader living in Lunglei, Mizoram, India

On the morning of October 20, 2007, L.H.L., a 28-year-old Chin university student, was leaving his village in Thantlang township to pay his exam fees at Kalaymyo University when *Tatmadaw* (Burmese Army) soldiers stopped him and ordered him to carry their rice rations to the next village, a three-hour journey by foot. When L.H.L. refused, the soldiers beat him and forced him to porter their bags of rice.

Upon arriving at the village, the soldiers ordered L.H.L. to continue to carry their supplies to an army camp several days away by foot. When L.H.L. refused, the soldiers ordered the local police to arrest him. He spent one week in a police lock-up confined to a small cell and provided with little food. To gain his release, the police forced L.H.L. to pay 300,000 Burmese Kyat (US\$255) and sign a statement agreeing to comply with military orders and to refuse any contact with the ethnic opposition under penalty of re-arrest. Before being

released, the police confiscated his national identity card. Without an identity card, L.H.L. could not travel outside his village. No longer able to attend university and living as a de facto prisoner in his village in fear of re-arrest, L.H.L. fled Chin State. Prior to this incident L.H.L. had served as a porter and forced laborer for the military more than 30 times.

L.H.L.'s account is one of many accounts from Chin State, Burma, where abuses have led tens of thousands to flee, mostly to India, but also to Malaysia and Thailand. The perpetrators are largely members of the Burmese Army, or *Tatmadaw*, and other agents of the military government, the State Peace and Development Council (SPDC).

Ethnic communities in Burma have long borne the brunt of abusive military rule, which has prevailed in the country since General Ne Win staged a coup against the democratically elected government in 1962. This report documents ongoing human rights abuses and repression in Burma's western Chin State, which borders India. The conditions faced by ethnic Chin are largely underreported, in part due to restrictions imposed by the military government and the inaccessibility of the region.

Chins interviewed by Human Rights Watch in India and Malaysia between 2005 and 2008 provided reports of serious abuse perpetrated by the *Tatmadaw* and SPDC government. These include extrajudicial killings, arbitrary arrest and detention, torture and mistreatment, forced labor, severe reprisals against members of the opposition, restrictions on movement, expression, and religious freedom, abusive military conscription policies, and extortion and confiscation of property. To a lesser extent, Chin interviewees reported that Chin opposition groups, such as the Chin National Front (CNF) and its armed division the Chin National Army (CNA), extort money and commit other abuses against Chin civilians.

In addition to the abuses perpetrated by the *Tatmadaw*, policies and practices of the military government have undermined the ability of Chin people to survive in Burma. Demands for forced labor by the military regularly disrupt people's trade, businesses, and daily work. Chin farmers and their families, who rely on their harvests for sustenance and livelihood, are particularly affected by the regular demands for forced labor. Arbitrary fees and extortion by the SPDC further hinder the ability to own, hold, and dispose of personal property and income. Ethnic and religious discrimination by the SPDC limit Chin Christians from obtaining better paying government jobs and promotions. Increased militarization of Chin State since 1988 when thousands were killed and imprisoned in a nationwide uprising against the military government has resulted in more abuses, causing many Chin to flee Burma.



This report also examines the discrimination and abuses Chin face in Mizoram State in India at the hands of voluntary associations and Mizoram authorities, and the continuing lack of protection for Chin refugees there. Mizoram State in India, which shares a 404-kilometer border with Chin State, is the primary destination for Chin fleeing from Chin State. According to Chin community leaders and long-time residents of Mizoram, the Chin population in Mizoram is estimated to be as high as 100,000, about 20 percent of the total Chin population in Chin State. In addition to proximity, the people of Chin State and Mizoram also share a common history and ethnic ancestry, making Mizoram a particularly attractive place for Chin to seek refuge.

Although most Chin go to Mizoram to escape ongoing human rights abuses and persecution, Chin in Mizoram also face abuses, severe discrimination, and religious repression. In part due to discrimination and their lack of legal status, they also face serious obstacles to finding jobs, housing, and affordable education. During periodic “anti-foreigner” campaigns, Mizo voluntary associations and the Mizoram authorities target the Chin and threaten them with forcible return to Burma. Thousands of Chins have been rounded up and forcibly returned by Mizo voluntary associations and Mizoram authorities.

Chin in Mizoram lack basic protection of their rights and adequate humanitarian assistance. India does not offer protections promised to refugees under international law. India has not signed the 1951 Convention Relating to the Status of Refugees or its 1967 Protocol, and the Chin face discrimination and threats of forced return by Mizo voluntary associations in collusion with the Mizoram authorities.

Only those who make the 2,460-kilometer trek to New Delhi, where the United Nations High Commissioner for Refugees (UNHCR) has an office, may have their refugee claims decided and be considered for resettlement to third countries. So far about 1,800 Chin have made their way to New Delhi, of whom UNHCR has recognized 1,000 as refugees. As many as 30,000 Chin have fled to Malaysia hoping to obtain UNHCR recognition.

In Mizoram, the state and federal governments do not recognize the Chin living along the border as refugees and bar UNHCR from accessing them. Although India is not a party to the Refugee Convention, it is nevertheless bound by customary law to respect the principle of *nonrefoulement*, which protects refugees and asylum seekers from being returned to any country where their lives or freedoms would be threatened.

With continuing reports of abuses and severe food shortages spreading throughout the impoverished Chin State, it is unlikely that the exodus from Chin State will slow anytime

soon. Without acceptance by the Mizo population, protection by the Indian and Mizoram government, or access to outside humanitarian assistance, the Chin in Mizoram live in constant uncertainty. According to one Chin woman interviewed by Human Rights Watch in Mizoram, India, “we are like forgotten people.”

The only hope for many Chin is change in Burma. For change to occur, the Burmese government should:

- End all human rights abuses, including extrajudicial killings, arbitrary arrest and detention, torture and mistreatment of prisoners, forced labor, severe reprisals against members of the opposition, restrictions on movement, expression, and religious freedom, extortion, abusive military conscription policies, and confiscation of property without due process or adequate compensation.
- Develop a legal framework to investigate, prosecute, and address abuses.
- Allow United Nations (UN) and humanitarian agencies unfettered access to all areas of Chin State.

Considering the prolonged presence of the Chin community in Mizoram and the likelihood of continued flows of Chin into Mizoram from Burma, Human Rights Watch urges the Indian government and Mizoram state government to:

- Prevent all arbitrary arrests, forced evictions, assaults, acts of intimidation, and forcible returns of Chin people by Mizoram authorities and Mizo voluntary associations, such as the YMA.
- Allow UNHCR access to asylum seekers and refugees living on the Mizoram-Burma border.
- Establish a process for Chin to obtain work permits and ensure labor protections extend to Chin laborers. Create accessible complaint mechanisms for Chin workers who face discrimination or abuse in the workplace. Remove and rehabilitate children involved in hazardous occupations in accordance with Indian law.
- Ensure all children have access to primary education without requiring proof of legal identity.

A more detailed set of recommendations are included at the end of this report.

## Methodology

Conducting on-site research into human rights abuses in Burma is an especially difficult task, not least because of the security risks to victims and witnesses. While the ruling SPDC does not bar foreign tourists or nongovernmental organizations from traveling to or operating in Chin State, it does restrict movement in many rural areas of the state. Permission is required from national and local authorities. Foreigners are often under close scrutiny, and few foreign journalists have been able to report from Chin State in the past several years. Burmese citizens who speak with foreign journalists and researchers face serious consequences, including loss of livelihood, arrest, detention, and torture. For these reasons, all interviews for this report were conducted in India, Malaysia, and Thailand.

In preparing this report, Human Rights Watch conducted approximately 140 interviews with members of the Chin community, including 42 Chin women and six Chin children, Chin refugee and community leaders, representatives of Chin nongovernmental organizations, and many others. Researchers conducted interviews between January 2005 and October 2008 in India, specifically in New Delhi, Mizoram, Manipur, and Meghalaya. Human Rights Watch conducted additional interviews with Chin leaders and members of the community in Thailand and Malaysia during 2008. Although some interviewees had lived in exile for years, the majority of those interviewed for this report had fled Burma since 2006 and were able to provide information on current conditions in Chin State, Burma. Interviewees included Chin cross-border traders who continue to live in Burma, new refugees who fled Burma in 2008, as well as older refugees who fled Burma as earlier as 1988.

Interviews were conducted in English, Burmese, and various Chin dialects, including Lai, Falam, Matu, and Mara. As many interviewees continue to lack protection and may be subject to reprisals, Human Rights Watch has withheld the names and identifying information of the interviewees. Where possible and in a majority of cases, interviews were conducted on a one-on-one basis. All those interviewed were informed of the purpose of the interview, its voluntary nature, and the ways in which the data would be used, and orally consented to be interviewed. All were told that they could decline to answer questions or could end the interview at any time. None received compensation.

This report examines human rights and livelihood issues in Chin State and parts of Sagaing Division, a neighboring area in Burma with a substantial Chin population, the resulting exodus from Chin State and Sagaing Division to the India's northeastern state of Mizoram, and the protection and livelihood problems they face in Mizoram. It does not examine the

livelihood and protection issues faced by Chin in New Delhi, or of those who have gone to other countries, such as Thailand or Malaysia.

Human Rights Watch sought the perspective of the Mizoram state government by sending a letter by fax to the Chief Minister of Mizoram State, copied to the Indian Permanent Representative to the United Nations, and the Indian Ambassador to the United States in October 2008. The same month Human Rights Watch also sent a letter by fax and email to the New Delhi office of the United Nations High Commissioner for Refugees (UNHCR). The letters aimed to obtain data and solicit views on the human rights situation of Chins in India, and the policies and procedures for granting them refugee status or returning them to Burma. In December 2008, Human Rights Watch resent the letters. There was no response from Indian government officials. On December 17, UNHCR confirmed receipt by email, but stated it did not receive the original fax. The fax was resent on December 17, 2008. No further reply was received. (See section VIII Appendix for copies of the letters).

## II. Background

### Brief Political History of the Chin

Located in the remote mountain ranges of northwestern Burma, Chin State is home to an estimated 500,000 ethnic Chin.<sup>1</sup> While the term “Chin” generally refers to one of the many ethnic groups in Burma, the Chin themselves are ethnically and linguistically diverse.<sup>2</sup> At least six primary Chin tribal groups can be identified and sub-categorized into 63 sub-tribes, speaking at least 20 mutually unintelligible dialects.<sup>3</sup>

For centuries, Chin societies existed largely free from outside interference and influence, governing themselves under a system of local chiefdoms.<sup>4</sup> Chin territory originally encompassed not only the Chin Hills of modern-day Burma, but also neighboring regions of Burma, Bangladesh, and India’s northeastern states of Mizoram and Manipur. Foreign occupation by the British in the 18th century, however, marked the end of a unified and free Chinland.

From 1872 to 1889, the British invaded the Chin territory from Bengal (present day Bangladesh) in the west, through India’s Assam State in the north, and from Burma in the east. Following these military incursions, the British assumed control over a large part of Chin territory and divided the area into separate administrative zones: a southwestern territory governed by the British Governor of Bengal; a northwestern territory controlled by the British Governor of Assam; and an eastern portion governed by British-controlled Burma. Effectively, these separate governance structures divided the Chin into three populations and set the Chin people of Burma, India, and Bangladesh on different courses.<sup>5</sup>

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<sup>1</sup> Chin Development Initiative, “Facts about Chin State and its People,” unpublished document on file with Human Rights Watch, March 2006.

<sup>2</sup> In 1989 the military government unilaterally changed the name of the country from Burma to Myanmar. The United Nations and many of its members recognize this change, but due to the illegality of the military coup the previous year, Human Rights Watch uses the name “Burma.”

<sup>3</sup> Lian H. Sakhong, *In Search of Chin Identity: A Study in Religion, Politics and Ethnic Identity in Burma* (Denmark: Nordic Institute of Asian Studies, 2003), pp. 17-19. The name Chin is not accepted by all the people of Chin State as a common ethnic name. Some prefer to be identified by their tribal affiliations (e.g., Asho, Cho (Sho), Khuami (M’ro), Laimi, Mizo (Lushai), Zomi (Kuki)). To demonstrate the pervasiveness of abuses across ethnic lines, this report contains information and personal accounts of interviewees representing all the main Chin sub-tribes. For the sake of simplicity, this report uses the term Chin to refer singularly to all the Chin tribes living in Burma. Similarly, the term Mizo is used to refer to all the peoples of Mizoram, although there are many tribes represented in Mizoram.

<sup>4</sup> Chao-Tzang Yawngwe and Lian H. Sakhong, eds., *The Fourth Initial Draft of the Future Chinland Constitution* (Thailand: United Nationalities League for Democracy (Liberated Areas), 2003), pp. 23-26.

<sup>5</sup> *Ibid.*

The 1886 Chin Hills Regulation Act governed the administration of Chin territory allocated to British-occupied Burma. Under this Act, the British agreed to govern the Chin separately from Burma proper. In contrast to the administration of Burma proper controlled directly by the British crown, the Act provided that Chin traditional chiefs would maintain their positions of authority with only indirect governance by the British.<sup>6</sup>

In 1939, as World War II broke out across Europe, prominent student leader Aung San and other Burman nationalists took the opportunity to challenge British rule. Allied with the Japanese, Aung San and the “30 comrades” formed the Burma Independence Army and took control of Burma proper by May 1942. As the British retreated to India, Chin State turned into a strategic battleground. Mistrustful of the Burmans and benefiting from British missionaries, the Chin aligned themselves with the British and fought against the advancing Burma Independence Army and Japanese forces, earning Burman resentment. In August 1943, the Japanese declared Burma an “independent” nation. When the Japanese refused to relinquish control of the government, the renamed Burma National Army turned to the British in order to expel the Japanese from Burma.

As the Burmans negotiated for independence from Britain, Aung San reached out to the Chin and other ethnic nationalities included under the administration of British-occupied Burma. The Chin, along with the Kachin and Shan ethnic groups, participated in the Panglong conference organized by Aung San and agreed to sign the Panglong Agreement of February 12, 1947, an essential document for Burma’s independence. In it, the signatories agreed to cooperate with the interim government of “Ministerial Burma” led by Aung San. The agreement guaranteed the establishment of a federal union and autonomy for the ethnic states.<sup>7</sup> But the resulting draft constitution failed to satisfy many of the demands of the ethnic groups and set the stage for lasting civil conflict.

Independence further solidified the division of the Chin people through the demarcation of international boundaries. With Burma’s independence from Britain on January 4, 1948, the eastern Chin Hills were incorporated into the federal union of Burma. Similarly, with India’s independence a year earlier, the western Chin Hills became India’s northeastern state of Mizoram. Since this time, Burma’s Chin State has encompassed nine townships, including Tonzang, Tiddim, Falam, Thantlang, Hakha, Paletwa, Matupi, Mindat, and Kanpalet. The

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<sup>6</sup> Ibid.

<sup>7</sup> Although the Chin intended to demand a state during the Panglong Conference, this demand was not communicated due to the lack of a competent interpreter. As a result, the Chin territory was initially incorporated into the Union as a Special Division. The Chin did not receive statehood until 1974. Like many of the ethnic nationalities who became a party to the Panglong Agreement, the motivation for the Chin was not so much an interest in joining a federal union but more to hasten their own sovereignty and independence from colonial rule. Sakhong, *In Search of Chin Identity*, p. 214.

borders of Chin State are demarcated by Bangladesh to the southwest, India to the west and northwest, Burma's Arakan State to the south, and Magwe and Sagaing Divisions to the east. Today, the largest populations of Chin continue to be divided between Chin State in Burma and Mizoram State in India.<sup>8</sup>

The assassination of Aung San in 1947 led to an independence fraught with disappointment and instability in Burma. A military coup in 1962 ended Burma's democratic system and began nearly 50 years of military rule.

### **Political Reform Since 1988**

Frustrated by more than two decades of military rule and economic decline, nationwide protests broke out on August 8, 1988, with hundreds of thousands calling for democratic change in Burma. The military responded to the demonstrations, commonly referred to as the 8-8-88 uprising, with unrestrained violence. The army killed an estimated 3,000 people during the weeks of the crackdown and imprisoned many more.

In the lead up to the August 8 protests, the authorities closed Burma's universities and high schools and sent ethnic students home. Chin students went back to Chin State and took the lead in organizing demonstrations. In Hakha town, the police arrested student leaders several days into the protests but released them soon after when villagers threatened to storm the police station. On September 18, the students took over the government offices. The State Law and Order Restoration Council (SLORC), the military government in power in 1988, sent in Infantry Battalion number 89 (IB 89) from Kalaymyo at the end of September to suppress the student movement and place public offices under SLORC control.<sup>9</sup>

After the crackdown, SLORC announced that elections would be held in May 1990. The National League for Democracy (NLD) led by Aung San Suu Kyi, Aung San's daughter, quickly emerged as the leading opposition party. Threatened by Suu Kyi's growing popularity, SLORC placed her under house arrest in July 1989.

Despite such tactics, the NLD won a landslide victory in the 1990 elections, winning 392 out of 485 seats. Chin candidates took 13 seats representing five parties and two

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<sup>8</sup> Ibid.

<sup>9</sup> Human Rights Watch interview with Victor Biak Lian, former student leader and member of the Ethnic Nationalities Council, Chiang Mai, Thailand, May 28, 2008; Human Rights Watch interview with A., Lunglei, Mizoram, India, March 4, 2008.

independents.<sup>10</sup> But SLORC nullified the results, claiming a constitution first had to be drafted. Following the elections, the authorities hunted down and imprisoned hundreds of political opponents. Since that time, military rule has continued in Burma, changing only in name (in 1997) to the State Peace and Development Council (SPDC).<sup>11</sup>

The process of drafting the constitution took place sporadically between January 9, 1993 and March 31, 1996, resuming again from May 2004 until September 2007. But the military authorities fully controlled these sessions, handpicking a majority of the National Convention delegates.

In September 2007, as large-scale protests for democratic change gained momentum throughout the country, the SPDC announced the closing of the final session of the National Convention. In the weeks that followed, the military government engaged in a brutal crackdown against thousands of monks and peaceful protestors. Human Rights Watch's December 2007 report, *Crackdown: Repression of the 2007 Popular Protest Movement in Burma*, provides a detailed account of the protests and the brutal crackdown and mass arrest campaign that followed.<sup>12</sup>

Shortly after the crackdown, the SPDC formed a 54-member Commission for Drafting the State Constitution, which excluded political opposition leaders and non-Burman ethnic representatives. The military government held a referendum on its draft constitution in most parts of the country on May 10, 2008, despite the massive loss of life and devastation in the Irrawaddy delta region caused by Cyclone Nargis that struck only a week before. Following the May vote, the military government announced on May 27 a 92.8 percent popular approval of the constitution with a 98 percent voter turnout. The international community denounced the drafting process, referendum, and resulting constitution as nothing more than a "sham" devised by the military government to ensure future military rule under the cloak of a civilian parliamentary system. Human Rights Watch's May 2008 report, *Vote to Nowhere: The May 2008 Constitutional Referendum in Burma*, analyzed the repressive

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<sup>10</sup> Four Chin candidates who won parliamentary seats in the 1990 election were members of the National League for Democracy, three were members of the Chin National League for Democracy, two were with the Zomi National Congress, one was a member of the Mara People's Party, one was with the National Unity Party, and two ran as independents.

<sup>11</sup> Human Rights Watch, *Vote to Nowhere: The May 2008 Constitutional Referendum in Burma*, May 2008, <http://hrw.org/reports/2008/burma0508/>.

<sup>12</sup> Human Rights Watch, *Crackdown: Repression of the 2007 Popular Protests in Burma*, vol. 19, no. 18(C), December 2007, <http://hrw.org/reports/2007/burma1207/>.



conditions under which the referendum was conducted as well as the provisions of the draft constitution.<sup>13</sup>

## Chin Resistance and the Chin National Front (CNF)

Armed insurgency groups have been operating in the ethnic Chin areas since Burma's independence in 1948. These groups became a focal point of the opposition movement following the 8-8-88 uprising as the military heightened its presence throughout the country. It was at this time that the Chin resistance movement gained momentum.

The Chin National Front (CNF) and its armed branch, the Chin National Army (CNA), is the largest organization with a sustained presence in the Chin resistance movement. Ethnic leaders opposed to military rule in Burma established the CNF in Mizoram on March 20, 1988, just months before the 8-8-88 uprising. As many Chin student leaders fled across the border into Mizoram to escape arrest by the army, they filled the ranks of the CNF and joined the armed struggle against the military government.

Over the years, the operations of the CNA have been considerably reduced by the military might of the occupying *Tatmadaw* in Chin State.<sup>14</sup> In practical terms, the CNA no longer presents any significant military threat to the government. Actual conflict between the *Tatmadaw* and the CNA is limited to small-scale firefights between *Tatmadaw* soldiers and heavily outnumbered CNA soldiers.

Events in the CNF/CNA's long and complicated history have exacerbated ethnic divisions between Chin of the Laimi sub-tribe, particularly between Laimi Chin from Falam township who speak a Falam-dialect and are commonly referred to as Falam Chin and Laimi Chin from Hakha and Thantlang townships who speak a Lai-dialect and are commonly referred to as Lai Chin.<sup>15</sup> Although Tial Khar, a Falam Chin, founded the CNF/CNA in 1988, shortly after its formation Lai Chin began to dominate the membership and positions of power in the

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<sup>13</sup> Human Rights Watch, *Vote to Nowhere: The May 2008 Constitutional Referendum in Burma*, May 2008, <http://hrw.org/reports/2008/burma0508/>.

<sup>14</sup> The term "Tatmadaw" is a Burmese word that translates literally as "armed forces," which includes the army (*Tatmadaw Kyi*), air force (*Tatmadaw Lay*), and navy (*Tatmadaw Ye*). In this report, we refer to the *Tatmadaw Kyi* as *Tatmadaw*. Chin people do not use the word *Tatmadaw* as it is Burmese, so quotations from Chin people refer to "Burma Army."

<sup>15</sup> The Laimi Chin sub-tribe primarily includes Chin tribes located in Falam, Hakha, and Thantlang township. For example, the Laizo, Khuangli, Khualsim, Zahau, Zanngiat, Lente, and Ngawn tribes of the Laimi are primarily located in Falam township. The other Laimi sub-tribes are located in Hakha and Thantlang townships. Due to geographical and linguistic differences, Chin from Falam township are commonly referred to as Falam Chin and Chin from Hakha and Thantlang township are referred to as Lai Chin although they belong to the same Laimi Chin tribe.

CNF/CNA.<sup>16</sup> Many Falam Chin left CNF/CNA after Falam leaders broke away from the CNF/CNA in the early 1990s. Over the years, Falam leaders formed several Falam-based resistance groups, including the Chin Integrated Army (CIA), the Chin Liberation Council (CLC), and the Chin National Confederation (CNC). These groups have been relatively short lived and today are mostly inactive in Chin State. Lai Chin continue to comprise the majority of CNF/CNA's membership.

Although increased dialogue and collaboration has drastically improved relations between the various Chin sub-tribes, many Chin remain skeptical of the political agenda and motives of the CNF/CNA. This, combined with the SPDC's harsh treatment of anyone suspected to be affiliated with the CNF/CNA and the CNF/CNA's own alleged role in abuses, has resulted in a lack of popular support for the CNF/CNA in some parts of Chin State, particularly among the Falam Chin.

### *Chin Unity in Diversity*

Although its people comprise only three percent of the total population of Burma and its territory makes up just five percent of the total landmass of Burma, Chin State is one of the most ethnically diverse states in Burma.<sup>17</sup> Chin tribal diversity developed over the centuries largely due to isolationism created by steep mountains that typify the Chin homeland. The Chin people belong to six main tribes and 63 distinct sub-tribes differentiated by dialect and cultural variations but connected by a common history, geographical homeland, traditional practices, and ethnic identity.<sup>18</sup>

Chin ethnic identity arose as the British established borders that divided the Chin people. Prior to the arrival of the British, ethnic identity was primarily based on exclusive tribal affiliations. When the British incorporated the Chin tribes into the much larger, multi-ethnic British Empire, this forced the Chins to see themselves as much more similar than different. British influence on Chin traditional society and the rapid spread of Christianity among the Chin led to a further break down of tribal barriers and increased recognition of ethnic commonality.<sup>19</sup>

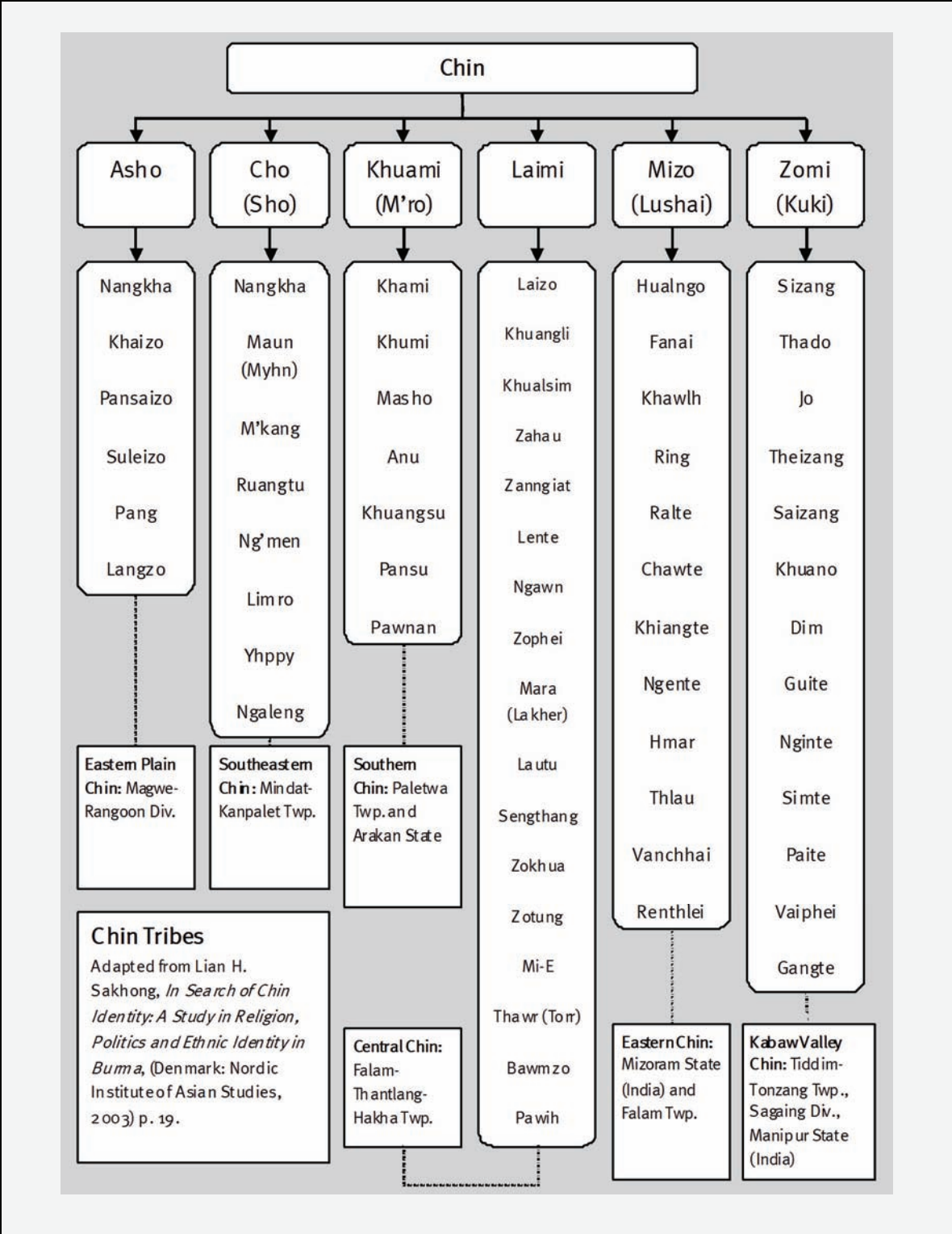
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<sup>16</sup> Soon after the formation of the CNF, many Chin student leaders who were involved in the 8-8-88 uprising came to Mizoram. These former students were largely Lai Chin. Only a year after its formation, No Than Kap, a Falam Chin, replaced Tial Khar as the Chairman of the CNF. Ethnic tensions between the Laimi Chin intensified after the overthrow of No Than Kap and allegations of his attempted assassination by Lai leaders in 1992. After this, many within the Falam Chin community left CNF/CNA. See Human Rights Watch interview with Dr. Sui Khar, the Joint General Secretary of the CNF, External Affairs Department, Chiang Mai, Thailand, May 30, 2008; Human Rights Watch interview with Victor Biak Lian, Chiang Mai, Thailand, May 28, 2008; Human Rights Watch interview with S.T., Aizawl, Mizoram, India, July 2005; See also Pu Lian Uk, "Suppression of Chin National Movement for Federalism under the Revolutionary Council and the Burma Socialist Programme Party," in the *Chin Forum Magazine* (Thailand: The Chin Forum, 2008), p. 43.

<sup>17</sup> Harn Yawngwe, "The Non-Burman Ethnic People of Burma," in Chao-Tzang Yawngwe and Lian H. Sakhong, eds., *The New Panglong Initiative: Rebuilding the Union of Burma* (Thailand: United Nationalities League for Democracy (Liberated Areas), 2004), p. 52.

<sup>18</sup> Lian H. Sakhong, *In Search of Chin Identity: A Study in Religion, Politics and Ethnic Identity in Burma* (Denmark: Nordic Institute of Asian Studies, 2003), pp. 17-19.

<sup>19</sup> *Ibid.*, pp. 155-161.



## Chin Migration to Mizoram

The border demarking Mizoram and Chin State is of relatively recent origin—it is a creation of British rule—and significant migration between Mizoram and Chin State continues.<sup>20</sup> Sharing a common history, ethnic ancestry, and cultural practices, Chin State and Mizoram have had a long history of cordial border relations.

In 1959, a famine caused by the flowering of a particular type of bamboo severely affected the people of Mizoram.<sup>21</sup> An underground movement for statehood in Mizoram gained momentum with accusations that the Indian authorities failed to take appropriate measures to respond to food shortages. Led by the Mizo National Front (MNF), armed struggle in Mizoram against the Indian government continued for more than two decades. During this time, some MNF activists and insurgency fighters took sanctuary in Chin State.

In the 1970s, an increasing number of Chins from Burma traveled to Mizoram to fill the growing demand there for cheap sources of labor. At this time, the Chin faced very few problems and, because they shared ethnic similarities, integrated easily into Mizo society.

In 1986, the conflict between the MNF and the government of India ended with the signing of an agreement promising that Mizoram would become a state in its own right within the Indian federal system. Less than one year later, on February 20, 1987, Mizoram officially received statehood. During this same time in Burma, tension between the ruling military government and the people of Burma was dramatically increasing, culminating in the protests and crackdown of 1988. Since that time, and in the face of increasing abuses in Burma, many Chin have fled across the border in search of safety in Mizoram State.

Due to the porous border and closed nature of the Chin community living in Mizoram, it is impossible to accurately determine the number of Chin currently living in Mizoram. Chin

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<sup>20</sup> The names “Chin” and “Mizo” are commonly used to refer to all the peoples of Chin State, Burma and Mizoram State, India, respectively. These designations, however, are creations that arose after the establishment of the border separating modern-day Mizoram and Chin State. In an attempt to strengthen unity and the concept of a common ethnic identity within Chin State, Chin nationalist leaders popularized the term “Chin” following Burma’s independence from Britain. Similarly, the term “Mizo” gained popularity during Mizoram’s fight for statehood in the 1960s. The terms “Chin” and “Mizo,” however, is not accepted by everyone as a common ethnic name within Chin State and Mizoram State, respectively. Some prefer to be identified by their ethnic tribes (e.g., A sho, Cho (Sho), Khuami (M’ro), Laimi, Mizo (Lushai), Zomi (Kuki)), which exist in both Chin State and Mizoram State.

<sup>21</sup> When the bamboo flowers it produces a fruit, which attracts rats. When the fruit supply is exhausted, the rats turn on farmer’s crops, destroying their harvest. This phenomenon occurs every 50 years and started to affect parts of Mizoram and Chin State in 2006. For more information on this phenomenon, see section below entitled “Flowering Bamboo and Famine.”

community leaders and long-time residents in Mizoram estimate that 75,000 to 100,000 Chin from Burma live in Mizoram.<sup>22</sup>

### *India-Burma Relations*

As sister colonies under British rule, India and Burma developed long-standing amicable relations, which have continued through the years. By incorporating remote ethnic territories into the British Empire, Britain established the 1,640-kilometer border between India and Burma, providing a strategically and geo-politically important connection between the two countries.

India's attitude towards Burma, however, took a distinct turn following the 1988 uprising in Burma. New Delhi immediately froze its relations with Rangoon and sharply criticized the actions of Burma's military government. India openly welcomed pro-democracy refugees.<sup>23</sup> To accommodate the incoming refugees from Burma, the Indian government provided support to refugee camps on the border, including food, water, sanitation, and medical services.<sup>24</sup>

Despite continuing human rights violations in Burma and the exodus of refugees into India, New Delhi has since altered its policy on Burma. Strategic and economic interests, particularly the growing influence of China in Burma, led India to open dialogue with the military government. In 1992, India officially resumed contact with Rangoon, initiating high-level meetings between Indian officials and Burma's Generals. In January 1994, the two countries signed an agreement to cooperate to suppress insurgencies based along the Indo-Burma border. This entailed several joint military operations which have resulted in the arrest of members of Burma's ethnic opposition forces operating on the Indo-Burma border, including members of the CNF and the CNA.<sup>25</sup> In turn, the Burmese authorities have

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<sup>22</sup> Human Rights Watch interview with N.K.T., a long-time resident and teacher in Mizoram, Champhai, Mizoram, India, October 2005 (estimating that 80,000 Chin live in Mizoram); Human Rights Watch interview with P.H.L. Saiha, Mizoram, India, August 2006 (putting the population at 70,000); Human Rights Watch interview with Colin Gonzales of UNHCR's partner agency Socio-Legal Information Center (SLIC), New Delhi, India, January 31, 2005 (reporting 62,000 Chin in Mizoram). See also U.S. Committee for Refugees and Immigrants, "World Refugee Survey- 2008," 2008, <http://www.refugees.org/countryreports.aspx?id=2143> (accessed July 22, 2008) (reporting a population of 75,000 ethnic Chin in Mizoram State, India); Julien Levesque and Mirza Zulfiqur Rahman, "Tension in the Rolling Hills: Population and Border Trade in Mizoram," Institute of Peace and Conflict Studies, April 2008, <http://ipcs.org/IPCS-ResearchPaper14.pdf> (accessed July 22, 2008) (estimating 75,000 to 100,000 Chin in Mizoram State).

<sup>23</sup> The Indian External Affairs Minister, Narasimha Rao, issued strict orders not to turn back any refugees from Burma seeking shelter in India.

<sup>24</sup> In Mizoram, a camp in Champhai was established around mid-October 1988. The camp housed 200 refugees at its height. Another Mizoram camp located in Saiha was established around the same time and housed about 20 refugees. The Saiha camp existed only two to three months before merging with the Champhai camp. On June 1, 1995, the Mizoram government issued Order 37 to close the camp.

<sup>25</sup> In April 1995, Indian security forces attacked a CNF camp in Mizoram and arrested the vice president and a soldier of the CNF. Both were killed in Indian custody. Indian security forces attacked and destroyed additional CNF camps in Mizoram in 1997, 1999, 2002, and 2005, including CNF's headquarters in Mizoram, "Camp Victoria." In June 2005, Indian security forces arrested and deported to Burma 12 members of the Chin National Confederation (CNC). Aung Zaw, "Chins Feel the Pinch," *The Nation*, March 2, 1997; "Indian Army Attacked Burma Rebel Camp," *Mizzima*, July 3, 1999; "State Govt Arrests 12 CNC members," Newslink, June 10, 2005; "Indian Government Started to Crack Down Camp Victoria," *Khonumthung News*, June 21, 2005.

assured support in containing separatist groups that operate in northeastern India who have hideouts across the border.

India resumed trade relations with Burma in 1994. Today India is one of Burma's largest export markets, with significant investments in Burma's extractive industries, agriculture, fisheries, and other industries. Bilateral trade amounts to more than US\$650 million, and in late October 2008 the two countries increased border trade.<sup>26</sup>

India has become a significant funder of infrastructure development in Burma, including the upgrading of road networks in the north, extension of roads from the border at Moreh in Manipur State to Kalewa and Mandalay in Burma, and river networks and port upgrades along the Kaladan river and at Sittwe. These projects are ostensibly intended to boost trade, development, and security in the region where Burma borders Northeast India but also overlap with India's energy interests. Two Indian state-controlled energy companies are part of a consortium formed to extract gas off the coast of Western Burma.<sup>27</sup> India had hoped that its ties to Burma would help it secure the rights to buy that gas as well. Instead, the consortium confirmed in late December 2008 that China won the purchase contract and would transport the gas via an overland pipeline all the way across Burma.<sup>28</sup>

Amid improving relations with Rangoon, the Indian government refused to recognize or support new camps that the Chin established along the Mizoram border in 2003.<sup>29</sup> Meanwhile, the central government in New Delhi has also failed to prevent the Mizoram authorities from arbitrarily arresting and forcibly deporting members of the Chin community in Mizoram.

As India has increasingly prioritized its economic and political relations with the SPDC, its support for Burma's opposition movement—fighting for democracy and human rights in Burma—has faded away, as has its humanitarian concern for the protection of refugees from Burma. New Delhi claims it cannot ignore a crucial neighbor and has to engage with the government of the day.

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<sup>26</sup> Mungpi, "India, Burma agree to expand border trade," *Mizzima News*, October 17, 2008.

<sup>27</sup> Matthew Smith and Naing Htoo, "Energy Security: Security for Whom?" *Yale Human Rights and Development Law Journal*, vol.11, 2008, pp. 217-58; Renaud Egretreau, "India and China Vying for Influence in Burma-A New Assessment," *Indian Review*, vol.7, no.1, January-March 2008, pp. 38-72.

<sup>28</sup> "CNPC and a Myanmar gas consortium sign natural gas purchase and sale agreement," PetroChina press release, December 26, 2008. For a background to these projects, see "Burma: Targeted Sanctions Needed on Petroleum Industry," Human Rights Watch news release, November 18, 2007 (<http://www.hrw.org/en/news/2007/11/18/burma-targeted-sanctions-needed-petroleum-industry>).

<sup>29</sup> Sihmui camp, located 20 kilometers from Aizawl, Mizoram, housed 120 Chin, and Vombuk camp, located in Saiha, Mizoram, housed 75 Chin. A UNHCR partner group provided food and basic necessities for only two months. The Mizoram government ordered the camps shut in October 2004.

## Economic Conditions in Chin State

Four decades of military rule, political instability, and economic mismanagement has resulted in widespread poverty across Burma. According to a 2005 United Nations Development Program (UNDP) household survey, one-third of the population in Burma lives below the poverty line.<sup>30</sup> In Chin State some 70 percent of the population lives below the poverty line and 40 percent are without adequate food sources.<sup>31</sup> The lack of infrastructure, natural resources, and economic opportunities compounded by SPDC policies and pervasive human rights violations described in the following chapter, induce and exacerbate poverty in Chin State. The situation has worsened due to famine in Chin State in recent years.

The SPDC places stringent limits on humanitarian aid through its 1996 “Guidelines for UN Agencies, International Organizations, and INGOs/NGOs.” These rules limit travel within the country, and impose complicated bureaucratic procedures on organizations implementing development projects in Chin State.

Largely an agricultural-based society, for centuries the Chins have survived by cultivating the Chin Hills. About 85 percent of Chins today in Chin State rely on rotational, slash-and-burn farming for their livelihoods.<sup>32</sup> This type of traditional farming is hindered by the prevalence of steep mountains and deep gorges in Chin State. Farms are established on sloping hillsides, which are prone to erosion. Due to the lack of viable farm land, soil exhaustion is also common.<sup>33</sup> These environmental factors limit crop production in Chin State. Unaided by the military government, Chin farmers are unable to produce enough for their subsistence and are dependent on their low-lying neighbors for food provisions.

The mountainous terrain in conjunction with a lack of government support has also inhibited construction of infrastructure in Chin State. The state has only four vehicle-accessible roads covering a total of 1,700 kilometers. Due to the lack of a proper road system, parts of southern Chin State remain inaccessible from the north. Most of Chin State does not have electricity or reliable communication systems.<sup>34</sup> As a result, many Chin are largely isolated from each other and the outside world.

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<sup>30</sup> *Myanmar: New Threats to Humanitarian Aid*; Asia Briefing No. 58, International Crisis Group, Yangon/Brussels, 8 December 2006.

<sup>31</sup> “Humanitarian Situation UPDATE April 2007,” Office of the UN Humanitarian Coordinator for Myanmar, 2007.

<sup>32</sup> Chin Development Initiative, “Facts about Chin State and its People,” unpublished document, March 2006.

<sup>33</sup> Human Rights Watch interview with Z.K., Kuala Lumpur, Malaysia, April 12, 2008. See also Dr. Salai Tun Than, “Development of the Hill Region through an Integrated Farming Village Project,” in *Chin Forum Magazine* (Thailand: Chin Forum, 2008), p. 59.

<sup>34</sup> Chin Development Initiative, “Facts about Chin State and its People.”

Besides farming, there are very few job opportunities available for Chin people in Chin State. Ethnic discrimination against non-Burman ethnic nationalities and religious discrimination against Christians hinder Chins from obtaining better-paying jobs with the government.<sup>35</sup> Christian Chins who are fortunate enough to get government jobs state that they are commonly given less-desirable postings, lower salaries, and passed over for promotions.<sup>36</sup>

While obstacles to daily survival, including earning a livelihood, are reasons for the continuing exodus from Chin State to India, the economic situation of the Chin people can only be understood within the context of multiple pervasive human rights violations being committed against the Chin, largely by the SPDC. A recent survey conducted by the Internal Displacement Monitoring Center found that the main factors leading Chin to flee Burma are forced labor, extortion and heavy taxation, and food insecurity, all of which are interconnected.<sup>37</sup>

#### *Flowering Bamboo and Famine*

Problems of food shortages are increasingly acute in Chin State ever since the bamboo that fills the landscape, particularly in southern Chin State, began to flower starting in 2006. This naturally occurring phenomenon takes place every 50 years and has historically led to widespread famine. When the bamboo flowers it produces a fruit, which attracts rats. When the fruit supply is exhausted, the rats turn on farmers' crops, destroying their harvest. Rats began decimating harvests in late 2007, and the effects of the bamboo flowering are expected to last for at least another two or three years.

Critical food shortages are reported in many parts of the state.<sup>38</sup> According to the Chin Human Rights Organization, more than 100,000 people, or 20 percent of the total Chin population, are affected by food shortages.<sup>39</sup> One woman from Paletwa township described this phenomenon:

There are many, many rats. They eat all our rice in the field. Now all we have are three or four tins [39 or 52 kilograms of rice], which will be finished within five days. Most people in my village do not have food to eat so they take roots from under the

<sup>35</sup> Human Rights Watch interview with S.N.T., Kuala Lumpur, Malaysia, April 11, 2008.

<sup>36</sup> Human Rights Watch interview with B.U.T., Lunglei, Mizoram, India, March 4, 2008; Human Rights Watch interview with K.Z.T., Champhai, Mizoram, India, March 12, 2008; Human Rights Watch interview with S.N.T. and S.K., Kuala Lumpur, Malaysia, April 11-12, 2008.

<sup>37</sup> According to the survey, out of 53 Chin respondents, 84.9 percent said forced labor was a factor contributing to their flight from Burma, 81.1 percent said food insecurity, and 75.5 percent said forced labor. Andrew Bosson, "Forced Migration/Internal Displacement in Burma with an Emphasis on Government-Controlled Areas," Internal Displacement Monitoring Center (IDMC), May 2007.

<sup>38</sup> Chin Human Rights Organization "More Communities Flee Famine Affected Area," *Rhododendron News*, Vol. XI, No. II, March 16, 2008.

<sup>39</sup> Chin Human Rights Organization, "A Critical Point: Food Scarcity and Hunger in Burma's Chin State," July 2008, [http://www.chro.org/images/stories/File/pdf/chro\\_report\\_critical\\_point.pdf](http://www.chro.org/images/stories/File/pdf/chro_report_critical_point.pdf) (accessed September 29, 2008).



ground and eat that instead of rice. ...At the same time, we need to spend a lot more money to pay for the food and the fees for school. This is the situation.<sup>40</sup>

The Chin Famine Emergency Relief Committee, an organization recently established by members of the Chin community in Mizoram to send humanitarian assistance to those in the affected areas said, “Although the famine has been reported, the SPDC has done nothing about it.”<sup>41</sup>

Exacerbating the situation, the SPDC has continued to demand forced labor, collect excessive taxes and fees, and enforce restrictions against traditional cultivation methods without providing training in alternative farming methods in the affected areas.<sup>42</sup> The Chin Famine Emergency Relief Committee also reports that many people are fleeing to Mizoram because there is no food to eat in Chin State.<sup>43</sup> In July 2008, the Chin Human Rights Organization reported that more than 700 people had fled to Mizoram, India, due to food shortages in Chin State.<sup>44</sup>

Amid mounting reports of famine, there are still only a few humanitarian agencies that are allowed access to populations in need of aid.<sup>45</sup> Those with operations in Chin State must adhere to restrictions imposed by the SPDC. After the SPDC issued its “Guidelines for UN Agencies, International Organizations, and INGOs/NGOs,” in February 2006, several humanitarian aid organizations pulled out of Burma, citing difficulties in effective aid delivery. Considering the severity of poverty in Chin State, the lack of government assistance, and the current food crisis in Chin State, large populations in need of relief in Chin State appear to be unreached and under-served.

Access to healthcare and education is limited. In all of Chin State, there are only 12 hospitals, 56 doctors, and 128 nurses.<sup>46</sup> According to several Chin interviewees, the quality of healthcare in Chin State is poor and treatment is costly.<sup>47</sup> Education is also lacking in Chin

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<sup>40</sup> Human Rights Watch interview with L.R., Saiha, Mizoram, India, March 7, 2008.

<sup>41</sup> Human Rights Watch interview with the Chin Famine Emergency Relief Committee, Aizawl, Mizoram, India, March 9, 2008.

<sup>42</sup> “Efforts to Help Victims of Famine Underway,” *Chinland Guardian*, March 6, 2008. Chin Human Rights Organization, “Food Relief Hampered for Famine Victims in Western Burma,” *Rhododendron News*, Vol. XI, No. II, April 2, 2008.

<sup>43</sup> Human Rights Watch interview with S.T., Aizawl, Mizoram, India, March 9, 2008.

<sup>44</sup> Chin Human Rights Organization, “Food Scarcity and Hunger in Burma’s Chin State,” July 2008, [http://www.chro.org/images/stories/File/pdf/chro\\_report\\_critical\\_point.pdf](http://www.chro.org/images/stories/File/pdf/chro_report_critical_point.pdf) (accessed September 29, 2008).

<sup>45</sup> At the time of writing, the following organizations are operating in Chin State—Care International, Country Agency for Rural Development, World Vision, Merlin, Population Services International, Groupe de Recherche et d’Echanges Technologiques (GRET), and Stromme Foundation. The UN Development Program (UNDP), the World Food Program (WFP), and the International Crescent/Red Cross are also operating in Chin State.

<sup>46</sup> Chin Development Initiative, “Facts about Chin State and its People.”

<sup>47</sup> Human Rights Watch interview with S.H.T. and Z.K., Kuala Lumpur, Malaysia, April 12-14, 2008; Human Rights Watch interview with L.M. and C.K.H., Champhai, Mizoram, India, March 11-12, 2008; Human Rights Watch interview with T.Z.U. and L.R.N.K., Saiha, Mizoram, India, March 6-7, 2008; Human Rights Watch interview with L.M., A.B.P.T., N.S., and L., Aizawl, Mizoram, India, March 2, 2008.

State, where there are 1,167 primary schools, 83 middle schools, 25 high schools, and no universities for a population of roughly 500,000.<sup>48</sup> Chin students wishing to obtain a university education must travel outside of Chin State and pay costly boarding fees. Due to the lack of school facilities in many villages in Chin State, Chin children must walk long distances to neighboring towns and villages or pay expensive boarding fees to attend classes.<sup>49</sup> According to a 16-year-old Chin girl who left Falam township in 2008, about one-third of the children from her village are unable to afford an education due to the high cost, which ranges from 115,000 to 400,000 Kyat (US\$98 to \$340) per year.<sup>50</sup>

For Chin children who are able to attend school, the quality of education is perceived as extremely poor. Teachers demand extra fees from students to supplement their low salaries, and classes are taught in Burmese even when teachers are not fluent and students lack comprehension of the language.<sup>51</sup>

## Militarization of Chin State

Before 1988, the *Tatmadaw* had no battalions stationed in Chin State, and only two battalions operated there: light infantry battalion (LIB) number 89 stationed in Kalaymyo, Sagaing Division, and light infantry battalion number 50 stationed in Kankaw, Magwe Division.<sup>52</sup> At the time of writing, Chin State hosts 14 battalions with an average of 400 to 500 soldiers each and 50 army camps.<sup>53</sup> Many more battalions and camps are based in neighboring states and divisions. For example, in Kalaymyo, Sagaing Division, an area where the population is mostly Chin, there are more than nine battalions. These battalions also conduct regular patrols throughout the state.

Images Asia and Karen Human Rights Group, nongovernmental organizations focusing on documenting human rights violations in Burma, documented routine violations and arbitrary

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<sup>48</sup> Chin Development Initiative, "Facts about Chin State and its People."

<sup>49</sup> Human Rights Watch interview with M.V.T.I., R.D., and T., Aizawl, Mizoram, India, October 17-18, 2008.

<sup>50</sup> Human Rights Watch interview with M.V.T.I., Aizawl, Mizoram, India, October 18, 2008; R.D., T., B.L., and L., Aizawl, Mizoram, India, March – October 2008; Human Rights Watch interview with M.V., K.S.L., and B.R.L., Saiha, Mizoram, India, March 7, 2008.

<sup>51</sup> Human Rights Watch interview with M.V., A.B.P.T. and L., Aizawl, Mizoram, India, March 2, 2008; Human Rights Watch interview with T.K.L., Champhai, Mizoram, India, March 11, 2008; Human Rights Watch interview with Z.K., Kuala Lumpur, Malaysia, April 12, 2008.

<sup>52</sup> LIB 89 was responsible for northern Chin State and LIB 50 was responsible for southern Chin State.

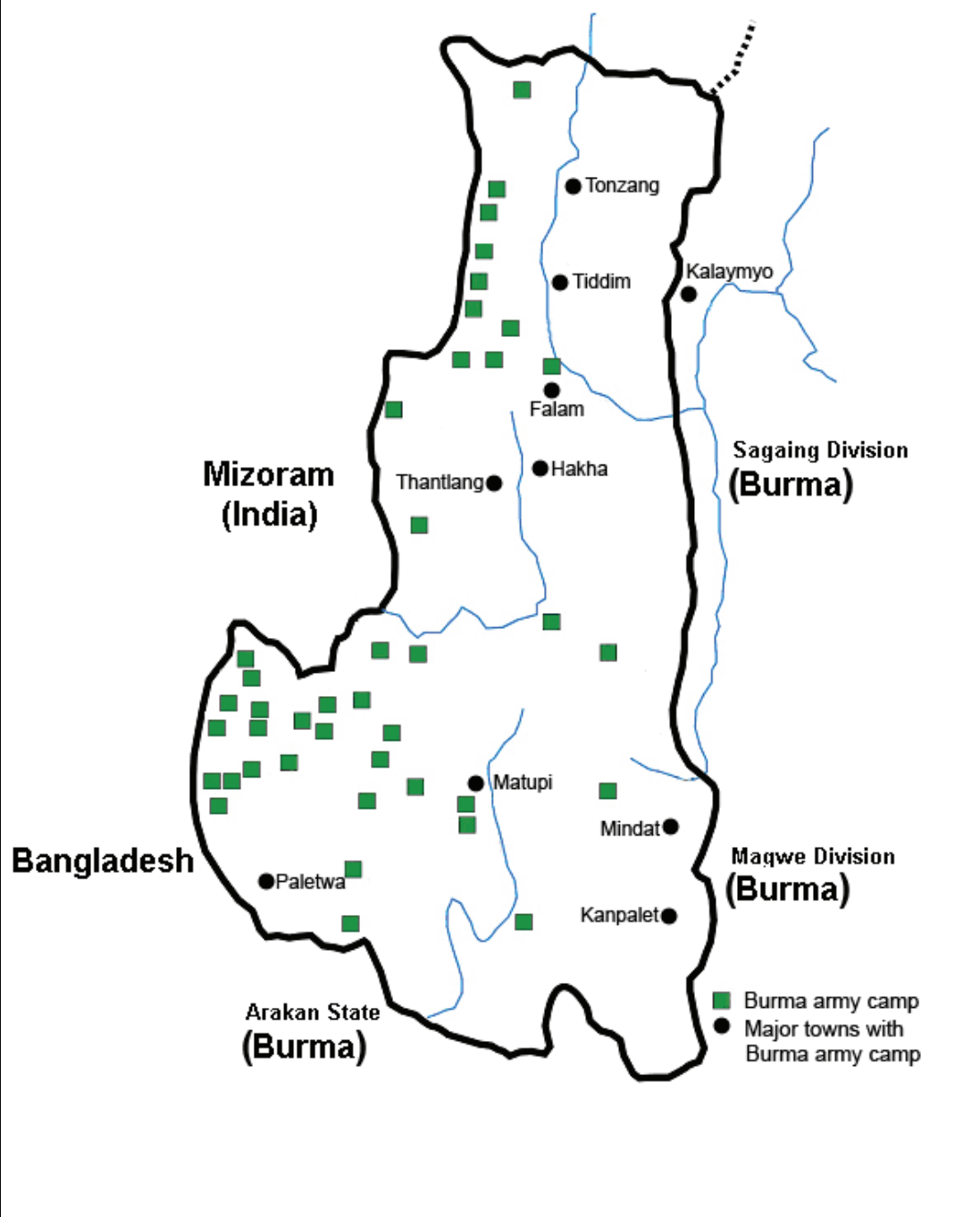
<sup>53</sup> According to the Chin Strategic Study Group, Chin State, Burma, April 2008, the battalions stationed in Chin State as of April 2008 include infantry battalions (IB) number 304 based in Matupi township and number 550 based in Paletwa township, and light infantry battalions (LIB) 16, 34, and 110 based in Paletwa township; LIB 50 and 140 based in Thantlang and Matupi townships; LIB 89 based in Rih; LIB 228 based in Tonzang township; LIB 266 based in Hakha and Thantlang townships; LIB 268 based in Falam and Thantlang townships; LIB 269 based in Tiddim and Falam townships; and LIB 274 based in Mindat and Kanpalet townships.

abuse of power by local *Tatmadaw* units in Chin State during this buildup of forces in the 1990s. Such abuses included forced labor on infrastructure projects and for military camp construction.<sup>54</sup>

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<sup>54</sup> Images Asia, Karen Human Rights Group, and Open Society Institute Burma Project, "All Quiet on the Western Front? The Situation in Chin State and Sagaing Division, Burma," January 1998, [http://www.burmalibrary.org/docs/Western\\_Front.htm](http://www.burmalibrary.org/docs/Western_Front.htm) (accessed July 28, 2008).

# Chin State, Burma



Map of Chin State provided by the Women's League of Chinland; Information on army camps provided by Human Rights Watch. © 2008 Human Rights Watch

### III. Abuses Committed by the *Tatmadaw* (Burmese Army)

The Burma Army arrested me. They tortured me and put me in jail for one week. They beat me on my head and ears—I still have a hearing problem. Then the army forced me to work at road construction and repair the army camp. I spent one month in the army camp. I cut bamboo, carried it on my shoulder. Then the army forced me to sign a pledge saying that if I provided the CNF with food or assistance again I would be arrested and put in jail.  
—Chin man who fled Burma in 2004, now living in India <sup>55</sup>

We are all cultivators and agriculturists. We have to work daily for our food. But half the time we are forced to go and do labor for the army. It came to such a point that we had nothing to eat even though we were working night and day. My family of three decided to leave and migrate to Mizoram.  
—Chin man who fled Burma in 2005, now living in India <sup>56</sup>

In my village [in Chin State] there are only 60 households left. All the others have fled. There was a time when we had about 400 households. No one can live there because of these activities of the army. There are no more young people left...People are so poor now that none of us ever has a proper meal. We mostly have to live on watery gruel.  
—Chin woman from Matupi township, Chin State, Burma <sup>57</sup>

Restrictions on fundamental freedoms, forced labor, torture, arbitrary arrests, unlawful and prolonged detention, and attacks on religious freedom are just some of the abuses perpetrated by the *Tatmadaw* in Chin State. Many Chin described to Human Rights Watch the arbitrary and abusive behavior of *Tatmadaw* soldiers, and villagers' fear of them. The *Tatmadaw* control many aspects of Chin people's lives, from curtailing their freedom of movement to restricting their ability to grow food and cultivate their land without being interrupted by forced labor or coerced to plant certain crops. A Chin pastor who left Burma in

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<sup>55</sup> Human Rights Watch interview with M.K., New Delhi, India, June 2005.

<sup>56</sup> Human Rights Watch interview with K.T., Lawngtlai, Mizoram, India, October 2005.

<sup>57</sup> Human Rights Watch interview with S.V., Mizoram, India, September 2006.

February 2005 and is now living in New Delhi told Human Rights Watch, “When we meet the army we are shaking. There’s no law for them. Whatever they want is law.”<sup>58</sup>

## Extrajudicial Killings

Extrajudicial killings by the *Tatmadaw* in Chin State often occur in conjunction with other human rights abuses, such as arrest, torture, or forced labor. The *Tatmadaw* particularly target village headmen and those suspected of having contact with ethnic opposition groups, such as the Chin National Front (CNF) or its armed branch, the Chin National Army (CNA), for extrajudicial killings.

One Chin pastor reported on an incident in 2006 in Falam township. He told Human Rights Watch:

The SPDC was searching for the CNA throughout the entire township. They beat the local village council headman and shot him dead.<sup>59</sup>

According to the Chin Human Rights Organization, in a similar incident in March 2007, the SPDC executed three village headmen in Matupi township, after accusing them of failing to report the presence of CNA and providing support to the CNA.<sup>60</sup>

The Chin Human Rights Organization has documented 16 extrajudicial killings, including four children, perpetrated by the *Tatmadaw* and police in Chin State between 2005 and 2007.<sup>61</sup> None of the perpetrators in these cases have been brought to justice.

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<sup>58</sup> Human Rights Watch interview with N.D.T., New Delhi, India, February 2005.

<sup>59</sup> Human Rights Watch interview with S.S.L., Champhai, Mizoram, India, March 11, 2008.

<sup>60</sup> Chin Human Rights Organization, “CHRO Condemns Summary Executions of Three Chin Village Headmen,” *Rhododendron News*, Vol. XI, No. II, April 12, 2007.

<sup>61</sup> Chin Human Rights Organization, “Villager Shot to Death by Burmese Police in Thantlang,” *Rhododendron News*, Vol. X, No. V, October 12, 2007; Chin Human Rights Organization, “CHRO Condemns Summary Executions of Three Chin Headmen,” *Rhododendron News*, Vol. X, No. II, April 12, 2007; Chin Human Rights Organization, “Three Bodies Found after Weeks of Arrest by Military,” *Rhododendron News*, Vol. X, No. II, April 9, 2007; Chin Human Rights Organization, “Village Headman Killed, Two Forcibly Recruited as Soldiers,” *Rhododendron News*, Vol. IX, No. IV, July 13, 2006; Chin Human Rights Organization, “Village Headman Shot to Death,” *Rhododendron News*, Vol. III, May-June 2006; Chin Human Rights Organization, “A 17 Year-old Boy Summarily Executed by Burmese Troops,” *Rhododendron News*, Vol. IX, No. I, February 1, 2006; Chin Human Rights Organization, “Burmese Soldiers Killed Two Children, Injured Six Civilians in Random Shooting,” *Rhododendron News*, Vol. VIII, No. VI, November 14, 2005; Chin Human Rights Organization, “Villagers Flee to India to Escape Brutalities,” *Rhododendron News*, Vol. VIII, No. III, May 5, 2005; Chin Human Rights Organization, “Innocent Chin Beaten to Death by Burmese Army,” *Rhododendron News*, Vol. VIII, No. II, March 21, 2005; Chin Human Rights Organization, “Innocent Villager Shot to Death and Burned,” *Rhododendron News*, Vol. VIII, No. I, February 26, 2005; Chin Human Rights Organization, “Innocent Chin Villager Summarily Executed,” *Rhododendron News*, Vol. VIII, No. I, February 9, 2005.

The right to life is considered a non-derogable norm under customary international law, binding on all states without exception. The right to life is protected under article 3 of the Universal Declaration of Human Rights (UDHR) and article 6 of the International Covenant on Civil and Political Rights (ICCPR), which states “every human being has the inherent right to life...No one shall be arbitrarily deprived of his life.”<sup>62</sup> The Convention on the Rights of the Child (CRC), which Burma has ratified, also protects the right to life.<sup>63</sup> Despite this, the SPDC is responsible for committing extrajudicial killings in Burma.

## **Arbitrary Arrest, Detention, and Torture**

The SPDC regularly arrests and imprisons members of the Chin community, including children, to stifle political dissent, intimidate and oppress ethnic villagers, and restrict basic freedoms. To justify arrests, the SPDC largely relies on overly vague and broadly interpreted laws, some of which are remnants from the British colonial era.<sup>64</sup> In accordance with these laws, anyone suspected of posing a threat or opposition to the military government may be arrested and imprisoned. (Arrests of those on religious grounds are covered separately below, under “Religious Repression.”)

When interrogating detainees, security forces use torture to extract information and to punish, intimidate, and degrade anyone perceived as a potential threat to the military government. Political prisoners and supporters of armed opposition groups, such as the Chin National Front (CNF) and the Chin National Army (CNA), are particularly vulnerable to torture by security forces.

S.H.T. told Human Rights Watch how he was just 16-years-old when police arrested, tortured, and detained him for three days in 2000, accusing him of being affiliated with the CNA even though he never had any contact with the CNA or other opposition groups.<sup>65</sup> He said:

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<sup>62</sup> Universal Declaration of Human Rights, adopted December 10, 1948, art. 3; Covenant on Civil and Political Rights, adopted December 16, 1966 (entered into force March 23, 1976), art. 6.

<sup>63</sup> Convention on the Rights of the Child, adopted November 20, 1989 (entered into force September 2, 1990, acceded to by Burma August 14, 1991), art. 6 (1) (stating “States Parties recognize that every child has the inherent right to life”). In accordance with the Convention on the Rights of the Child, the word “child” in this report refers to anyone under the age of 18. Article 1 of the Convention, states, “For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.”

<sup>64</sup> The SPDC commonly uses the following laws to justify arrests: the Emergency Provisions Act (1950), arts. 5(e) and 5(j), prohibiting the spread of “false news” and disruption of “the morality of the behavior of a group of people or the general public” or the disruption of “the security or the reconstruction of stability of the union;” The Unlawful Associations Act (1908), which includes several articles criminalizing association with certain groups, mostly of a political nature; and the 1975 State Protection Law, which allows the state to detain without charge anyone suspected of “endangering the state sovereignty and security, and public law and order.”

<sup>65</sup> Human Rights Watch interview with S.H.T., Kuala Lumpur, Malaysia, April 14, 2008.

[The police] beat me with a stick and they used the butt of their guns. They hit me in my mouth and broke my front teeth. They split my head open and I was bleeding badly. Repeatedly, they hit me in my back with their guns. Because of this, my back is still injured and I have trouble lifting heavy objects. They also shocked me with electricity. They had a battery and they attached some clips to my chest. They would turn the electricity on and when I couldn't control my body any longer, they switched the battery off. They kept doing this for several hours. They did the same thing to the pastor's son. They told me they would only stop beating us until we told them information about the CNA. We kept telling them we didn't know anything.<sup>66</sup>

S.H.T. then spent three months in hospital recuperating from injuries sustained during his detention.<sup>67</sup>

On February 17, 2007, a farmer in Hakha township was returning from his fields when soldiers accused him of being involved in a shooting incident between the CNF and SPDC soldiers the night before. Although the village headman verified that he was a farmer and not a member of the CNA, the soldiers still arrested and beat him.<sup>68</sup>

Security forces often bind, blind-fold, and beat those they arbitrarily arrest. C.H. told Human Rights Watch how military intelligence officers arrested and beat him on October 15, 2006, after he gave money to the CNA:

[The military intelligence officers] tied my hands and covered my eyes. They slapped me and hit me. They said I was arrested because I had helped the CNA financially. After that, they brought me to Thantlang jail where I was imprisoned for one month. The entire way to Thantlang, they beat me. They kicked me in the back and slapped me.<sup>69</sup>

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<sup>66</sup> Ibid.

<sup>67</sup> Ibid. Chin organizations have further documented the arbitrary arrest and imprisonment of Chin children in Burma, see "Child Prisoners in Burmese Concentration Camp," *Khonumthung News*, October 22, 2008 (reporting the detention of ten children in a Kalaymyo detention facility in Sagaing Division).

<sup>68</sup> Human Rights Watch interview with S.H., Kuala Lumpur, Malaysia, April 11, 2008.

<sup>69</sup> Human Rights Watch interview with C.H., Kuala Lumpur, Malaysia, April 11, 2008.



Military intelligence officers beat, interrogated, and tortured C.H. for three days. They held him for one month without charge or an opportunity to challenge the terms of his imprisonment.<sup>70</sup>

Despite the existence of legal structures, there is essentially no rule of law in Burma. Under section 61 of Burma's Criminal Procedural Code of 1898, suspects may be held without charge only for a period of 24 hours, and section 340 protects the right to legal representation. In practice, suspects in Burma may be held for months, if not years, without charge and are regularly denied access to lawyers. In November 1999 the SPDC arrested T.S.V. from Falam township for bringing Chin-language Christian bibles into Burma, which is prohibited under Burma's 1965 Censor Law. T.S.V. said:

I asked for a lawyer but the military intelligence officers told me I couldn't have a lawyer. Before we went to court, the soldiers covered my eyes and beat my legs. In the court, the judge just said, 'You are not allowed to bring bibles into the country but you still did this. You don't respect our laws and our country. Because of this, you are sentenced to three years in detention.'<sup>71</sup>

Army and detention officials force detainees to sign false confessions or statements and demand cash payment in exchange for release.<sup>72</sup> After a detainee is released, the SPDC continues to monitor their activities. As a condition of release, former prisoners are typically required to refrain from engaging in any sort of "subversive activity" and report periodically to the local authorities.<sup>73</sup> If these conditions are not fulfilled, the authorities are permitted to re-imprison former detainees without a warrant in accordance with section 401 of Burma's Criminal Procedure Code.

N.C. from Hakha township recounted how the SPDC arrested and tortured him multiple times for his involvement in politics. In 1990, N.C. was a campaigner for Pu Lian Uk's independent party. Pu Lian Uk was a politician initially affiliated with the Chin National League for

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<sup>70</sup> Ibid.

<sup>71</sup> Human Rights Watch interview with T.S.V., Kuala Lumpur, Malaysia, April 12, 2008.

<sup>72</sup> Human Rights Watch interview with L.L.M., Kuala Lumpur, Malaysia, April 14, 2008 (stating, "[T]he Army told me to sign a promissory note saying, 'I will obey the government rules; I will never preach again about Jesus Christ; and I will follow whatever the SPDC officers order me to do.' I signed this paper and then they released me. I signed because I didn't have any other choice."); Human Rights Watch interview with T.S.V., Kuala Lumpur, Malaysia, April 12, 2008 (stating, "I had to give the detention officials a lot of money to be released. I provided 1.5 lakh Kyat [150,000 Kyat or US\$130]. If I didn't give this money, the military intelligence might re-arrest me."); Human Rights Watch interview with S.H., S.H.T., C.H., and N.C., Kuala Lumpur, Malaysia, April 10-14, 2008; Human Rights Watch interview with T.D. and T.B., Lawngtlai, Mizoram, India, March 5, 2008.

<sup>73</sup> Human Rights Watch interview with T.M., Kuala Lumpur, Malaysia, April 10, 2008 (stating, "The authorities told me that I could not leave the village and I had to sign in every month.")

Democracy (CNLD). After failing to secure the candidacy of the CNLD in Hakha township, Pu Lian Uk ran as an independent candidate and successfully won a parliamentary seat in the 1990 elections. In 1991, N.C. spent two months in detention being interrogated by military intelligence officers due to his involvement in politics. N.C. told Human Rights Watch:

[The military intelligence officers] collected some small stones and forced me to crawl over the stones on my knees. They also tied my hands together and hung me from the ceiling. They used sticks to beat me. They had a tub of water and they covered my face with a cloth and would dunk my head under the water until I fell unconscious. When I regained consciousness, they would do it again. They also used a round stick and rolled it down my shins. For the entire week, they didn't give me any water for drinking. I was so thirsty so I told them I wanted to use the toilet. When I got to the toilet I drank the toilet water.<sup>74</sup>

Military intelligence officers arrested N.C. again in 1996 for engaging in political discussions and held him for 13 months, torturing him in the same way. The last time members of military intelligence arrested N.C. before he fled Burma was in 2000:

They used the same tactics of torture. It is always the same. During that time, one soldier kicked me in my back and broke one of my ribs. While the military intelligence tortured me, they would say one thing, 'The Chin people must be extinguished from all of Burma.'<sup>75</sup>

Former prisoners remain vulnerable to re-arrest by the SPDC. N.C. told Human Rights Watch how in September 2000 the judge found him "not guilty," but said he had no authority to release him and handed him over to military intelligence.<sup>76</sup> N.C. spent more than seven years total in prison for engaging in political discussions. N.C. eventually fled to Malaysia. Two of his daughters continued to have problems with the military even after he left Burma. N.C. said:

The Burma Army continued to come to my house. They even beat members of my daughter's family when they came looking for me. Because of that, my daughter, her adopted daughter, and my son-in-law fled to Malaysia too. The

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<sup>74</sup> Human Rights Watch interview with N.C., Kuala Lumpur, Malaysia, April 10, 2008.

<sup>75</sup> Ibid.

<sup>76</sup> Ibid.

authorities arrested another daughter of mine. I don't know if they have released her yet.<sup>77</sup>

The SPDC routinely arrests, imprisons, and tortures anyone involved or alleged to be supporting armed ethnic opposition groups, such as the CNF and CNA.<sup>78</sup>

L.U., from Thantlang township, told Human Rights Watch how in April 2001 he witnessed *Tatmadaw* soldiers torture all the men in his village after they discovered CNA members in the village. L.U. said:

My father is a pastor and when the students from Rangoon Bible College visit our village, they come to our house. In April 2001, they came to our house and we held a fellowship service during the night. Two CNA members came and participated in that fellowship. The CNA had never come to our house before.<sup>79</sup>

Later that night, an SPDC soldier made a routine check on the family's house. When the soldier entered the house, the CNA members saw him, wrestled his gun from him, and ran from the house. The soldier ran after them.<sup>80</sup> A half-hour later, three more SPDC soldiers raided the house. L.U. said:

[Burma Army soldiers] came in and hit me in the head with their gun. I still have a scar from where they hit me. I was bleeding a lot and fell to the floor. The army then ordered everyone outside. They forced everyone to take off all their clothes and tied everyone up with their hands behind their back in their underwear only. The soldiers arrested my father and they tied his hands and legs together. They also covered his mouth with cloth. They shot all over my house and broke our windows. Then they tried to burn down the house.<sup>81</sup>

[The soldiers] pulled all the villagers out of their houses and gathered everyone in the middle of the village. There are about 500 people in my

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<sup>77</sup> Ibid.

<sup>78</sup> Human Rights Watch interview with S.H.T., S.H., C.H., V.L.K., L.U., and T.M., Kuala Lumpur, Malaysia, April 10-14, 2008; Human Rights Watch interview with T.D., Lawngtlai, Mizoram, India, March 5, 2008.

<sup>79</sup> Human Rights Watch interview with L.U., Kuala Lumpur, Malaysia, April 10, 2008.

<sup>80</sup> Ibid.

<sup>81</sup> Ibid.

village. That night, the army was so angry with us that they tortured our village. One of my friends had part of his ear cut off by a Burmese soldier. The soldiers forced all the men to take off their shirts and trousers and they beat them on their backs with an iron bar.<sup>82</sup>

At the time of this incident, L.U.'s father was a member of the village council. That night, the army arrested all the village council members and their families, including women and children, and took them to a detention facility in Thantlang town along with other villagers who were staying at L.U.'s house, including his wife and children. The soldiers beat L.U. and put him into a cage. Although he managed to escape and flee to Mizoram, his wife and two children were not so fortunate.<sup>83</sup> L.U. said:

[My wife and children] are still in jail in Thantlang. The army arrested them at the same time they arrested me in 2001 and they have been in jail ever since...My children are now nine and seven years old.<sup>84</sup>

### *Forced Recruitment and Attacks on Village Council Members*

Village council members and the village council headman or president are responsible for the management of village affairs. The headman is selected by the council members or, in some areas, appointed by the SPDC or military commander in the area. The SPDC pressures members of the village council to oversee the implementation of SPDC orders. Village headmen, in particular, are required to produce villagers for forced labor and militia training, arrange food for soldiers patrolling through the village, and supply information to the government and army about the movements of armed ethnic groups in their area. Headmen who fail in any of these tasks, especially those suspected of helping ethnic opposition groups, are subjected to detention, interrogation, beatings, and torture by the SPDC.<sup>85</sup>

T.K.L., who fled Burma in February 2002, explained his father's position as headman in a village in Tonzang township. He said:

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<sup>82</sup> Ibid.

<sup>83</sup> Ibid.

<sup>84</sup> Ibid.

<sup>85</sup> Human Rights Watch interview with S.S.L., Champhai, Mizoram, India, March 11, 2008; Human Rights Watch interview with H.Z., Saiha, Mizoram, India, March 7, 2008; Human Rights Watch interview with L.M., Mizoram, India, August 2006; Human Rights Watch interview with S.N. and N.L.T., Mizoram, India, June-July 2005.

My father didn't want to be the village council headman but the villagers [on the village council] elected him in 2001. Once elected, it is not possible to refuse. The elected headman has to serve at least one two-year term. I think they elected my father because he is very good in the Burmese language and the headman always has to communicate with the SPDC.

The village headman holds a lot of responsibility for the actions of the villagers so it is very common for headmen to have problems with the SPDC...Now, the SPDC are building a camp [near my village] so there is a constant military presence in the village. I can't say how many times the SPDC came to our village but they came many times. My father was afraid to refuse any order of the SPDC. If he refused their order, they would take action against him. When other headmen refused orders from the SPDC, they were killed, beaten, or arrested.<sup>86</sup>

If villagers fail to fulfill the demands of soldiers, village leaders often suffer the consequences. In August 2007, villagers from Paletwa township could not raise a sum of money demanded by the SPDC. One woman from the village said:

Some families could not afford to pay the money demanded by the SPDC. The SPDC blamed the headman for not providing enough money. They beat him very badly. They broke open his lip and he was bleeding very badly. He was unconscious for some time. When he finally recovered consciousness, he was vomiting blood.<sup>87</sup>

In addition to fulfilling the demands of SPDC, village council leaders are similarly pressured by armed opposition groups, such as the CNF, to gather donations from villagers. Serious consequences befall village leaders if the SPDC suspects that they have provided such support. A Chin refugee leader from Matupi township said:

[The Chin people] are sandwiched by both sides. If the village does not pay up they will be harassed by the CNF. If they pay and the army finds out, they will be imprisoned and even killed.<sup>88</sup>

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<sup>86</sup> Human Rights Watch interview with T.K.L., Champhai, Mizoram, India, March 11, 2008.

<sup>87</sup> Human Rights Watch interview with H.Z., Saiha, Mizoram, India, March 7, 2008.

<sup>88</sup> Human Rights Watch interview with L.M., Lunglei, Mizoram, India, September 2006.

M.K., a former village headman from Matupi township, described the problems he encountered in October 2003 after the *Tatmadaw* discovered his support for the CNF. M.K. said:

The SPDC asked the village council presidents to arrange everything—get the porters, supply food—everything was on me. At the same time, the CNF came to the village, asking for tax and food. They held many meetings with the village council members. We gave food and taxes.

The Burma Army immediately arrested me. They tortured me and put me in jail for one week. They beat me on my head and ears—I still have a hearing problem. Then the army forced me to work at road construction and repair the army camp. I spent one month in the camp. I cut bamboo, carried it on my shoulder. Then the army forced me to sign a pledge saying that if I provided CNF with food or assistance again I will be arrested and put in jail.<sup>89</sup>

A month after the army released him, the CNF came again to his village. After he failed to report their visit to the village, the *Tatmadaw* ordered his re-arrest. M.K. fled to Mizoram before they could arrest him.<sup>90</sup>

Another former headman from Thantlang township described how the army tortured him on December 13, 2004, following a battle between SPDC soldiers and an armed opposition group. He said:

[The army] covered my head with a plastic bag—suffocating me. They grabbed me by the back of my neck. The purpose was to suffocate me. The first time they did this was for five minutes. Then they did it again, up to 15 minutes. Two or three times I fell unconscious and fell down. This kind of torture [by suffocation with plastic bag] is one hundred times worse than beating.<sup>91</sup>

A Chin pastor recounted how the SPDC killed one village leader and arrested village leaders from 12 other villages from Falam township in 2006 when the SPDC suspected the CNA was

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<sup>89</sup> Human Rights Watch interview with M.K., New Delhi, India, June 2005.

<sup>90</sup> Ibid.

<sup>91</sup> Human Rights Watch interview with N.L.T., New Delhi, India, June 2005.

in the area. The authorities then ordered the 12 villages to pay 200,000 Kyat (US\$170) to secure the release of the village leaders. He said:

After giving the money, the SPDC released the leaders and the situation calmed down. The authorities beat the village leaders badly during the arrest and also in jail. Their faces were all swollen from the beatings. The leaders all had to sign a statement to the SPDC promising that they would report if any foreigners came to the village.<sup>92</sup>

### *Conditions in Detention*

Several former prisoners gave detailed descriptions of the harsh conditions in lock-ups and detention facilities throughout Chin State. Cells are overcrowded, unsanitary, and insect infested. Detainees are deprived of adequate provisions of food, clean drinking water, and other basic amenities. A Chin pastor who spent two months in jail in 2000 said:

In jail, we didn't have anything to sleep on. We all just slept on the concrete floor. The guards gave us two small meals of *dal* and a small bucket of water that we had to use both for drinking and bathing. Although it didn't seem like the water was very clean, it was all we had to drink. We could not complain. There was no separate toilet and we all slept, ate, and did everything in the same room.<sup>93</sup>

T.M., who was arrested by the *Tatmadaw* in January 2000 and detained for over a year in an army camp in Thantlang township, said:

The biggest problem in detention was that the army guards didn't give us enough food. They would only provide a little bit of rice but it had too many small stones and pieces of glass in it. Only after we picked all these stones and glass out of it could we eat it. The drinking water was also not so good. We were given only three cups of water. That was our drinking water and also our bathing water.<sup>94</sup>

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<sup>92</sup> Human Rights Watch interview with S.S.L., Champhai, Mizoram, India, March 11, 2008.

<sup>93</sup> Human Rights Watch interview with T.B., Lawngtlai, Mizoram, India, March 5, 2008.

<sup>94</sup> Human Rights Watch interview with T.M., Kuala Lumpur, Malaysia, April 10, 2008.

Due to the harsh conditions of detention, prisoners in Burma are susceptible to illnesses and poor health. Although Burma's Prison Manual provides prisoners the right to medical treatment, in reality such treatment is limited or denied.<sup>95</sup> One former Chin prisoner, who spent almost three years in detention in Kalaymyo from 1999, told Human Rights Watch that officials refused to allow him to see a doctor or receive medicine when he was sick.<sup>96</sup>

### *Prison Labor Camps*

In Burma being sent to a hard labor camp is like getting a death sentence.

—Former village headman from Chin State <sup>97</sup>

There are at least three prison labor camps located in Chin State: two in Falam township and one in Hakha township.<sup>98</sup> Prison labor in Burma is typically reserved for “convicted” prisoners or criminals as opposed to political prisoners. Those sentenced to “prison with hard labor” are required to perform physically strenuous and dangerous labor for the *Tatmadaw* with little rest, food, or other provisions. Prison laborers are either taken to prison labor camps or kept in segregated areas of regular detention centers.

A former inmate who in 2000 to 2001 spent more than a year detained in a Kalaymyo detention center, where prison laborers are detained along with regular prisoners, described the treatment of those sentenced to prison labor:

During the rainy season in July and August, the Burma Army kept us upstairs and they held the ones going for hard labor downstairs. Everyday there were five or six people dying downstairs because of the hard work they had to do during the rainy months. The prison laborers suffered from malaria and other diseases. Whenever an inmate died, they wouldn't open the lock at the prisoner's ankle to release the body from the other prisoners who are chained together. They just chopped the leg off and wrapped the body in a blanket and threw it away.

The prison laborers had to work in the field cultivating rice. Some people who are big, the army made them work as a horse to pull the tractor. The inmates who were sent for hard labor had to work on the vegetable plantations. When it was time to

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<sup>95</sup> Union of Myanmar Department of Corrections, “Prison Manual.” Human Rights Watch interview with T.M., Kuala Lumpur, Malaysia, April 10, 2008. See also Assistance Association for Political Prisoners (Burma), *Eight Seconds of Silence*, 2005, p. 25; Salai Za Uk Ling and Salai Bawi Lian Mang, *Religious Persecution: A Campaign of Ethnocide Against Chin Christians in Burma* (Ottawa: Chin Human Rights Organization, February 2004), pp. 55-56.

<sup>96</sup> Human Rights Watch interview with T.S.V., Kuala Lumpur, Malaysia, April 12, 2008.

<sup>97</sup> Human Rights Watch interview with N.L.T., New Delhi, India, June 2005.

<sup>98</sup> Images Asia, Karen Human Rights Group, and Open Society Institute Burma Project, “All Quiet on the Western Front? The Situation in Chin State and Sagaing Division, Burma,” January 1998, [http://www.burmalibrary.org/docs/Western\\_Front.htm](http://www.burmalibrary.org/docs/Western_Front.htm) (accessed July 28, 2008).



harvest, the police took all the vegetables and sold them in the market. They just kept all the money.<sup>99</sup>

As a member state of the United Nations (UN), Burma is deemed to accept the Universal Declaration of Human Rights, one of its foundational documents. According to article 9 of the Universal Declaration, “No one shall be subjected to arbitrary arrest, detention or exile.” The Universal Declaration’s rights have been codified into widely-ratified international treaties, including the International Covenant on Civil and Political Rights (ICCPR) to which Burma is not a party.<sup>100</sup> According to article 9 of the ICCPR, “No one shall be subjected to arbitrary arrest or detention.”<sup>101</sup> The Convention on the Rights of the Child, which Burma has ratified, prohibits the arbitrary arrest, detention, torture, or cruel, inhuman, or degrading treatment or punishment of children.<sup>102</sup> Children must also be protected from all punishment on the basis of the opinions or the activities of their parents.<sup>103</sup>

The ICCPR also provides procedural protections to those deprived of their liberty, including “a fair and public hearing by a competent, independent, and impartial tribunal,” mirroring article 10 of the Universal Declaration.<sup>104</sup>

Other international instruments, such as the UN Basic Principles for the Treatment of Prisoners (Basic Principles), UN Body of Principles for the Protection of All Persons under any Form of Detention or Imprisonment (Body of Principles), and the UN Standard Minimum Rules for the Treatment of Prisoners (Standard Minimum Rules) provide basic standards for the treatment of prisoners relating to personal hygiene, food rations, clothing and bedding, access to medical treatment, and prohibition of torture.<sup>105</sup> The treatment of prisoners in Chin State falls far below the standards elucidated by the UN.

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<sup>99</sup> Human Rights Watch interview with T.M., Kuala Lumpur, Malaysia, April 10, 2008.

<sup>100</sup> Burma is a party to three core international human rights treaties: the International Convention on the Elimination of All Forms of Discrimination against Woman, the Convention on the Rights of the Child, and the Convention on the Prevention and Punishment of the Crime of Genocide.

<sup>101</sup> Covenant on Civil and Political Rights, adopted December 16, 1966 (entered into force March 23, 1976), art. 9.

<sup>102</sup> Convention on the Rights of the Child, adopted November 20, 1989 (entered into force September 2, 1990, acceded to by Burma August 14, 1991), art. 37.

<sup>103</sup> Convention on the Rights of the Child, art. 2(2).

<sup>104</sup> Covenant on Civil and Political Rights, arts. 9, 14, and 15; Universal Declaration of Human Rights, art. 10.

<sup>105</sup> These documents provide standards relating to prisoners on personal hygiene (Standard Minimum Rules, arts. 15 and 16; Basic Principles, arts. 1, 5, 8-10; Body of Principles, arts. 1 and 8), food rations (Standard Minimum Rules, art. 20; Basic Principles, arts. 1, 5, and 8; Body of Principles, arts. 1 and 3), clothing and bedding (Standard Minimum Rules, art. 17; Basic Principles, arts. 1 and 5; Body of Principles, arts. 1, 3, and 8), access to medical treatment (Standard Minimum Rules, arts. 22-26; Basic Principles, arts. 1, 5, and 9; Body of Principles, arts. 1, 3, 22, 24-26), and prohibition of torture (Standard Minimum Rules, arts. 27-34, 37-39; Basic Principles, arts. 1, 5, and 7; Body of Principles, arts. 1, 3, 6, 21, 30, 33, 15).

By conducting arbitrary arrests, denying basic legal procedural protections, and subjecting prisoners to torture and inhuman conditions, the SPDC is in contravention of international norms, as well as customary international law.

## Forced Labor

If there are 365 days in a year, the SPDC calls us to work for them 165 days.  
That leaves us only with 200 days for ourselves.

—Chin woman from Thantlang township, Chin State, Burma <sup>106</sup>

We are like slaves. We have to do everything [the army] tells us to do.

—Chin man from Matupi township, Chin State, Burma <sup>107</sup>

Burma joined the International Labor Organization (ILO) in 1948. In 1955, Burma ratified the 1930 Forced Labor Convention (No. 29). Article 1 of this Convention states, “Each Member of the International Labor Organization which ratifies this Convention undertakes to suppress the use of forced or compulsory labor in all its forms within the shortest possible period.” As a member of the ILO, Burma has a duty to respect the provisions contained in the ILO’s eight fundamental or core conventions, which includes the 1959 Abolition of Forced Labor Convention (No. 105).<sup>108</sup> Burma is also a party to the Convention on the Rights of the Child, which requires that children be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral, or social development.<sup>109</sup>

Pursuant to its obligations under international law, in May 1999 the military government issued Legislative Order No. 1/99 on the Eradication of Forced Labor, making forced labor illegal.<sup>110</sup> Despite such measures, the military government has consistently failed to uphold its obligations to prevent forced labor.

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<sup>106</sup> Human Rights Watch interview with T.P., Saiha, Mizoram, India, March 6, 2008.

<sup>107</sup> Human Rights Watch interview with R.T., Mizoram, India, September 2006.

<sup>108</sup> ILO Declaration on Fundamental Principles and Rights at Work, 86th Session, Geneva, June 1998, [http://www.ilo.org/dyn/declaris/DECLARATIONWEB.static\\_jump?var\\_language=EN&var\\_pagename=DECLARATIONTEXT](http://www.ilo.org/dyn/declaris/DECLARATIONWEB.static_jump?var_language=EN&var_pagename=DECLARATIONTEXT) (accessed on September 26, 2008) (stating “[a]ll Members, even if they have not ratified the Conventions in question, have an obligation arising from the very fact of membership in the Organization to respect, to promote and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those Conventions, namely...the elimination of all forms of forced or compulsory labor.”)

<sup>109</sup> Convention on the Rights of the Child, art. 32.

<sup>110</sup> The Union of Myanmar, State Peace and Development Council, “Subject: Prohibiting Requisition of Forced Labor,” Letter No. 04/Na Ya Ka (U)/Ma Nya, November 1, 2000, [http://www.mol.gov.mm/8.Home/Home\\_link/spdc\(Eng\).pdf](http://www.mol.gov.mm/8.Home/Home_link/spdc(Eng).pdf) (accessed September 26, 2008).

In 1991, the International Confederation of Free Trade Unions (ICFTU) reported to the ILO the commission of serious and extensive forced labor abuses in Burma. Following an independent ILO investigation in 1999 that found conditions in Burma “grossly incompatible” with ILO membership, the ILO adopted a resolution in June 2000 calling on all ILO constituents—governments, employers, and workers—to end any activity that might encourage or enable Burma’s military government to commit forced labor violations. In the face of such sanctions, the SPDC issued another order, Order Supplementing Order No. 1/99, which reaffirmed the criminality of forced labor.<sup>111</sup> On February 26, 2007 the ILO established an individual complaint mechanism to report violations and seek redress for violations of forced labor in Burma.

According to a March 2008 ILO statement, forced labor continues to be a serious problem in Burma.<sup>112</sup> In 2007, the Federation of Trade Unions Burma (FTUB), which monitors and documents violations of forced labor, collected 3,405 cases of forced labor in Burma, 1,053 of which occurred in Chin State.<sup>113</sup> Despite this, the SPDC denies the existence of forced labor in Burma. In June 2006, the SPDC Minister for Information said, “*Tatmadaw* men are doing everything in accordance with laws and rules...Forced labor is never used.”<sup>114</sup>

Article 2(1) of the 1930 Forced Labor Convention (No. 29) defines forced labor as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.” In Chin State, village headmen typically receive orders from *Tatmadaw* officials, including local army unit commanders and Tactical Commands I and II, requiring a certain allotment of workers. The village headman is responsible for collecting workers from each household. Those called for labor are assigned to work on government projects without compensation or daily provisions and under threat of punishment. The army arrests Chin villagers who fail to comply with orders for forced labor.<sup>115</sup>

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<sup>111</sup> Order Supplementing Order No. 1/99, translated by Human Rights Foundation of Monland, August 30, 2001, [http://www.burmalibrary.org/docs/HURFOM's\\_Forced\\_Labour\\_Report.htm](http://www.burmalibrary.org/docs/HURFOM's_Forced_Labour_Report.htm) (accessed September 26, 2008).

<sup>112</sup> International Labor Organization (ILO), “Developments Concerning the Question of the Observance by the Government of Myanmar of the Forced Labor Convention, 1930 (No. 29),” Governing Body, 301st session, GB 301/6/1, Geneva, March 2008.

<sup>113</sup> Federation of Trade Unions Burma (FTUB), “Forced Labor in Burma (Myanmar) Country Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work,” Report to the International Labor Conference, Geneva, June 2007.

<sup>114</sup> “Government Has Always Been Opening the Door for Peace Talks,” *New Light of Myanmar*, June 11, 2006, [http://www.myanmar.com/press\\_conference/2006/11-6g.html](http://www.myanmar.com/press_conference/2006/11-6g.html) (accessed September 26, 2008).

<sup>115</sup> See, “Chin Human Rights Organization’s Submission to the ICFTU and ILO Expert Team on Forced Labor in Burma/Myanmar,” *Chin Human Rights Organization*, August 31, 2005, [http://eng.chro.org/index.php?option=com\\_content&task=view&id=210&Itemid=24](http://eng.chro.org/index.php?option=com_content&task=view&id=210&Itemid=24) (accessed September 26, 2008).

Forty-four Chin interviewed by Human Rights Watch said they worked as forced laborers for the *Tatmadaw* and 52 reported having served as forced porters for the *Tatmadaw*. A cross-border trader from Paletwa township described the problem of forced labor in Chin State:

Sometimes [the *Tatmadaw*] calls us to work one to two times a month... Sometimes we only have to work for three days... Sometimes we have to go for one month. Other times we have to build houses for the SPDC soldiers, or construct fences for the army camp, or build their duty posts. They don't provide anything for us. We have to bring everything with us—our food, the tools to do the work—everything. The person responsible for overseeing the laborers is the Village Peace and Development Council (VPDC) so the VPDC can excuse someone if they are too sick to work. If someone doesn't work, then the VPDC will ask for food or for money instead.<sup>116</sup>

Forced labor is particularly common in rural villages where *Tatmadaw* officials call up laborers many times in a month and force them to work for prolonged periods of time sometimes without breaks until the job is done. As a result, many Chin are unable to tend to their fields or maintain their personal livelihoods.

L.T.P., a 32-year-old woman who left Falam township in 2003, said:

We have to do a lot of work for the SPDC without getting paid any salary. We have to work for one full day and then we cannot do our own work for that day. Sometimes they called me one time per week; sometimes two times in one week.<sup>117</sup>

The jobs assigned to forced laborers are often time-consuming, physically strenuous, and dangerous. Chin interviewees described constructing army camp barracks, sentry posts and other buildings, digging trenches, working on road construction which includes the task of breaking up large rocks and sorting them, cutting wood in the forest, and working on tea or jatropha plantations.

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<sup>116</sup> Human Rights Watch interview with L.R., Saiha, Mizoram, India, March 7, 2008.

<sup>117</sup> Human Rights Watch interview with L.T.P., Champhai, Mizoram, India, March 11, 2008.

### *Tea and Jatropha Plantations*

As in other parts of Burma, the military government has increased efforts to develop potentially lucrative tea and jatropha plantations in Chin State.<sup>118</sup> According to the Chin Human Rights Organization, some 14,000 acres of land in Chin State have been designated by the SPDC for developing tea plantations.<sup>119</sup> In some instances, army officials confiscate land for these plantations from villagers without compensation. SPDC officials order villagers to purchase seeds and work the fields. The villagers, however, never receive any portion of the yield and are punished if the yield is insufficient.

A man from Matupi township said the SPDC was forcing people to plant tea and Jatropha when he left Burma in September 2006:

[The Tatmadaw] is forcing us to make plantations of tea and Jatropha whether we want it or not. I had to plant Jatropha. We had to buy the saplings and plant them on our land. Then we had to water it and make sure they survive. This we do every day at the cost of our food crops. I planted them in August, which is actually not the time to plant.

The first saplings died and then we had to do a second round of planting. We are like slaves. We have to do everything the soldiers tell us to do. <sup>120</sup>

Another Chin from Matupi township further described to Human Rights Watch the difficulties Chin villagers face as forced laborers on these plantations:

The Burma Army gave us free tea seedlings to plant which we had to plant whether we wanted to or not. But the seedlings were not good and they all died after we planted them. Then the army forced us to buy saplings again and plant. They made our village buy 8000 saplings for one hectare of land. Altogether we had to fill eight hectares of land. We had to buy one sapling at the rate of 25 Kyat...

As the soil is not good in our village we had to go with these saplings to a place about two days walk away. We camped there and planted the tea. That's why people

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<sup>118</sup> Jatropha is a small tree-like plant commonly used in bio-fuel production. In Burma, the jatropha plant is also referred to as castor, physic nut, or *jet-suu*. Although castor is similar in appearance to jatropha, it is a distinct species. The term "physic nut" is a direct translation of the jatropha from Greek, while *jet-suu* is the Burmese translation of physic nut. Jatropha and castor plantations exist throughout Burma, and Chin interviewed for this report used these terms interchangeably. Ethnic Community Development Forum, "Biofuel by Decree: Unmasking Burma's Bio-Energy Fiasco," May 2008, p. 3, [http://www.terrapeer.org/file\\_upload/BiofuelbyDecree.pdf](http://www.terrapeer.org/file_upload/BiofuelbyDecree.pdf) (accessed June 4, 2008).

<sup>119</sup> Chin Human Rights Organization, "A Critical Point: Food Scarcity and Hunger in Burma's Chin State," July 2008, [http://www.chro.org/images/stories/File/pdf/chro\\_report\\_critical\\_point.pdf](http://www.chro.org/images/stories/File/pdf/chro_report_critical_point.pdf) (accessed September 29, 2008).

<sup>120</sup> Human Rights Watch interview with R.T., Mizoram, India, September 2006.

are all fleeing. We are spending our whole time doing the unpaid work for the Burma Army which does not even provide food...

The Burmese government sanctions the loan to the villagers to buy the saplings. Hardly a week passes by before they start pressuring the village headmen to pay back the money. Then they threaten if the people cannot pay it back. It's hell. <sup>121</sup>

One woman told Human Rights Watch how her father and brother are unable to support their family on their salaries, but the soldiers continue to force them to work planting tea leaves in the plantations. She said:

If the crops are not successful, then my family needs to pay fines. We even need to buy the seeds to plant in the fields. If we can't pay the fines or buy the seeds, the SPDC just take it from the salaries of my father and brother. No one can own anything privately in Burma. The SPDC even takes the land away from the rightful owners to grow their own plantations. <sup>122</sup>

In some areas of Chin State, the SPDC requires villagers to pay money to support the military government's bio-fuel program. <sup>123</sup>

Children, the elderly, and the infirm are not exempt from contributing labor on government projects. <sup>124</sup> A 74-year-old man said he fled Burma in 2003 because of forced labor and arbitrary fees. <sup>125</sup>

I recently fled to Mizoram after I could not take care of myself any longer. I could not do forced labor and had to keep paying fines. ... As an old man there is no way for me to get money to pay up to all the demands.... [The army] made us buy the tea saplings and plant them. We have nothing to eat but for months on end we have to keep ourselves busy doing all this government forced work. <sup>126</sup>

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<sup>121</sup> Human Rights Watch interview with S.V., Mizoram, India, September 2006.

<sup>122</sup> Human Rights Watch interview with L., Aizawl, Mizoram, India, March 2, 2008.

<sup>123</sup> Chin Human Rights Organization, "SPDC Collected Money from Chin Farmers," *Rhododendron News*, Vol. X, No. III, June 6, 2007.

<sup>124</sup> Human Rights Watch interview with Z., Mizoram, India, August 2006.

<sup>125</sup> Ibid.

<sup>126</sup> Ibid.

The only way to avoid forced labor is by paying an arbitrary amount of money to *Tatmadaw* officials. Those who cannot work and also cannot pay are subject to arrest for failing to obey *Tatmadaw* orders.<sup>127</sup>

Some say that they were beaten and mistreated by the *Tatmadaw* during forced labor.<sup>128</sup> One man from Falam township described how the SPDC beat his brother because he was unable to work:

The SPDC often called my elder brother for work but he had health problems. He has a mental disorder and also weak lungs. One time in 1994 or 1995, the SPDC called for laborers and my brother told them that he could not go because of his poor health. They wouldn't listen to him so they beat him. They kicked him and beat him with their guns. My brother had a lot of bruises and his face was swollen. After that, my family decided to move to [a village in Sagaing Division].<sup>129</sup>

In the new village, however, his family continued to have problems with forced labor:

Sometimes they call the entire village to work for a short time- maybe two or three days. Sometimes the SPDC decides to show off their power by making all the villagers leave their own work in order to do work for the SPDC. If we don't have the time to do the work, then we have to pay a fine through the village leaders. The SPDC, however, is always ready to beat the people. They always have their guns ready.<sup>130</sup>

### *Forced Portering*

According to interviewees, the SPDC forces many Chin, including children, to serve as porters, carrying equipment, supplies, food rations, and other items for soldiers patrolling from one village to another. Several interviewees told Human Rights Watch that the

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<sup>127</sup> Human Rights Watch interview with L.B.K., Lunglei, Mizoram, March 4, 2008.

<sup>128</sup> Human Rights Watch interview with L.H.L., Kuala Lumpur, Malaysia, April 10, 2008; Human Rights Watch interview with N.M.H., Kuala Lumpur, Malaysia, April 12, 2008.

<sup>129</sup> Human Rights Watch interview with H.L.K., Lunglei, Mizoram, India, March 4, 2008.

<sup>130</sup> Ibid.

*Tatmadaw* called them to porter at least once a week.<sup>131</sup> One woman from Falam township said:

Every time the SPDC soldiers come to our village they make us porter for them.<sup>132</sup>

Frequent demands for forced labor and portering interfere with people's ability to earn their livelihoods. Farmers and their families, who depend on their harvests for their sustenance and livelihoods, are particularly affected.<sup>133</sup> S.H. told Human Rights Watch how he and a dozen other farmers in Hakha township tried to avoid portering during the harvesting season by hiding. The SPDC found them and arrested them. S.H. said:

[The *Tatmadaw*] also arrested and beat all the village council members. We were all beaten badly. [The soldiers] used a stick to beat us. They didn't give us food for three days.<sup>134</sup>

The SPDC released them only after "the pastor appealed on our behalf" and provided 300,000 Kyat (US\$250) to the authorities.<sup>135</sup>

Women are particularly at risk of sexual violence and other abuses as porters. The Women's League of Chinland, a nongovernmental organization focusing on the human rights of Chin women and girls, documented six cases of rape against Chin women serving as porters for the army committed between June 1993 and January 2003.<sup>136</sup> A Chin woman from Thantlang township told Human Rights Watch how soldiers beat her when she was a porter in April 2006:

The army has called me many times to porter, more than 10 times. When I cannot carry their bags, they beat me. [The soldiers] get angry and slap us and kick us. They tell us to go faster. Normally, I'd have to porter for two to

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<sup>131</sup> Human Rights Watch interview with C.H. and N.M.K., Kuala Lumpur, Malaysia, April 11-12, 2008; Human Rights Watch interview with D.K.M. and L.T.P., Champhai, Mizoram, India, March 11, 2008; Human Rights Watch interview with K.T., M.T., and H.K., Saiha, Mizoram, India, March 6-7, 2008; Human Rights Watch interview with N.S., Aizawl, Mizoram, India, March 2, 2008.

<sup>132</sup> Human Rights Watch interview with D.K.M., Champhai, Mizoram, India, March 11, 2008.

<sup>133</sup> Human Rights Watch interview with S.H., Kuala Lumpur, Malaysia, April 14, 2008.

<sup>134</sup> *Ibid.*

<sup>135</sup> *Ibid.*

<sup>136</sup> The Women's League of Chinland, "Unsafe State: State-Sanctioned Sexual Violence against Chin Women in Burma," March 2007, <http://www.chinwomen.org/publications/publications.html> (accessed June 4, 2008).



three days. It's not possible to refuse. One time I tried to refuse to go because I was so tired and the things we are made to carry are very heavy. When I tried to refuse, they beat me. They said, 'You are living under our authority. You have no choice. You must do what we say.'<sup>137</sup>

C.B.T., who was forced to porter since he was 16-years-old, described to Human Rights Watch how the soldiers treated porters:

I would carry rations for a day for the soldiers, carrying about 16 kilograms for twelve miles. The older boys and young men would have to carry 30 kilograms. When they could not keep up—they could not walk like an army—the sergeant asked in Burmese why they were lagging behind. The porters did not understand Burmese and did not answer so [the soldiers] beat them. They slapped them and hit them with a stick and with a gun butt. Three or four were beaten.<sup>138</sup>

## **Freedom of Association and Assembly**

In Chin State, as in other parts of Burma, political expression and dissent is severely circumscribed. According to section 144 of the Myanmar Penal Code, unauthorized assemblies of more than five persons are prohibited.<sup>139</sup>

In Chin State, the army closely monitors the National League for Democracy (NLD), the country's largest pro-democracy party led by Aung San Suu Kyi. Since the SPDC ordered the NLD to close its offices in 1989, they have remained closed. But the NLD in Chin State continues to attract a large membership. In times of political instability, these NLD members are targeted by the military government.<sup>140</sup>

In August and September 2007, many Chins living, working, and studying in Rangoon became involved in the large scale protests in Rangoon. Protests against the SPDC also took place in Hakha, Kalaymyo, and other Chin towns. In early September 2007, members of the

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<sup>137</sup> Human Rights Watch interview with N.M.H., Kuala Lumpur, Malaysia, April 12, 2008.

<sup>138</sup> Human Rights Watch interview with C.B.T., New Delhi, India, January 31, 2005.

<sup>139</sup> Myanmar Penal Code, <http://www.blc-burma.org/html/Myanmar%20Penal%20Code/mpc.html> (accessed June 6, 2008), sec. 144, ch. VIII.

<sup>140</sup> Human Rights Watch interview with S.C., Lawngtlai, Mizoram, India, October 2005. Human Rights Watch interview with S.C., New Delhi, India, January 2005.

NLD led demonstrations in Hakha, Chin State. The authorities later questioned and banned five NLD leaders from future gatherings.<sup>141</sup>

Despite a heightened military presence, on September 19, 2007, 200 monks marched through the streets of Kalaymyo in Sagaing Division, where the population is mostly Chin.<sup>142</sup> Thousands of Chins joined the monks during the next several days.

According to D.C.L., a Chin student leader, on September 24 about 800 students marched from Kalay University to the town center of Kalaymyo with posters calling for the release of Aung San Suu Kyi and other political prisoners.<sup>143</sup> On September 25, the government reacted harshly, D.C.L. said:

[M]ilitary officials in civilian clothes searched the campus for people participating in the protest. They were searching for me and 17 other student leaders. They had taken a video of me on September 24 and they showed my picture to my professor and he identified me. They said they wanted the 18 to report to their office. All the student leaders went into hiding. After we heard that they were searching for us, we fled.<sup>144</sup>

On September 27, 2007, in the midst of the crackdown, the army arrested two prominent Chin pro-democracy leaders, Pu Cin Sian Thang of the Zomi National Congress and Pu Thawng Kho Thang of the United Nationalities League for Democracy from their homes in Rangoon.<sup>145</sup> The *Tatmadaw* held them for a month at Aungtarpay Interrogation Center in Kyaikkasan, Rangoon.<sup>146</sup> The army re-arrested Pu Cin Sian Thang on November 21, and detained him for another week at an undisclosed location.<sup>147</sup>

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<sup>141</sup> "Peaceful Demonstration in Capital of Chin State," *Khonumthung News*, September 5, 2007; "TPDC Authorities Warn NLD Members in Chin State," *Khonumthung News*, September 7, 2007.

<sup>142</sup> "Heightened Security in Northwestern Burma," *Khonumthung News*, September 18, 2007; "Chin State NLD Members under Junta Scanner," *Khonumthung News*, September 14, 2007; "Hundreds of Monks Protest in Kalay, Burma," *Khonumthung News*, September 19, 2007.

<sup>143</sup> Human Rights Watch interview with D.C.L. and D.C., Kuala Lumpur, Malaysia, April 11, 2008; See also Chin Human Rights Organization, "Action, Words, and Prayers: Chin Solidarity for the Protests in Burma," 2007.

<sup>144</sup> Human Rights Watch interview with D.C.L., Kuala Lumpur, Malaysia, April 11, 2008.

<sup>145</sup> Pu Cin Sian Thang and Pu Thawng Kho Thang were elected to parliament during the 1990 elections. However, they never served in the parliament because the military government nullified the 1990 election results. As outspoken opponents of the military government, Pu Cin Sian Thang and Pu Thawng Kho Thang are closely monitored by the army.

<sup>146</sup> "Burmese Police Pick up Two Prominent Chin Politicians," *Khonumthung News*, September 27, 2007.

<sup>147</sup> "Myanmar Opposition says Arrests Undermine Talks," *Reuters*, November 22, 2007; "Junta Arrest Ethnic Leaders," *Mizzima News*, November 22, 2007.

### *Forced Sweeps against Chin National Front (CNF)/Chin National Army (CNA)*

If the SPDC believes the CNF/CNA is active in an area, they order Chin villagers to conduct exhaustive searches for combatants or their weapons in the surrounding forests.<sup>148</sup> A woman from Falam township described to Human Rights Watch how the SPDC forced her family, including five of her children, to search for the guns of the rebel group in the forest for three months in 2004. The family had to spend the nights in the forest.<sup>149</sup>

Another woman from Falam township said the *Tatmadaw* severely beat her father during a similar operation in February 2005 when he was forced to participate in a sweep for the CNF/CNA. She said:

His body was bruised and swollen all over. There was lots of blood in his urine. Even now he still has some blood in his urine. He also continues to suffer from pain in his stomach.

Her family fled to Mizoram because of this incident.<sup>150</sup>

Once a person is identified as a possible CNF/CNA supporter, the SPDC may search for that person for years. Pressure extends not only to the person directly involved with the CNF/CNA but also to their family members and relatives. One man, whose three sons joined the CNF, told Human Rights Watch how he fled Chin State after the *Tatmadaw* pressured him to produce his three sons who joined the CNF. He said:

My life crumbled when the Burma Army started demanding that I call my sons back home. My three sons all joined the CNF. There was no way I could call them back. Then there was a shooting incident in November 2005 in Matupi township. The Burma Army blamed the shooting on one of my sons. Since then, the Burma Army has been haunting me, demanding that I produce my sons or face a harsh prison sentence.<sup>151</sup>

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<sup>148</sup> Human Rights Watch interview with B.L., Aizawl, Mizoram, India, March 2, 2008; Human Rights Watch interview with S.V. and L.M., Lawngtlai, Mizoram, India, August 2006.

<sup>149</sup> Human Rights Watch interview with D.K.M., Champhai, Mizoram, India, March 11, 2008.

<sup>150</sup> Human Rights Watch interview with K.C., Champhai, Mizoram, India, March 11, 2008.

<sup>151</sup> Human Rights Watch interview with Z.H., Mizoram, India, September 2006.

## Religious Repression

Since 1999, the U.S. State Department has ranked Burma as one of the world's worst offenders of religious freedom, designating it a "Country of Particular Concern."<sup>152</sup> In urban areas, churches and other religious institutions appear to operate without excessive interference. In rural Burma, the military government repeatedly demonstrates its intolerance towards non-Buddhist religions.

The introduction of Christianity, particularly the concentrated efforts of American Baptist missionaries in 1899, changed the nature of Chin society. Today more than 90 percent of Chin from Burma are Christian, with most Chin adhering to the tenets of the American Baptist Church. Chin State is the only state in Burma where a majority of the population is not Buddhist.<sup>153</sup>

In keeping with SPDC's ambition to create a single national identity, the SPDC suppresses the culture, language, and religions of non-Burman ethnicities in Burma.<sup>154</sup> In Chin State, the military government promotes Buddhism over all other religions through threats and inducements, restricts proselytizing and conversion to Christianity, interferes with worship services, restricts the printing and importing of Christian bibles and literature, destroys churches, crosses, and other religious symbols, restricts renovation and construction of church buildings, and limits Christian conferences, celebrations, and events.

T.B., a Chin pastor who served as a missionary on the Arakan-Chin border, told Human Rights Watch how SPDC forced him to worship in Buddhist temples. He said:

Twice while working in a village, SPDC soldiers brought me to a pagoda and told me to pray as a Buddhist. They would try to force me to worship their god. I told them that I am a Christian missionary and like a monk so I couldn't worship in their temples. They said that this is a Buddhist country and that I should not practice Christianity. They said, 'Why don't you worship Buddha? Why are you here if you are not Buddhist? This is a Buddhist country.' When they said these things, they also threatened me with their guns.<sup>155</sup>

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<sup>152</sup> US State Department, Bureau of Democracy, Human Rights and Labor, "International Religious Freedom Report- 2007: Burma," <http://www.state.gov/g/drl/rls/irf/2007/90131.htm> (last accessed July 24, 2008).

<sup>153</sup> Salai Za Uk Ling and Salai Bawi Lian Mang, *Religious Persecution: A Campaign of Ethnocide Against Chin Christians in Burma* (Ottawa: Chin Human Rights Organization, February 2004).

<sup>154</sup> See Dr. Lian H. Sakhong, "A Struggle for Democracy, Equality, and Federalism in Burma: An Ethnic Perspective," in *The Chin Forum Magazine* (Thailand: Chin Forum, 2008), p. 79-80.

<sup>155</sup> Human Rights Watch interview with T.B., Lawngtlai, Mizoram, India, March 5, 2008.

As one Chin man from Sagaing Division explained:

It seems like the SPDC is trying to destroy Christianity in Burma. They are doing this covertly... Most of the villagers are poor and we are told by the SPDC, 'If you change your beliefs and convert into good Buddhists, then we will give you some amount of money.'<sup>156</sup>

Another Chin pastor, R.H., and his wife, M.T., said the SPDC authorities threatened them with imprisonment for converting a Buddhist couple to Christianity in April 2007 and they had to pay the authorities to avoid arrest. The SPDC warned them that they would be watching them closely.<sup>157</sup>

[T]he SPDC local authorities called the couple that we converted at night and forced them to attend one week of USDA [Union Solidarity Development Association, an SPDC controlled "social welfare" organization] training as punishment for converting. The authorities told them, 'You should not worship western gods. Only eastern gods are good for Burma.' After that, the couple was afraid to come to the church for two to three months.<sup>158</sup>

The SPDC actively interferes with Christian worship services in Chin State.<sup>159</sup> A woman from Thantlang township told Human Rights Watch that SPDC officials warned them not to worship, gather together, or pray loudly.<sup>160</sup> Another woman from Thantlang described how the SPDC disrupted an evening prayer service. She said:

[T]he SPDC came to the church and shouted at the parishioners that we shouldn't be going to church. They ordered us to stop our worship service. We had no choice so we all just went home.<sup>161</sup>

It is illegal to print or import Chin-language bibles and other religious material under the 1965 Printers and Publishers Registration Law and the 1965 Censor Law.<sup>162</sup> In accordance

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<sup>156</sup> Human Rights Watch interview with H.L.K., Lunglei, Mizoram, India, March 4, 2008.

<sup>157</sup> Human Rights Watch interview with R.H. and M.T., Kuala Lumpur, Malaysia, April 12, 2008.

<sup>158</sup> Human Rights Watch interview with R.H. and M.T., Kuala Lumpur, Malaysia, April 12, 2008.

<sup>159</sup> Human Rights Watch interview with N.M.H., Kuala Lumpur, Malaysia, April 12, 2008; Human Rights Watch interview with R., Lunglei, Mizoram, India, March 4, 2008; Human Rights Watch interview with P.H.L., Saiha, Mizoram, India, August 2006; Human Rights Watch interview with L.M., Lawngtlai, Mizoram, India, August 2006.

<sup>160</sup> Human Rights Watch interview with N.M.H., Kuala Lumpur, Malaysia, April 12, 2008.

<sup>161</sup> Human Rights Watch interview with R., Lunglei, Mizoram, India, March 4, 2008.

with this law, the SPDC burned 16,000 copies of Chin and other ethnic language bibles in Sagaing Division 2000.<sup>163</sup> One Chin man from Falam township described how the army arrested him in November 1999 for bringing about 30 Christian bibles into Burma from Mizoram.<sup>164</sup> He subsequently spent two years and seven months detained in a Kalaymyo detention facility.<sup>165</sup>

Several Chin interviewees told Human Rights Watch about the destruction of Christian churches and crosses by the SPDC in Chin State.<sup>166</sup> An 18-year-old girl from Matupi township interviewed in 2008 said:

The SPDC destroyed our prayer room a couple of years ago and they used the material from our prayer room to build their own houses.<sup>167</sup>

In other instances, Buddhist pagodas are erected on site of the destroyed church or cross, as happened in 1999-2000 in Falam township, when the SPDC pulled down a cross and in its place erected a pagoda.<sup>168</sup> Buddhist pagodas are built in areas of Chin State where there are very few Buddhists with money and labor extorted from Chin Christians.<sup>169</sup> Chin religious leaders and other Christians who fail to abide by the religious restrictions and requirements mandated by the SPDC risk arrest, imprisonment, and even death.<sup>170</sup> One man from Tonzang

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<sup>162</sup> Salai Za Uk Ling and Salai Bawi Lian Mang, *Religious Persecution: A Campaign of Ethnocide Against Chin Christians in Burma* (Ottawa: Chin Human Rights Organization, February 2004), p.121.

<sup>163</sup> *Ibid.*, p. 74.

<sup>164</sup> Human Rights Watch interview with T.S.V., Kuala Lumpur, Malaysia, April 12, 2008.

<sup>165</sup> *Ibid.*

<sup>166</sup> The Chin Human Rights Organization documented the destruction of three Chin churches in Magwei Division, adjacent to Chin State, and crosses in Tonzang, Matupi, Hakha, Thantlang, and Falam townships, Chin State, in 2004. Salai Za Uk Ling and Salai Bawi Lian Mang, *Religious Persecution: A Campaign of Ethnocide Against Chin Christians in Burma* (Ottawa: Chin Human Rights Organization, February 2004), p. 52-59. See also Human Rights Watch interview with L., Aizawl, Mizoram, India, March 2, 2008 (who spoke about the destruction of a church near her town in Falam township, which was later replaced by a church). Human Rights Watch interview with P.H.L., Mizoram, India, August 2006 (who spoke about the military destroying a cross in Hakha township in 1995 and replacing it with a Buddhist statue). Human Rights Interview with B.H., New Delhi, India, June 1, 2005 (who told Human Rights Watch about the destruction of a cross near his village in Tonzang township in June 2003, which was replaced by a Buddhist pagoda).

<sup>167</sup> Human Rights Watch interview with N.S., Aizawl, Mizoram, India, March 2, 2008.

<sup>168</sup> Human Rights Watch interview with M.S.S., Kuala Lumpur, Malaysia, April 14, 2008.

<sup>169</sup> Human Rights Watch interview with A.B.P.T., Aizawl, Mizoram, India, March 2, 2008; Human Rights Watch interview with T.L., Saiha, Mizoram, India, March 5, 2008. See also Chin Human Rights Organization, "Seven Villages Forced to Construct Buddhist Monastery," *Rhododendron News*, Vol. X, No. II, March 1, 2007.

<sup>170</sup> Human Rights Watch interview with M.T. and L.L.M., Kuala Lumpur, Malaysia, April 12-14, 2008; Human Rights Watch interview with K.T., Saiha, Mizoram, India, March 6, 2008; Human Rights Watch interview with B.H., New Delhi, India, June 2005. The Chin Human Rights Organization and Christian Solidarity Worldwide have documented more than 136 arrests and at least 2 killings of religious leaders and others due to their religious affiliations and activities. Salai Za Uk Ling and Salai Bawi Lian Mang, *Religious Persecution: A Campaign of Ethnocide Against Chin Christians in Burma* (Ottawa: Chin Human Rights Organization, February 2004), pp. 60-71; Christian Solidarity Worldwide, "Report on Visit to the Chin and Kachin Refugees in India," March 2-9, 2004.

township told Human Rights Watch how the SPDC threatened to arrest him in June 2003 for trying to protect a cross they planned to destroy and replace with a pagoda.<sup>171</sup>

There are also restrictions on building and repairing churches in Chin State.<sup>172</sup> In order to build or repair a church, the community must first obtain permission from the Religious Affairs Ministry, the police, township authorities, and block-level authorities. Obtaining permission is typically an arduous and expensive process that hinders building and repair of church buildings.<sup>173</sup>

Chin Christians hoping to organize religious events are similarly hampered.<sup>174</sup> A Chin man from Sagaing Division explained the SPDC's procedures to apply for permission to hold a religious event. He said:

First, we have to prepare an application, then we have to go to the village council to get their signature, then the village council passes the application to higher offices. We also have to pay an amount of money for permission... Whenever we organize a program, the SPDC sends the [military intelligence services] to monitor our discussions.<sup>175</sup>

The SPDC also uses forced labor to interfere with the Chin's religious practices. According to a farmer from Falam township who left Burma February 2008, the SPDC "forced us to do labor on Sunday as a way to disrupt our prayer services."<sup>176</sup> Chin Christian pastors are not exempt from forced labor and may be called by the SPDC on Sundays and religious holidays. In Falam town, one man reported that the pastor is called one to three times each month.<sup>177</sup>

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<sup>171</sup> Human Rights Watch interview with B.H., New Delhi, India, June 2005.

<sup>172</sup> Human Rights Watch interview with Z.K., R.H., and M.T., Kuala Lumpur, Malaysia, April 12, 2008; Human Rights Watch interview with L.M., S.S.L., Champhai, Mizoram, India, March 11, 2008; Human Rights Watch interview with M.V., K.T., and T.Z.U., Saiha, Mizoram, India, March 7, 2008. The Chin Human Rights Organization documented the interruption and prohibition of at least 13 construction or renovation projects of churches and religious buildings throughout the 1990s. Salai Za Uk Ling and Salai Bawi Lian Mang, *Religious Persecution: A Campaign of Ethnocide Against Chin Christians in Burma* (Ottawa: Chin Human Rights Organization, February 2004), pp. 49-50.

<sup>173</sup> Human Rights Watch interview with M.T., Kuala Lumpur, Malaysia, April 12, 2008.

<sup>174</sup> Human Rights Watch interview with Z.K., Kuala Lumpur, Malaysia, April 12, 2008; Human Rights Watch interview with S.S.L., Champhai, Mizoram, India, March 11, 2008; Human Rights Watch interview with T.L., Saiha, Mizoram, India, March 5, 2008.

<sup>175</sup> Human Rights Watch interview with L.M., Champhai, Mizoram, India, March 11, 2008.

<sup>176</sup> Human Rights Watch interview with M.S.S., Kuala Lumpur, Malaysia, April 14, 2008. See also Human Rights Watch interview with R., Lawngtlai, Mizoram, India, October 2005.

<sup>177</sup> Human Rights Watch interview with S.S.L., Champhai, Mizoram, India, March 11, 2008. See also Human Rights Watch interview with L.L.M., Kuala Lumpur, Malaysia, April 14, 2008; Human Rights Watch interview with L.M., Champhai, Mizoram, India, March 11, 2008.

## Restrictions on Movement

The SPDC regularly monitors the movements and activities of Chin villagers and limits travel through arbitrary restrictions. At times security forces physically abuse those who do not comply. These restrictions on freedom of movement isolate the Chin people from each other and limit inter-community contacts and associations.

According to the Chin Human Rights Organization, villagers in parts of southern Chin State are prohibited from staying at their farms overnight.<sup>178</sup> In other areas of the state, Chin villagers are required to obtain permission and pay money to the authorities in order to travel outside their village.<sup>179</sup> T.T., a cross-border trader from Paletwa township who still lives in Burma, told how villagers must pay money at the village gate to SPDC officials each time they travel outside the village.<sup>180</sup> There is no set fee or law governing this practice; the amount is arbitrarily determined by authorities in control of the area.<sup>181</sup>

At checkpoints located along all the major roads of Chin State, *Tatmadaw* soldiers require villagers to show their national identity cards and typically demand money. Another man from Paletwa township said:

There are a lot of checkpoints to go through and at the checkpoints they charge some fees. At every village, the SPDC charges arbitrary fees. It is very difficult to travel in Chin State.<sup>182</sup>

*Tatmadaw* soldiers also impose additional arbitrary charges on cross-border traders carrying goods from Chin State to Mizoram, and failure to comply may result in arrest.<sup>183</sup> No laws exist to validate the payment of such fees, but soldiers arrest people with impunity.

To cross into Mizoram at official checkpoints, Chin villagers must surrender their national identification cards and pay set fees to immigration, customs, and police officials of 200 to

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<sup>178</sup> Chin Human Rights Organization, "New Restrictions on Farmers and Travelers in Southern Chin State," *Rhododendron News*, Vol. X, No. IV, July 10, 2007.

<sup>179</sup> Chin Human Rights Organization, "New Restrictions on Farmers and Travelers in Southern Chin State," *Rhododendron News*, Vol. X, No. IV, July 10, 2007; Chin Human Rights Organization, "SPDC Authorities Extort Money from Travelers," *Rhododendron News*, Vol X, No. I, January 25, 2007.

<sup>180</sup> Human Rights Watch interview with T.T., Saiha, Mizoram, India, March 7, 2008.

<sup>181</sup> Human Rights Watch interview with T.Z.U. and L.R.N.K., Saiha, Mizoram, India, March 6-7, 2008; Human Rights Watch interview with L.T.P., Champhai, Mizoram, India, March 11, 2008.

<sup>182</sup> Human Rights Watch interview with T.Z.U., Saiha, Mizoram, India, March 6, 2008.

<sup>183</sup> Human Rights Watch interview with L.K.H., Champhai, Mizoram, India, March 12, 2008; Human Rights Watch interview with L.R. and K.T., Saiha, Mizoram, India, March 6-7, 2008.



2,000 Rupees (US\$4.50 to \$45), which are determined by the officials depending on the goods they are carrying.<sup>184</sup> Upon return to Burma, villagers must pay again to get their cards back.<sup>185</sup> This process allows the SPDC to monitor the movements of the Chin and extort more money from travelers. To circumvent SPDC checkpoints and patrolling soldiers, Chin refugees fleeing from the military cross illegally into Mizoram, typically relying on rugged forest footpaths and taking great risks along the way.

SPDC soldiers regularly confiscate money and property from cross-border traders who transport their goods in order to sell them in Mizoram. The SPDC either demands money as a “business tax” from traders who carry goods from Burma to sell in Mizoram or SPDC soldiers simply take money outright from traders.<sup>186</sup> K.T., a female cross-border trader from Thantlang township reported an incident in June 2005 where SPDC soldiers demanded money from her and her friend. When they could not pay, the SPDC threatened them with arrest, and took their horse and their goods worth 200,000 Kyat (US\$170).<sup>187</sup> Products and goods extorted from traders are reportedly later sold by SPDC officials for personal profit.<sup>188</sup>

To monitor the movements of the Chin people, the SPDC requires all Chin households to maintain registration lists. If a family member on the list is absent during regular household checks, particularly if the family is suspected of being sympathetic to a Chin opposition group, the family is punished.<sup>189</sup> R.T., who left Matupi town, Chin State, in September 2006, told Human Rights Watch:

The Burma Army is doing a head count in every village. In my area they have made it mandatory for all the households to keep a list of the family members pasted on the door of the house and also to keep a copy with the family...If a person on the list is not in the house, they will raise questions about the whereabouts or if the person has fled the country, the family will have to bear the punishment, like one person of the family will be imprisoned.<sup>190</sup>

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<sup>184</sup> Human Rights Watch interview with L.T.P., Champhai, Mizoram, India, March 11, 2008; Human Rights Watch interview with L.R.N.K., Saiha, Mizoram, India, March 7, 2008; Human Rights Watch interview with H.L.K., Lunglei, Mizoram, India, March 4, 2008.

<sup>185</sup> Human Rights Watch interview with P.H.L., Lunglei, Mizoram, India, August 2006.

<sup>186</sup> Human Rights Watch interview with L.R., Saiha, Mizoram, India, March 7, 2008.

<sup>187</sup> Human Rights Watch interview with K.T., Saiha, Mizoram, India, March 6, 2008.

<sup>188</sup> Chin Human Rights Organization, “Officials Auctioned Off Seized Goods for Personal Profit,” *Rhododendron News*, Vol. X, No. VI, December 13, 2007.

<sup>189</sup> Human Rights Watch interview with P.H.L., Saiha, Mizoram, India, August 2006.

<sup>190</sup> Human Rights Watch interview with R.T., Lawngtlai, Mizoram, India, September 2006.

All house guests must also be approved and registered with the local authorities. P.H.L., a Chin church leader living in Saiha, Mizoram, said that the system began in 2004-2005 but the government has become stricter since 2006 in order to monitor people's movements.<sup>191</sup> Unregistered visitors are subject to fines, beatings, and imprisonment.<sup>192</sup>

## Forced Military Trainings and Conscription

Forced recruitment for military training has been reported throughout Chin State, particularly in areas where armed opposition groups are suspected to be active.<sup>193</sup> The local and regional *Tatmadaw* commanders order village headmen to produce a certain number of trainees, typically men between the ages of 35 and 45 but also women, younger men, and children. Trainees are required to report to army camps or a village common area, such as a football field. The trainings last between one to eight weeks during which time trainees are supervised by *Tatmadaw* soldiers and forced to engage in military training exercises.

These types of trainings are periodically organized by the *Tatmadaw* for the stated purpose of promoting national unity and to prepare villagers to provide military support and village protection when called. In some instances, the *Tatmadaw* force villagers to perform village sentry duty after completing a training program. The only way to avoid the trainings is to pay substantial sums of money to the authorities. Otherwise anyone who fails to attend military training risks arrest and imprisonment.<sup>194</sup>

R.T., who left Chin State in September 2006, described to Human Rights Watch the trainings he experienced in Matupi township, and said that those who ran away from the training camp were subject to a three-year prison sentence.<sup>195</sup>

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<sup>191</sup> Human Rights Watch interview with P.H.L., Saiha, Mizoram, India, August 2006.

<sup>192</sup> Human Rights Watch interview with L.M., Lunglei, Mizoram, India, September 2006.

<sup>193</sup> Chin Human Rights Organization and Khonumthung News reported on recent SPDC orders to forcibly recruit trainees in Sagaing Division, Paletwa township, and Hakha township. Chin Human Rights Organization, "Money Extorted to Finance Military Training," *Rhododendron News*, Vol. XI, No. I, February 18, 2008; "Burmese Police Recruit under age Youth in Western Burma," *Khonumthung News*, Vol. XI, No. I, February 9, 2008; Chin Human Rights Organization, "Illegal Funds Collected from Chin Public," *Rhododendron News*, Vol. XI, No. I, January 19, 2008.

<sup>194</sup> See Chin Human Rights Organization, "SPDC Conscript Villagers in Militia Training," *Rhododendron News*, Vol. X, No. III, May 17, 2007; Chin Human Rights Organization, "200 Local Civilians Train for Militia," *Rhododendron News*, Vol. IX, No. V, September 12, 2006; Chin Human Rights Organization, "SPDC Conscripted Villagers for Militia Training, Collect Ration and Money from Civilians," *Rhododendron News*, Vol. IX, No. V, September 10, 2006; Chin Human Rights Organization, "Villagers Forced to Attend Two Months Military Training," *Rhododendron News*, Vol. IX, No. IV, July 7, 2007; Chin Human Rights Organization, "Local Residents Forced to Take Military Training," *Rhododendron News*, Vol. VIII, No. IV, August 7, 2006; Chin Human Rights Organization, "Civilians Forcibly Conscripted for Militia Training," *Rhododendron News*, Vol. VIII, No. II, April 1, 2006; Chin Human Rights Organization, "Civilians Compelled to Take Militia Training, Conscription Order Issued," *Rhododendron News*, Vol. VII, No. I, January 10, 2005.

<sup>195</sup> Human Rights Watch interview with R.T., Mizoram, India, September 2006.

Nineteen-year-old C.B.T. from Thantlang township explained how the SPDC ordered the forced recruitment of men, women, and children over the age of 16 from his village to participate in a two-month training program. He said:

[The police] came to our village four or five times. They held discussions with leaders from several villages and collected young people. When they can't find [recruits], they beat the village council headman with wooden batons. Then they collect youth as they want. ...Sometimes if the police want to call some girls, they already know where the girls are living and select their own, with the army soldiers accompanying them to the house. When the young people are collected they are shaking in fear, but they don't cry. Some of the girls cry when they return.<sup>196</sup>

C.B.T. said that the army trained about 250 children and young people from 18 villages during a two-month course in September 2004 in a particular village in Thantlang township, followed by another 180 people in November-December 2004. When the army summoned him and his younger brother to attend a training in January 2005, they fled to India.<sup>197</sup>

A woman from Thantlang township said the SPDC forced women to attend trainings that took place in her village during 2004-2005. She said:

We had to do everything the same as in a military training. We had to learn how to shoot, how to crawl, everything... The authorities beat many people during the training. One person was ill and they still forced him to attend. He was so weak and could not move very fast. I saw them slap him and hit him. Because I was watching them do that, they slapped me.<sup>198</sup>

Since all villagers must contribute money to feed the trainees, some families go into debt, and some send their children to Mizoram to find work.<sup>199</sup> Interviewees identified forced trainings held by the SPDC and agents of the SPDC as a major reason for people leaving their villages in Chin State. As one interviewee said in August 2006:

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<sup>196</sup> Human Rights Watch interview with C.B.T., New Delhi, India, January 31, 2005.

<sup>197</sup> Human Rights Watch interview with C.B.T., New Delhi, India, January 31, 2005.

<sup>198</sup> Human Rights Watch interview with N.M.H., Kuala Lumpur, Malaysia, April 12, 2008.

<sup>199</sup> Human Rights Watch interview with S.V., Mizoram, India, September 2006.

Because of [these trainings] the younger men have all left their homes and run away to other places. Only women, the old and feeble, and children are left in the villages.<sup>200</sup>

### *Conscription of Child Soldiers*

Human Rights Watch's October 2007 report, *Sold to be Soldiers*, documents the widespread forced recruitment of children into the military in Burma, often by soldiers or police who are ordered or induced to fill battalion recruitment quotas by their superiors.<sup>201</sup> Despite extensive evidence to the contrary, the SPDC denies the presence of child soldiers in its armed forces. Although the military government established the Committee for the Prevention of Military Recruitment of Underage Children in 2004, the SPDC has failed to take concrete action to eliminate the practice of conscription of children into the military.

As in other parts of Burma, Chin children are highly vulnerable to being forcibly recruited into the *Tatmadaw*.<sup>202</sup> Two former Chin soldiers serving in the *Tatmadaw* reported a significant presence of children within their respective battalions. S.K. said 20 soldiers in his battalion at the time of his desertion in 1994 were under the age of 18.<sup>203</sup> Another former Chin soldier said at least 80 soldiers in his battalion in 2003 were younger than 18.<sup>204</sup> A 37-year-old man from Falam township told Human Rights Watch how the army forced his sister's son into the army in 2005 when he was 16-years-old:

He was traveling by train to look for work when the SPDC took him. When the army took him, he was only 16-years-old. Until today, they still haven't released him. His mother only heard that he was doing okay but she hasn't received any other information from him.<sup>205</sup>

The 1959 Conscription Act authorizes conscription to the *Tatmadaw* for a period of six months to two years of men aged 18 to 35 and women aged 18 to 27. Particularly in the face

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<sup>200</sup> Human Rights Watch interview with T.D., Aizawl, Mizoram, India, August 2006.

<sup>201</sup> Human Rights Watch, *Sold to be Soldiers: The Recruitment and Use of Child Soldiers in Burma*, vol. 19, no.15(C), October 2007, <http://hrw.org/reports/2007/burma1007/>.

<sup>202</sup> Khonumthung News reported the forced recruitment of as many as 30 children into the police forces in Paletwa township. "Burmese Police Recruit under age Youth in Western Burma," *Khonumthung News*, February 9, 2008. See also "Burma Still Recruiting Child Soldiers," *Khonumthung News*, October 31, 2007.

<sup>203</sup> Human Rights Watch interview with S.K., Kuala Lumpur, Malaysia, April 12, 2008. Battalions in Burma are typically composed of 400-700 soldiers.

<sup>204</sup> Human Rights Watch interview with K.Z.T., Champhai, Mizoram, India, March 12, 2008.

<sup>205</sup> Human Rights Watch interview with L.M., Champhai, Mizoram, India, March 11, 2008.

of high desertion rates, the army relies on conscription policies to maintain a strong military presence throughout the country. In Chin State, forced military conscription is another reason many are fleeing, as confirmed by a female Chin community leader in a 2006 interview with Human Rights Watch:

There is forced conscription going on now even in the city and towns—before it was confined to the remote villages. People don’t want to join the Burma Army anymore. This is forcing more and more people to flee the country.<sup>206</sup>

### **Extortion and Confiscation of Personal Property**

Many times the SPDC force us to give them our chicken or rice. They come and ask for these things. If we don’t give it freely to them, they just take it. They will kill our chickens in front of us and take it all.

—An 18-year-old girl from Matupi township, Chin State, Burma <sup>207</sup>

We also have to pay many, many taxes. If we can earn 1,000 Kyat (US\$0.80), then 500 (US\$0.40) goes to SPDC.

—Chin woman from Thantlang township, Chin State, Burma <sup>208</sup>

Chin interviewees indicated that soldiers take whatever they want when they patrol through their villages regardless of the owners’ consent.<sup>209</sup> Cattle, chickens, pigs, and other livestock are the most commonly confiscated items. Human Rights Watch spoke with one man who cited these problems as the reason that led his family to flee from Falam township:

Actually, the reason my family and I moved to [a village in Sagaing Division] is because of the difficulty of living in the Chin Hills because the SPDC would come so frequently to our house and demand our cattle and chickens. We couldn’t survive so we had to move. We lived in Falam for five years and the SPDC came at least 30 times. They took whatever they wanted.<sup>210</sup>

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<sup>206</sup> Human Rights Watch interview with Z., Aizawl, Mizoram, India, August 2006.

<sup>207</sup> Human Rights Watch interview with N.S., Aizawl, Mizoram, India, March 2, 2008.

<sup>208</sup> Human Rights Watch interview with T.P., Saiha, Mizoram, India, March 6, 2008.

<sup>209</sup> Human Rights Watch interview with L.H.L., C.H., and N.M.H., Kuala Lumpur, Malaysia, April 10-12, 2008; Human Rights Watch interview with L.M., and T.K.L., Champhai, Mizoram, India, March 11, 2008; Human Rights Watch interview with K.T., M.V., and B.R.L., Saiha, Mizoram, India, March 6-7, 2008; Human Rights Watch interview with L., A.B.P., and N.S., Aizawl, Mizoram, India, March 2, 2008.

<sup>210</sup> Human Rights Watch interview with L.M., Champhai, Mizoram, India, March 11, 2008.

Local and regional army commanders also order villagers to provide supplies to soldiers. According to the Chin Human Rights Organization, during the first week of July 2007, the SPDC ordered villagers in Matupi township to provide three cups of rice and one chicken to the SPDC every month. The order came wrapped around a bullet, a clear warning to villagers of dire consequences should they fail to fulfill the demands.<sup>211</sup> In June 2008, the SPDC ordered 11 villages in Matupi township to provide nine tins or 117 kilograms of rice despite increasing food shortages in the area.<sup>212</sup>

One man told Human Rights Watch that the military in 2006 took his father's land and house in Matupi township, forcing his family to move to a rented house.<sup>213</sup> Reports by Chin organizations confirm the confiscation of Chin people's land to make way for army bases, training fields, and other SPDC projects.<sup>214</sup>

Soldiers and SPDC authorities also extract large sums of money from Chin villagers through arbitrary and excessive "taxes," bribes, fines, and fees. A Chin woman from Paletwa township further explained the arbitrariness of taxes or fines collected by the SPDC:

[The SPDC] collects money—maybe 300-500 Kyat (US\$0.25-0.40) from each house—every time they come to our village, which is about two to four times a month. These are orders, not a request. We are afraid to refuse the orders of the SPDC so we just give them whatever amount they demand. We do not want them to make trouble for us. If someone is too poor, the village council will borrow money from the other households in order to provide for those who cannot pay.<sup>215</sup>

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<sup>211</sup> Chin Human Rights Organization, "Burmese Soldiers Living Off Chin Villagers", *Rhododendron News*, Vol. X, No. IV, July 18, 2007.

<sup>212</sup> Chin Human Rights Organization, "Villagers Forced to Feed Burmese Soldiers Amidst Looming Starvation," *Rhododendron News*, Vol. XI, No. III, June 24, 2008. One tin of rice equals about 13 kilograms of rice.

<sup>213</sup> Human Rights Watch interview with M., Kuala Lumpur, Malaysia, April 12, 2008 (stating "My father had one house located on a mountain top overlooking the town. The military wanted to take that house because it served as a good lookout point. We are very poor so we only have a small hut. Soldiers came to our house and said, 'Why don't you build a proper house? If you can't build a proper house, then we will take your land and build a real house.' In December 2006, the Burma Army forced my family out of our house. Now my family rents a house in the village.") See also Human Rights Watch interview with K.T., Saiha, Mizoram, India, March 6, 2008; Human Rights Watch interview with L.L., Lawngtlai, Mizoram, India, October 2005; Human Rights Watch interview with S.C., New Delhi, India, January 2005.

<sup>214</sup> Human Rights Watch interview with S.S., Aizawl, Mizoram, India, October 18, 2008. See also Chin Human Rights Organization, "SPDC Seized and Demolishes Houses for Training Ground," *Rhododendron News*, Vol. XI, No. III, May 19, 2008; Chin Human Rights Organization, "Confiscated Village Head House for Army Camp," *Rhododendron News*, Vol. X, No. V, October 12, 2007; "Myanmar Army Demolishes Houses for Training Ground," *Khonumthung News*, May 19, 2007.

<sup>215</sup> Human Rights Watch interview with L.R.N.K., Saiha, Mizoram, India, March 7, 2008.

Constant demands on villagers to sacrifice food, livestock, property, and money to give to the SPDC have made it difficult for Chin to survive in Chin State. A 19-year-old Chin woman, who was forced to leave school in order to find work as a cross-border trader to support her family in Burma, said:

Our main expenses are food and paying fees to the SPDC. The SPDC makes us pay about 500 to 1,000 Kyat (US\$0.40-0.80) per house per year in addition to other fees. We have to pay whatever the soldiers ask for because we are afraid that they will beat us or arrest us.<sup>216</sup>

### Sexual Harassment and Violence

The army would come to my village. Everyone was scared. When they are around the women all stay inside their homes and they dare not come out and expose themselves for fear of rape and molestation.

—Chin woman who fled Burma at age 15 in 1999<sup>217</sup>

Chin women and girls live in fear of rape and other forms of sexual violence by *Tatmadaw* soldiers. Several Chin women described to Human Rights Watch the level of fear in their village during *Tatmadaw* patrols.<sup>218</sup> One woman from Thantlang township said:

Whenever the army comes to my village, most of the women hide. Otherwise, they call all the women and search our bodies. We are also afraid they might try to sexually abuse us.<sup>219</sup>

The Women's League of Chinland, a nongovernmental organization focusing on the human rights of Chin women and girls, documented 34 cases of rape against Chin women and five cases of rape against Chin girls committed between 1989 and June 2006, a majority of which took place near army camps.<sup>220</sup>

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<sup>216</sup> Human Rights Watch interview with M.V., Saiha, Mizoram, India, March 7, 2008.

<sup>217</sup> Human Rights Watch interview with E.H., Mizoram, India, September 2005.

<sup>218</sup> Human Rights Watch interview with L.M., Champhai, Mizoram, India, March 11, 2008; Human Rights Watch interview with N.S., Aizawl, Mizoram, India, March 2, 2008; Human Rights Watch interview with S.H., Aizawl, Mizoram, India, July 2005.

<sup>219</sup> Human Rights Watch interview with N.M.H., Kuala Lumpur, Malaysia, April 12, 2008.

<sup>220</sup> The Women's League of Chinland, "Unsafe State: State-Sanctioned Sexual Violence against Chin Women in Burma," March 2007, <http://www.chinwomen.org/publications/publications.html> (accessed June 4, 2008).

A 19-year-old Chin man from Matupi township said the *Tatmadaw* soldiers harass young Chin women and girls. He told Human Rights Watch about an incident he witnessed when *Tatmadaw* soldiers forced him and eight others, including one girl, to sing during a festival at an army camp:

We had no choice but to obey them. While we presented our song, the soldiers jeered at and teased the girl. One of them even came forward and touched her breasts. This was humiliating to all of us and made us all angry. But there was hardly anything we could do. On the last night of the festival, the soldiers threw water on the girl who was singing.<sup>221</sup>

*Tatmadaw* soldiers are also reportedly encouraged or given incentives to marry local Chin women.<sup>222</sup> According to the Women's League of Chinland, the SPDC promises Burman soldiers 100,000 Kyat (US\$80) to marry an educated Chin woman.<sup>223</sup> Such policies can lead to increased sexual harassment and forced marriages for ethnic women.

A 24-year-old Chin woman, who fled to Mizoram after an SPDC soldier tried to force her to marry him in 2002, described her experience:

One SPDC soldier proposed to marry me...He came to my house and locked the door behind him. He asked me if I would marry him. I told him that I didn't want to marry him. He kept insisting and I got scared. I managed to unlock the door and run away.<sup>224</sup>

She told how the soldier returned a second time and threatened her:

[He] took me aside and pointed his gun at me and said, 'If you don't marry me, I will kill you. Even if you refuse me, I'll still sleep in your bed. You can shout but there is nothing anyone can do.'<sup>225</sup>

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<sup>221</sup> Human Rights Watch interview with A.A., Mizoram, India, October 2005.

<sup>222</sup> Human Rights Watch interview with N.T.C., L.M., V.B.T., K.T.L., and T.D., Mizoram, India, October 2005 – August 2006.

<sup>223</sup> Women's League of Chinland, "Hidden Crimes against Chin Women: The Preliminary Report," March 27, 2007, <http://www.chinwomen.org/pages/posts/the-preliminary-reporthidden-crimes-against-chin-women15.php> (accessed June 4, 2008).

<sup>224</sup> Human Rights Watch interview with P.T., Champhai, Mizoram, India, March 12, 2008.

<sup>225</sup> *Ibid.*



## IV. Abuses Committed by Ethnic Opposition Groups

These underground groups, rather than being a help, make life even more difficult for us.

—Chin church leader now living in Mizoram, India <sup>226</sup>

The Chin National Front (CNF) and its armed branch, the Chin National Army (CNA), is the largest organization within the Chin resistance movement. Alleged abuses by the CNF/CNA tend to undermine its legitimacy among the Chin people. Some members of the CNF/CNA are accused of extorting money from villagers, and harassing, beating, and committing other abuses against villagers.

Many problems with the CNF stem from its policy of collecting periodic “donations” from villagers to support its operations. L.R., a woman from Paletwa township, described this process:

When the CNF comes, sometimes they ask for money. Usually they ask for 3,000 Kyat (US\$2.50) per house for one year, or they’ll ask for food, rice, or sometimes shoes and clothes. They collect the donations by designating a meeting point somewhere near the border. After the village council leaders collect the donations from the villagers, they send one of the village youth to secretly bring the donations to the meeting point.<sup>227</sup>

Another man from Falam township explained:

We never meet the CNA personally. They are based in Mizoram and they collect donations from the villagers. They tell the village headman the amount of donation they want from the village. Then the headman asks the villagers to give money. They come only once a year and they ask for donations from the entire village—usually 400,000 Kyat (US\$333).... We could not refuse to provide the donation. We have to comply with their

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<sup>226</sup> Human Rights Watch interview with S.T., Aizawl, Mizoram, India, July 2005.

<sup>227</sup> Human Rights Watch interview with L.R., Saiha, Mizoram, India, March 7, 2008.

request. If we refuse, we are afraid that our village might suffer so we always pay.<sup>228</sup>

T.B.L., a teacher from Thantlang township indicated that he ultimately fled Chin State in 1991 after becoming exhausted by the CNA's practice of collecting money from villagers. He said:

[The CNA] collected donations from us many times. I was tired of giving so many donations so I came to Mizoram because I want to live in a democracy.<sup>229</sup>

The Joint-General Secretary, External Affairs Department of the CNF Sui Khar spoke with Human Rights Watch and confirmed that villagers were asked to donate 3,000 Kyat (US\$2.50) per household per year until 2007. He said this amount was based on the cost of one chicken.<sup>230</sup> He claimed this amount was reduced to only 10 Kyat per year in August 2007.<sup>231</sup>

While some people said they paid willingly, others told Human Rights Watch that they were coerced to contribute and found the amounts onerous.

A woman from Thantlang township reported that sometimes if people in her village did not have enough money, the village leaders would take their property and sell it to pay the CNA.<sup>232</sup>

T.B.L., quoted above, described how the CNA threatens and abuses Chin villagers:

Sometimes [the CNA] ask villagers for money and threaten to beat them if they do not pay. If someone does not want to give a donation, the CNA will say, "If you do not give us money, then we'll burn down your village," or "We'll beat you if you don't give us money." I've never heard of them burning down any villages. Sometimes they actually beat people who failed to

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<sup>228</sup> Human Rights Watch interview with M.S.S., Kuala Lumpur, Malaysia, April 14, 2008.

<sup>229</sup> Human Rights Watch interview with T.B.L., Lunglei, Mizoram, India, March 4, 2008.

<sup>230</sup> Human Rights Watch interview with Dr. Sui Khar, the Joint General Secretary of the CNF, External Affairs Department, Chiang Mai, Thailand, May 30, 2008.

<sup>231</sup> Human Rights Watch interview with Dr. Sui Khar, the Joint General Secretary of the CNF, External Affairs Department, Chiang Mai, Thailand, May 30, 2008. See also "CNF to Reduce Tax Imposed in Chin State," *Khonumthung News*, February 4, 2008.

<sup>232</sup> Human Rights Watch interview with T.T., Lawngtlai, Mizoram, March 5, 2008.

provide a donation. Most villagers are afraid so they just provide the money.<sup>233</sup>

The CNA also collects money from cross-border traders traveling to India. M.V., a 19-year-old woman from Paletwa township who has been working as a cross-border trader since 2004, told Human Rights Watch:

The amount that we have to pay depends on what we are bringing. If we are bringing cattle, then we have to pay 2,000 Rupees (US\$44). If we are bringing vegetables, then we have to pay maybe 300 Rupees (US\$6.60). If we refuse to pay the CNF, we are afraid that they will beat us. I heard from other cross-border traders that the CNF has beaten some people before so I am afraid.<sup>234</sup>

Another woman from Paletwa township who travelled back and forth to Mizoram as a cross-border trader since 2000 told Human Rights Watch of an incident when CNA soldiers threatened to hold her captive overnight unless she paid the money demanded.

The CNA forces us to pay money in order to bring vegetables to sell in Mizoram. When we try to bring vegetables to Mizoram, they request 300 to 400 Rupees (US\$6.60 to 8.80). One time I didn't have the money to pay them. They told me that I either had to find the money or I would have to stay the night with them. I was afraid they might try to rape me so I went to some nearby villages and borrowed money.<sup>235</sup>

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<sup>233</sup> Human Rights Watch interview with T.B.L., Lunglei, Mizoram, India, March 4, 2008.

<sup>234</sup> Human Rights Watch interview with M.V., Saiha, Mizoram, March 7, 2008.

<sup>235</sup> Human Rights Watch interview with K.S.L., Saiha, Mizoram, March 7, 2008.

## V. Life for Chin in Mizoram

Here [in India] I am like a prisoner. Even though India is the biggest democratic country, staying in India is like staying in prison: no freedom, no happiness, no money to take care of my family.

—Chin refugee living in New Delhi, India <sup>236</sup>

[Some Mizo residents] take advantage of our position and demand money threatening that if we don't pay up they'll inform the police or the YMA. There are some Mizos who simply just hate the sight of us and challenge us or threaten to beat us up. Life is hell for us. We cannot protect ourselves as this will cause further furor. We have to just make ourselves seem small and avoid these dangers. To be Burmese is to face discrimination.

—Chin woman living in Mizoram, India <sup>237</sup>

We live in fear and misery and just manage to keep surviving day to day. Most of us have decided that if there is another drive by the YMA we will not move. We choose to die right here rather than be deported to Burma.

—Chin widow living in Mizoram, India <sup>238</sup>

As conditions have worsened in Chin State, the Indian state of Mizoram has continued to serve as the main destination for thousands of Chin, many of whom cross the border without documents. As of March 2008, an estimated 75,000 to 100,000 undocumented Chin from Burma live in Mizoram.<sup>239</sup>

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<sup>236</sup> Human Rights Interview with T.K.T., New Delhi, India, June 2005.

<sup>237</sup> Human Rights Watch interview with P.D., Lawngtlai, Mizoram, India, October, 2005.

<sup>238</sup> Human Rights Watch interview with C., Mizoram, India, October 2005.

<sup>239</sup> Due to the porous border and closed nature of the Chin community living in Mizoram, it is difficult to ascertain the exact population of Chin in Mizoram. Human Rights Watch interviewed several Chin refugee leaders and residents of Mizoram, who provided rough estimates of the number of Chin living in Mizoram. Human Rights Watch interview with N.K.T., a long-time resident and teacher in Mizoram, Champhai, Mizoram, India, October 2005 (estimating that 80,000 Chin live in Mizoram); Human Rights Watch interview with P.H.L. Saiha, Mizoram, India, August 2006 (putting the population at 70,000); Human Rights Watch interview with Colin Gonzales of UNHCR's partner agency Socio-Legal Information Center (SLIC), New Delhi, India, January 31, 2005 (reporting 62,000 Chin in Mizoram). See also U.S. Committee for Refugees and Immigrants, "World Refugee Survey- 2008," 2008, <http://www.refugees.org/countryreports.aspx?id=2143> (accessed July 22, 2008) (reporting a population of 75,000 ethnic Chin in Mizoram State, India); Julien Levesque and Mirza Zulfiqur Rahman, "Tension in the Rolling Hills: Population and Border Trade in Mizoram," Institute of Peace and Conflict Studies, April 2008, <http://ipcs.org/IPCS-ResearchPaper14.pdf> (accessed July 22, 2008) (estimating 75,000 to 100,000 Chin in Mizoram State).

In the first waves of migration of Chins to Mizoram in 1988, the local Mizo population accepted the new arrivals. As conditions further deteriorated in Burma and the exodus of Chin escalated, the Mizo population became less accommodating.

Although most Chin come to Mizoram to escape persecution and abuse, the Chin live in Mizoram without basic protection of their rights or adequate humanitarian assistance. Most Chin in Mizoram live without documents of any kind. Although many would likely qualify as refugees under the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, India is not a party to either and the UNHCR has no operations in Mizoram. Chin in Mizoram face security abuses, severe discrimination, religious repression, and lack of jobs, housing, and affordable education. They live largely at the mercy of the local population in Mizoram.

### **Arbitrary Arrests and Forced Returns**

Tension between the Chin and Mizo has given rise to periodic “anti-foreigner” campaigns. During these campaigns, members of the Mizo community and Mizoram state authorities have targeted and threatened members of the Chin community with forced eviction from their homes, arbitrary arrest, and forcible return back to Burma.

In some instances, the Mizoram government is responsible for issuing orders to round-up and return the Chin to Burma.<sup>240</sup> In other instances, campaign drives against the Chin are initiated and carried out by voluntary associations in Mizoram, which hold large memberships and widespread popular support among the Mizo population. Such campaigns typically are conducted in collaboration with the Mizoram police and under orders of the Mizoram government.<sup>241</sup> The mandate of these voluntary associations is ostensibly rooted in protecting their culture. Some rely on this motto to justify “anti-foreigner” drives against the Chin.<sup>242</sup> During campaigns against the Chin, these organizations issue “orders” demanding that the Chin leave Mizoram.<sup>243</sup> The Mizoram authorities enforce the orders for forced evictions and returns.

One long-time resident of Mizoram who left Burma in 1985 described how in 1989 the Mizoram police searched for Chin coming from Burma, rounded them up, brought them to

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<sup>240</sup> “Chin Refugees in Mizoram (India) Jailed, Tortured, and Threatened with Deportation to Myanmar,” *The Other Media*, August 13, 1996.

<sup>241</sup> “India Human Rights Report 2007,” Asian Center for Human Rights, 2007.

<sup>242</sup> Human Rights Watch interview with A., Lunglei, Mizoram, March 4, 2008.

<sup>243</sup> The Young Mizo Association (YMA) along with other voluntary associations in Mizoram issued “orders” against the Chin on September 27, 2008, demanding that they leave Mizoram by September 30, 2008. “Mizos Tell Burmese to Move Out of Village in Mizoram,” *Khonumthung News*, September 26, 2008.

the river at the border, and told them to return to Burma, where they were at risk of serious human rights abuses by the military government, including arrest, imprisonment, and torture.<sup>244</sup>

Some of the large-scale arrests and deportations of the Chin have been initiated by Mizo voluntary associations, such as in 1996 when the Mizo Zirlai Pawl initiated the return of some 1,000 Chin, in 2000 when the Young Mizo Association (YMA) initiated the return of at least 105 Chin and the arrest of several hundred, and in 2003 when the YMA forced the return of some 10,000 Chin.<sup>245</sup>

Human Rights Watch interviewed three Chin who had been forcibly returned to Burma. Twenty-two interviewees told Human Rights Watch they had been threatened with forcible return by voluntary associations and Mizoram authorities. Sixteen said they had been threatened with forced return by members of the YMA, most during the 2003 campaign. During this campaign, the YMA in collaboration with the Mizoram authorities forcibly returned some 10,000 Chin back to Burma.<sup>246</sup> Other interviewees indicated that they were threatened with deportation after being arrested by the police.

*The Young Mizo Association (YMA) and the 2003 Anti-Foreigner Campaigns in Mizoram*

The YMA is one of the largest voluntary associations in the state, with 750 branches across Mizoram. As of March 2004, the YMA had 350,000 members, or almost 40 percent of the total population of Mizoram. The YMA is a voluntary organization funded through membership fees. Their mandate is to provide community service, which includes “conservation of Mizo culture and heritage.”<sup>247</sup>

The YMA also has played the lead role in initiating several anti-foreigner campaigns against the Chin, including the largest and most far-reaching campaign that took place in 2003. During this campaign, tension between the communities reached a breaking point after the Mizoram authorities accused a Chin man of raping a nine-year-old Mizo girl in Aizawl on July 17, 2003. This was the impetus for the

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<sup>244</sup> Human Rights Watch interview with S.T., Lawngtlai, Mizoram, March 5, 2008.

<sup>245</sup> Asian Human Rights Commission, “Expulsion Chin-Burmese Asylum Seekers Puts Many Lives in Danger,” Asian Human Rights Commission Urgent Appeals Program, AHRCUA Index: 000816, August 16, 2000, <http://www.ahrchk.net/ua/mainfile.php/2000/334/> (accessed September 27, 2008); Victor Biak Lian, Achan Mungleng, and K. Sutthiphong, “Assessment Report on Burmese Refugees in Mizoram and New Delhi,” June 2004.

<sup>246</sup> Victor Biak Lian, Achan Mungleng, and K. Sutthiphong, “Assessment Report on Burmese Refugees in Mizoram and New Delhi,” June 2004.

<sup>247</sup> “Young Mizo Association: A Profile,” brochure published by Central YMA Office, Aizawl, 2004.

largest anti-foreigner campaign to date against the Chin. The YMA issued notices to all Chin in Mizoram ordering them to leave the state by August 15, 2003.<sup>248</sup> Mizoram authorities subsequently enforced and assisted in carrying out the YMA's orders.

Even long-time residents of Mizoram and community leaders could not escape the actions of the YMA. A 73-year-old Chin who was born in Mizoram in 1935 and migrated to Burma in 1951, where he studied and worked as a teacher before returning to Mizoram in 1993, said the YMA ordered him out just like everyone else.<sup>249</sup> Another Chin, who has lived in Mizoram since 1988 and served as a section leader of the YMA in his area, said the YMA still singled him out as a foreigner during the 2003 campaign and ordered him to leave. He said:

Here I was thinking and acting all these years as part of the society and yet [the YMA] had always held that I was a foreigner. They rubbed my name out of the electoral rolls. I found it very humiliating, that a person like me who had been so much a part of the YMA should be labeled a foreigner and be asked to leave.<sup>250</sup>

Altogether, YMA and Mizoram authorities forcibly returned some 10,000 Chin to Burma during the 2003 campaign.<sup>251</sup>

The YMA issued "orders" for the Chin to leave Mizoram as recently as September 2008, providing September 30 as a deadline.<sup>252</sup> In February 2007 when the Mara Thyutlia Py (MTP or Mara Youth Party) issued similar orders against the Chin community living in a certain section of Saiha, local police along with the MTP rounded up and threatened the Chin with forced return to Burma. One Chin man living in Saiha recounted what happened:

This time, when the deadline came for everyone to be out of the village section, the MTP went in small groups to each house to ensure everyone had left. They carried sticks with them. Most of the people had left already. We also tried to sell our possessions and received only a small amount of money. At this time, the MTP sent 17 families back to Burma. The police arrested people who wouldn't leave and brought them to Lawngtlai jail.<sup>253</sup>

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<sup>248</sup> Victor Biak Lian, Achan Mungleng, and K. Sutthiphong, "Assessment Report on Burmese Refugees in Mizoram and New Delhi," June 2004.

<sup>249</sup> Human Rights Watch interview with H.T., Mizoram, India, September 2005.

<sup>250</sup> Human Rights Watch interview with N.K.T., Champhai, Mizoram, India, October 2005.

<sup>251</sup> Victor Biak Lian, Achan Mungleng, and K. Sutthiphong, "Assessment Report on Burmese Refugees in Mizoram and New Delhi," June 2004.

<sup>252</sup> "Mizos Tell Burmese to Move Out of Village in Mizoram," *Khonumthung News*, September 26, 2008.

<sup>253</sup> Human Rights Watch interview with S.A., Saiha, Mizoram, India, March 7, 2008.

In most cases, Chin are not returned on official deportation orders and the Mizoram police transport the Chin to the border without handing them over directly to SPDC officials. When Chin are returned directly to, or subsequently discovered by, SPDC officials, SPDC officials have arrested them for violating immigration law or under suspicion of being affiliated with ethnic opposition groups based in Mizoram. Many human rights organizations have reported that Chins returned to Burma from Mizoram have been arrested, imprisoned, tortured, and killed.<sup>254</sup> One man told Human Rights Watch his nephew was arrested and subsequently died in a Kalaymyo prison in Burma after being deported from Mizoram in October 2004.<sup>255</sup> Those returned to Burma are subject to punishment for, among other things, failing to be represented on house registration lists, leaving the country without permission, and allegedly having contact with ethnic opposition groups based in Mizoram, such as the Chin National Front (CNF).<sup>256</sup>

In addition to campaigns initiated by voluntary associations in Mizoram, the Chin live in constant fear of potential arrest, eviction, and deportation by the Mizoram police and other authorities. Arrests occur on a widespread basis, particularly in Mizoram's Saiha and Lunglei Districts.<sup>257</sup> One long-time Chin resident in Mizoram said:

The local authorities have arrested me many times as a foreigner. We have to pay at least 250 to 300 Rupees (US\$5.50 to \$7) to get released. From 2001 to 2005, the authorities arrested me at least once every year... Sometimes they arrested me on my way home and other times they would come to my house. They would bring me to the lock-up. I would usually have to spend one day in jail. Then I would be brought to court where [a judge] would charge me as a foreigner. The court would tell me to return to my country. Then they would set a fine. Once I paid the fine, they released me. I know the Mizoram

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<sup>254</sup> "Forced Back: Burmese Chin Refugees in India in Danger," Refugees International, August 8, 2003, <http://www.refugeesinternational.org/content/article/detail/902/> (accessed September 29, 2008); "India: Expulsion Chin-Burmese Asylum Seekers Puts Many Lives in Danger," Asian Human Rights Commission, Urgent Action Appeals Program, AHRC UA Index:000816, August 16, 2000, <http://www.ahrchk.net/ua/mainfile.php/2000/334/> (accessed September 29, 2008); "Survival, Dignity, and Democracy: Burmese Refugees in India," South Asia Human Rights Documentation Center, 1997, [http://www.hrdc.net/sahrdc/resources/survival\\_dignity.htm](http://www.hrdc.net/sahrdc/resources/survival_dignity.htm) (accessed September 29, 2008); "The Situation of Burmese Refugees in Asia: Special Focus on India," South Asia Human Rights Documentation Center, undated, [http://www.hrdc.net/sahrdc/resources/burmese\\_refugee.htm](http://www.hrdc.net/sahrdc/resources/burmese_refugee.htm)

<sup>255</sup> Human Rights Watch interview with T.K.T., Mizoram, India, June 2005.

<sup>256</sup> Human Rights Watch interview with R.T., Lawngtlai, Mizoram, India, September 2006; Human Rights Watch interview with L.M., Lunglei, Mizoram, India, September 2006; Human Rights Watch interview with N.C., Kuala Lumpur, Malaysia, April 10, 2008.

<sup>257</sup> Human Rights Watch interview with C.K.H. and L.T.P., Champhai, Mizoram, India, March 12, 2008; Human Rights Watch interview with T.Z.U., K.T., T.P., M.V., and H.K., March 6-7, 2008; Human Rights Watch interview with A. and R., Lunglei, Mizoram, India, March 4, 2008; Human Rights Watch interview with L.C., and L.L., Lawngtlai, Mizoram, India, October 2005; Human Rights Watch interview with B.H., New Delhi, India, June 2005.



authorities have taken some people to the border and left them there. I have been lucky and they have only given me a fine to pay.<sup>258</sup>

## Discrimination

Without access to any form of official protection, some Chin attempt to blend in with the local population. This can be difficult for new arrivals from Burma who may be unfamiliar with the language and without any contacts in Mizoram. Members of the Chin community with the same tribal ancestry as the local population have fewer difficulties assimilating.

Despite the fact that the Chin and the Mizo people share common ancestries, culture, and in some cases language, many Chin feel discriminated against by the Mizo population.<sup>259</sup> A Chin woman who came to Mizoram in 1996 said:

[The Mizos] call us bad names like *Burmani* [a derogatory reference to a person from Burma] or they say you are foreigners.<sup>260</sup>

Physical attacks by Mizos on Chin are not uncommon. Several Chin interviewees said some Mizos demand money from Chin then beat those who are unable to pay.<sup>261</sup> Chin interviewees also reported incidents of sexual violence and domestic abuse perpetrated by Mizo men against Chin women.<sup>262</sup> Such attacks often go unreported to authorities as some Chin feel it is futile to lodge complaints with the police in Mizoram, even for serious crimes. As expressed by one Chin woman:

The way [the Mizos] think is that killing a Chin person is like killing a dog. It is not that serious.<sup>263</sup>

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<sup>258</sup> Human Rights Watch interview with T.Z.U., Saiha, Mizoram, India, March 6, 2008.

<sup>259</sup> Human Rights Watch interview with K.T., H.Z., K.S.L., and H.K., Saiha, Mizoram, India, March 6-7, 2008; Human Rights Watch interview with L.N.M., T.D., and T.B., Lawngtlai, Mizoram, India, March 5, 2008; Human Rights Watch interview with T.B.L., H.L.K., and T.T., Lungtlai, Mizoram, India, March 4, 2008.

<sup>260</sup> Human Rights Watch interview with L.N.M., Lawngtlai, Mizoram, India, March 5, 2008.

<sup>261</sup> Human Rights Watch interview with S.S., Aizawl, Mizoram, India, October 18, 2008; Human Rights Watch interview with A., Lunglei, Mizoram, India, March 4, 2008; Human Rights Watch interview with T.L., Saiha, Mizoram, India, March 5, 2008; Human Rights Watch interview with P.D., Lawngtlai, Mizoram, India, October, 2005. See also "Burmese Migrant Pushed from Building Dies in Mizoram," *Khonumthung News*, August 4, 2008; "Mizoram Police Make Arrest in Chin Woman Murder Case," *Khonumthung News*, June 18, 2007.

<sup>262</sup> Human Rights Watch interview with S.T., Aizawl, Mizoram, India, March 9, 2008; Human Rights Watch interview with T.T., Lawngtlai, Mizoram, India, March 15, 2008; Human Rights Watch interview with N.K.T., Champhai, Mizoram, India, October 2005; Human Rights Watch interview with N.T.C., Lunglei, Mizoram, India, October 2005. See also "Minor Burmese Girl Raped in Mizoram," *Khonumthung News*, August 4, 2008; "Landlord Arrested for Attempting to Rape Minor Burmese Girl," *Khonumthung News*, June 3, 2008.

<sup>263</sup> Human Rights Watch interview with the S.T., Aizawl, Mizoram, India, March 9, 2008.

In a recent case, the Mizo man accused of killing a man from Burma was released after paying the Mizoram police 500 Rupees (US\$12).<sup>264</sup>

Mizos blame the Chin as scapegoats for social ills and criminal activities.<sup>265</sup> As one Chin woman living in Lawngtlai, Mizoram explained:

[Some Mizo residents] take advantage of our position and demand money threatening that if we don't pay up they'll inform the police or the YMA. There are some Mizos who simply just hate the sight of us and challenge us or threaten to beat us up. Life is hell for us. We cannot protect ourselves as this will cause further furor. We have to just make ourselves seem small and avoid these dangers. To be Burmese is to face discrimination.<sup>266</sup>

A Chin community leader in Mizoram admitted that some Chin are involved in illegal activities, but, as he explained:

The whole community is tarnished with the same brush. If one Chin commits a crime, the Mizo say 'Beat all of them to death,' 'Throw out all the foreigners.' This is what we are suffering now.<sup>267</sup>

After the YMA eviction drive in 2003, the Chin Refugee Committee in Lunglei, Mizoram (CRCL), began to take steps to develop its own means of self-protection. CRCL began registering its members, documenting the reasons they left Burma, and issuing its own refugee identification cards to its members. According to one refugee leader, the cards indicate that "we members of CRCL are all Chins who claim to be refugees with no chance of going back to Burma under this army regime."<sup>268</sup> Although the cards carry no authoritative weight, for many it is their only form of identification and it is sometimes effective in fending off the YMA and Mizoram authorities.<sup>269</sup>

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<sup>264</sup> "Burmese Migrant Pushed from Building Dies in Mizoram," *Khonumthung News*, August 4, 2008.

<sup>265</sup> Human Rights Watch interview with T.B.L., Lunglei, Mizoram, India, March 4, 2008; Human Rights Watch interview with V.L.H. and N.K.T., Champhai, Mizoram, India, October 2005; Human Rights Watch interview with R., Lawngtlai, Mizoram, India, October 2005; Human Rights Watch interview with H.T.H. and S.T., Aizawl, Mizoram, India, July 2005. See also Victor Biak Lian, Achan Mungleng, and K. Sutthiphong, "Assessment Report on Burmese Refugees in Mizoram and New Delhi," June 2004.

<sup>266</sup> Human Rights Watch interview with P.D., Lawngtlai, Mizoram, India, October, 2005.

<sup>267</sup> Human Rights Watch interview with R., Lawngtlai, Mizoram, India, October 2005.

<sup>268</sup> Human Rights Watch interview with L.M., Lunglei, Mizoram, India, October 2005.

<sup>269</sup> Human Rights Watch interview with L.M., Lunglei, Mizoram, India, September 2006.

Chin report that discrimination makes it difficult for them to obtain secure housing and access to affordable education for their children.

### *Housing*

Many Chin we spoke with said that Mizo landlords hesitate to rent properties to Chin, overcharge them, or are quick to threaten to throw them out. Their lack of official status and documentation makes them particularly vulnerable. A Chin religious leader living in Mizoram explained:

The only way we can still get a roof over our head is if the house owner has a room for rent and no one else will stay there. House owners need the money, so we get it by default. At the first sign of trouble we will be thrown out. Life is very unstable now.<sup>270</sup>

One Chin man told how a Mizo landlord charges excessive rent to Chin tenants. He said:

I had already gone to see the house and it cost 200 Rupees (US\$4.50). But when the landlord asked for a village council's certificate and we did not have it, he immediately raised the rent to 600 Rupees (US\$14). We are poor and being made poorer because of this kind of discrimination.<sup>271</sup>

Chin interviewees told Human Rights Watch they feel vulnerable to being evicted at a moment's notice. They feel more secure when they are able to obtain a "no objection" letter from a local voluntary association, such as the YMA, which serves as an informal acceptance of the person's presence in Mizoram. However, most Chin found such letters are difficult to obtain, particularly those with few contacts or friends within the Mizo community.<sup>272</sup>

### *Education*

What's the future for my three children; children of unrecognized refugees like us? They are 14, 12 and five. Even to reply to an ordinary question like 'are your children born in Mizoram?' is a major issue as it affects the future

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<sup>270</sup> Human Rights Watch interview with N.T.C., Lunglei, Mizoram, India, October 2005. .

<sup>271</sup> Human Rights Watch interview with P.D., Lunglei, Mizoram, India, October 2005. See also Human Rights Watch interview with T.Z.U., March 6, 2008; Human Rights Watch interview with L.C., Lawngtlai, Mizoram, India, October 2005.

<sup>272</sup> Human Rights Watch interview with C.Z., Aizawl, Mizoram, India, September 2006; Human Rights Watch interview with P.D. and L.C., Lawngtlai, Mizoram, India, October 2005.

wellbeing of my children. What to reply to that? What answer would not harm their future?

—A Chin refugee leader living in Mizoram, India, since 1998 <sup>273</sup>

According to India's 2001 census, Mizoram hosts 2,427 government schools, including primary, middle, and high schools. Mizoram boasts an 88 percent literacy rate, the second highest in India. Despite the existence of quality educational institutions, few Chin are able to obtain an education in Mizoram.

Government schools require documents such as a birth certificate from any country in order to register a child for school. For Chin children born in Burma, it is often difficult to obtain the necessary documents.<sup>274</sup> Even if Chin children are born in Mizoram, many lack birth certificates. Some schools will accept a certificate demonstrating residency or domicile in Mizoram issued by village officials. In other instances, a certificate from a Mizo church organization is acceptable. But Chin face barriers to such certification. A Chin man said:

I tried to become a member of the local church, Salem Kohran [Church], but the church leaders would not allow it as I was labeled a foreigner. Then I went to Ramthar locality [in Lunglei] where I requested [church membership from] a church elder of the local church, but he said that I would have to live in the locality to become a member. To live in the locality, they said I need a certificate certifying that I am a bonafide resident of Mizoram from any village council.<sup>275</sup>

Private schools are available to the Chin, and the admission requirements are not as restrictive. However, private schools tend to be prohibitively expensive, particularly for Chin earning a typical salary of about 100 Rupees (US\$2) a day.<sup>276</sup> Private school tuition can cost as much as 3,000 to 4,000 Rupees (US\$66 to \$88) for one year of instruction.<sup>277</sup>

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<sup>273</sup> Human Rights Watch interview with R., Lawngtlai, Mizoram, India, October 2005.

<sup>274</sup> Human Rights Watch interview with S.T., Aizawl, Mizoram, India, March 9, 2008; Human Rights Watch interview with A., Lunglei, Mizoram, India, March 4, 2008; Human Rights Watch interview with R., Lawngtlai, Mizoram, India, October 2005; Human Rights Watch interview with N.K.T. and K.C., Champhai, Mizoram, India, October 2005.

<sup>275</sup> Human Rights Watch interview with R., Lawngtlai, Mizoram, India, October 2005.

<sup>276</sup> Human Rights Watch interview with S.T., Aizawl, Mizoram, India, March 9, 2008; Human Rights Watch interview with T.L. and T.Z.U., Saiha, Mizoram, India, March 5-6, 2008; Human Rights Watch interview with N.T.C., Lunglei, Mizoram, India, October 2005; Human Rights Watch interview with V.L.H., Champhai, India, October 2005.

<sup>277</sup> Human Rights Watch interview with S.T., Aizawl, Mizoram, India, March 9, 2008; Human Rights Watch interview with T.D., Lawngtlai, Mizoram, India, March 5, 2008; Human Rights Watch interview with T.Z.U., Saiha, Mizoram, India, March 6, 2008.

While informal schools run by members of the Chin community have not been established in Mizoram, some Chin community organizations have established scholarship programs, which are available for a limited number of Chin students, to assist with the costs associated in obtaining a private education in Mizoram.<sup>278</sup>

## Religious Repression

According to Article 25 of the Indian Constitution, “all persons are equally entitled to freedom of conscience and the right freely to profess, practice and propagate religion.”

Like the Chin, the people of Mizoram are overwhelmingly Christian, largely Presbyterian and Baptists. Despite sharing the same faith, the Chin typically prefer to worship separately from the Mizo community. They have established their own churches in Mizoram. In some areas, Mizo voluntary associations have prohibited Chin from having their own churches and fellowship organizations.<sup>279</sup> The head of a Chin fellowship in Lunglei told Human Rights Watch:

[Members of the YMA] come to our residences and tell us not to hold separate church services or create separate church organizations.<sup>280</sup>

A Chin man working as a government teacher in Mizoram described pressure on Chin from the Mizoram police not to practice their religion separately or in their own language. He said:

The police have forcibly shut down many of our fellowships and churches. In the case of the church that I was part of, three Mizo welfare committees [voluntary associations] came to us and told us not to continue with our congregation in our own language but to change over and use the Mizo language.<sup>281</sup>

A Chin woman interviewed by Human Rights Watch in Aizawl in March 2008 told how the YMA had recently ordered all the churches closed. She said:

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<sup>278</sup> Human Rights Watch interview with T.B.L., Lunglei, Mizoram, India, March 4, 2008. See also Victor Biak Lian, Achan Mungleng, and K. Sutthiphong, “Assessment Report on Burmese Refugees in Mizoram and New Delhi,” June 2004.

<sup>279</sup> Human Rights Watch interview with L.B.K. and B.U.T., Lunglei, Mizoram, India, March 4, 2008; Human Rights Watch interview with P.H.L., Saiha, Mizoram, India, August 2006; Human Rights Watch interview with N.T.C., Lunglei, Mizoram, India, October 2005; Human Rights Watch interview with N.K.T., Champhai, Mizoram, India, October 2005; Human Rights Watch interview with S.T. and H.T.H., Aizawl, Mizoram, India, July 2005.

<sup>280</sup> Human Rights Watch interview with N.T.C., Lunglei, Mizoram, India, October 2005.

<sup>281</sup> Human Rights Watch interview with N.K.T., Champhai, Mizoram, India, October 2005.

Just a couple of weeks ago, the YMA announced that the Chin should not worship in separate churches. They said if we want to stay in Mizoram, we should attend the Mizo churches. But some Chin do not know the Mizo language. Also some Chin are ashamed because they do not have much money and cannot wear nice clothes to worship services like the Mizos do.<sup>282</sup>

In the past, Mizo voluntary associations have ordered the shutdown of Chin churches in Mizoram. As one Chin church leader from Saiha, said:

[The Mizos] have forced us to disband our church many times. This is the third time that we have set it up again.<sup>283</sup>

Chin churches are particularly targeted and closed down during “anti-foreigner” campaigns.<sup>284</sup>

*“The Place for Those without a Home:” Chin Cemeteries in Mizoram*

Despite discouraging Chin from holding separate worship services, Mizos also exclude Chin from burying their dead in Mizo cemeteries. One Chin church leader explained the process:

When our people die, [the Mizos] do not allow us to be buried in the local graveyard but ask us to bury our dead in the graveyard which is kept separately for strangers and unidentified people. When a Chin person dies we have to go to the state government’s Local Area Development officials to get permission to bury the dead person in this ‘strangers’ cemetery. This is on a piece of land which [the Mizoram authorities] have [marked] as a garbage dump right outside the town limits. Then they send along one of their employees to identify the spot where we can bury the dead Chin person.<sup>285</sup>

Whereas local burial grounds are typically located within the town limits, the Mizos relegate the Chin to less desirable land located far from town. The Chin burial sites are often too far to walk and require separate transportation, which is costly for the Chin community:

There is a separate burial spot located far from town. The Mizos call these burial grounds, ‘the place for those without a home.’ When one of our people dies, we have to go to the burial grounds by car. This makes us feel like we do not belong anywhere, even in death.<sup>286</sup>

<sup>282</sup> Human Rights Watch interview with S.T., Aizawl, Mizoram, India, March 9, 2008.

<sup>283</sup> Human Rights Watch interview with P.H.L., Saiha, Mizoram, India, August 2006.

<sup>284</sup> Human Rights Watch interview with S.T., Aizawl, Mizoram, India, July 2005.

<sup>285</sup> Human Rights Watch interview with N.T.C., Lunglei, Mizoram, India, October 2005.

<sup>286</sup> Human Rights Watch interview with A., Lunglei, Mizoram, India, March 4, 2008.

## Livelihood

Many Chin reported discrimination in employment and a lack of stable job opportunities in Mizoram. Without proper documents, Chin are relegated to informal work, performing jobs that are typically temporary, labor-intensive, low-paying, and sometimes dangerous.

Chins typically work in Mizoram selling vegetables and other goods in the market, or as laborers, weavers, domestic workers, and tenant farmers. Some also work as sub-contractors, arranging for Chin laborers to fulfill government contracts held by Mizos who have been hired by the government of Mizoram to do public projects, such as road construction. The Chin sub-contractors are dependent on the Mizo contract-holders to provide payment once the work is completed, which is not always provided as promised.<sup>287</sup>

Discrimination and lack of documents exclude Chin from the better-paid jobs. Chin interviewees say that the typical salary earned by Chin workers is roughly 100 Rupees (US\$2) a day for 10- to 16-hour work days.<sup>288</sup> Some survive off much less.<sup>289</sup> Mizo workers that perform the same work are typically paid more.<sup>290</sup>

Most Chin are able to work only a couple of days per week. One woman said she sells vegetables in the market and her husband cuts wood in the forest, both earning about 100 Rupees (US\$2) per day in Champhai, Mizoram.<sup>291</sup> When work is unavailable, some rely on loans from friends, and end up trapped in debt.<sup>292</sup> Others forage for food in the forest to eat or sell.<sup>293</sup>

Exploitative and abusive work environments are a common problem for the Chins. Several Chin interviewees said their Mizo employers often do not pay them as promised, but they dare not complain for fear of being fired, evicted, or deported.<sup>294</sup>

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<sup>287</sup> Human Rights Watch interview with B.U.T., Lunglei, Mizoram, India, March 4, 2008; Human Rights Watch interview with T.Z.U., Saiha, Mizoram, India, March 6, 2008; Human Rights Watch interview with N.T.C., Lunglei, Mizoram, India, October 2005; Human Rights Watch interview with R., Lawngtlai, Mizoram, India, October 2005.

<sup>288</sup> Human Rights Watch interview with K.C., Champhai, Mizoram, India, March 11, 2008; Human Rights Watch interview with M.V. and T.L., Saiha, Mizoram, India, March 5-7, 2008; Human Rights Watch interview with L.N.M., Lawngtlai, Mizoram, India, March 5, 2008.

<sup>289</sup> Human Rights Watch interview with S., Lawngtlai, Mizoram, India, March 5, 2008.

<sup>290</sup> Human Rights Watch interview with M.V. and B.R.L., Saiha, Mizoram, India, March 7, 2008.

<sup>291</sup> Human Rights Watch interview with K.C., Champhai, Mizoram, India, March 11, 2008.

<sup>292</sup> Human Rights Watch interview with S.T., Lawngtlai, Mizoram, India, March 5, 2008.

<sup>293</sup> Human Rights Watch interview with T.L., Saiha, Mizoram, India, March 5, 2008.

<sup>294</sup> Human Rights Watch interview with T.L., T.Z.U., M.T., M.V., and K.S.L., Saiha, Mizoram, India, March 6-7, 2008; Human Rights Watch interview with A., H.L.K., and B.U.T., Lunglei, Mizoram, India, March 4-5, 2008; Human Rights Watch interview

Chin women are particularly at risk working in abusive and exploitative environments in Mizoram. Many are employed as traditional handloom weavers, where they are often required by their employers to work very long hours and live at the workplace. Most Chin weavers are not paid salaries but instead receive low wages on a piece-by-piece basis. Their wages typically depend on the intricacy of the weaving pattern and how much the weaving is sold for, decisions decided upon by the employer. Although exact wages depend on many factors, most Chin weavers receive 150 Rupees (US\$3.50) for completing four to five weavings a day.<sup>295</sup> Chin weavers in Mizoram typically work in small, cramped rooms with limited natural light. As handloom machines take up a considerable amount of space, there is little room to sleep. In some instances, weavers must sleep on their machines.<sup>296</sup>

Many Chin women and girls, mostly between the ages of 12 and 20, work as live-in domestic workers. Domestic workers often work very long hours for little pay. The exact wages often depends on the employer, but Chin domestic workers typically earn 200 to 1,500 Rupees (US\$4.50 to \$35) per month for 16 hour days.<sup>297</sup> The risk of abuse and exploitation, including rape and sexual violence, beatings, failure to receive promised wages, and other problems, is high.<sup>298</sup>

Indian law prohibits the employment of children under age 14 in occupations deemed hazardous, a list that includes domestic work, using handlooms or powerlooms, and in weaving workshops.<sup>299</sup>

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with S.T., Aizawl, Mizoram, India, July 2005; Human Rights Watch interview with L.M. and N.T.C., Lunglei, Mizoram, India, October 2005; Human Rights Watch interview with R., P.D., and L.L., Lawngtlai, Mizoram, India, October 2005.

<sup>295</sup> Human Rights Watch interview with B.T., M., and P.L., Aizawl, Mizoram, India, October 17, 2008.

<sup>296</sup> Women's Rights and Welfare Association of Burma (WRWAB) and Human Rights Education Institute of Burma (HREIB), *Surviving on the Unwelcoming Hills* (Delhi and Chiang Mai: WRAB and HREIB, January 2008); J.H. Hre Mang, *Report on the Chin Refugees in Mizoram State of India* (Delhi: The Other Media, 2000).

<sup>297</sup> Human Rights Watch interview with E.H., Mizoram, India, September 2005 (indicating she earned 600 Rupees (US\$13) per month in Mizoram as a domestic worker). See also WRAB, et. al., *Surviving on the Unwelcoming Hills*.

<sup>298</sup> WRAB, et. al., *Surviving on the Unwelcoming Hills*; Mang, *Report on the Chin Refugees in Mizoram State of India*; National Domestic Workers Movement Welfare Trust: Mizoram Unit, Aizawl, Mizoram, India, September 2007.

<sup>299</sup> Child Labour (Prohibition and Regulation) Act of 1986, as amended 2006. See also Constitution of India, art. 24.



## VI. India's Legal Obligations: A Need for Protection

India, which has not joined either the 1951 Convention Relating to the Status of Refugees (1951 Refugee Convention) or its 1967 Protocol, lacks a domestic legal framework to determine asylum claims or recognize refugees. The treatment of refugees falls under India's Registration of Foreigners Act of 1939, the Foreigners Act of 1946, and the Foreigners Order of 1948, which do not distinguish between undocumented migrants and refugees.<sup>300</sup> Under Indian law, the government can arrest, detain, and deport any undocumented migrant.<sup>301</sup>

Despite this, India does allow the United Nations High Commissioner for Refugees (UNHCR) to maintain a presence in its capital city of New Delhi. In 1988, the Indian government also issued strict orders not to turn back any refugees from Burma seeking shelter in India following the 1988 uprisings in Burma and provided humanitarian support to camps set up along the Mizoram-Burma border. By 1995, however, relations between New Delhi and Rangoon improved, the border camps closed, and the Indian government began to initiate attacks against pro-democracy ethnic opposition groups from Burma based in Mizoram.<sup>302</sup> This same year, India became a member of UNHCR's Executive Committee, which requires a "demonstrated interest and devotion to the solution of refugee problems."<sup>303</sup>

Although India is not yet a party to the Refugee Convention, it has signed the Convention Against Torture and Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and ratified the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Rights of the Child (CRC). These treaties are relevant in defining India's international legal obligations with regard to Chin asylum seekers and refugees living in Mizoram. As a party to ICCPR, India is prohibited from expelling persons from its territory without due

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<sup>300</sup> There is no special category reserved for refugees under Indian law. Under these statutes, refugees are considered foreigners, which is defined as "a person who is not a citizen of India." Registration of Foreigners Act of 1939, art. 2 (1939); Foreigners Act of 1946, art. 2 (1946); The Foreigners Order of 1948.

<sup>301</sup> The Foreigners Act of 1946 (arts. 3 and 14) and the Foreigners Order of 1948 provide broad powers to the Indian government to restrict and control the movements of foreigners, including refugees. In 1955, the Supreme Court of India gave "absolute and unfettered" discretionary power to the government to deport foreigners. *Hans Muller of Nuremburg v. Superintendent, Presidency Jail Calcutta and Others*, 1 SCR 1284, Supreme Court of India, (1955).

<sup>302</sup> In April 1995, Indian security forces attacked a Chin National Front (CNF) camp in Mizoram and arrested the vice president and a soldier of the CNF. Both were killed in Indian custody. Indian security forces attacked and destroyed additional CNF camps in Mizoram in 1997, 1999, 2002, and 2005, including CNF's headquarters in Mizoram, "Camp Victoria." In June 2005, Indian security forces arrested and deported to Burma 12 members of the Chin National Confederation (CNC). Aung Zaw, "Chins Feel the Pinch," *The Nation*, March 2, 1997; "Indian Army Attacked Burma Rebel Camp," *Mizzima*, July 3, 1999; "State Govt Arrests 12 CNC members," *Newslink*, June 10, 2005; "Indian Government Started to Crack Down Camp Victoria," *Khonumthung News*, June 21, 2005.

<sup>303</sup> United Nations High Commissioner for Refugees (UNHCR), "How to apply for ExCom membership," <http://www.unhcr.org/excom/418b5ecc4.html> (accessed June 5, 2008).

process.<sup>304</sup> Article 3(1) of the Convention Against Torture prohibits a state from returning a person to a country “where there are substantial grounds for believing that he would be in danger of being subjected to torture.”<sup>305</sup> As a signatory to the CAT, India has an obligation not to take actions that defeat that treaty's object and purpose.<sup>306</sup> Those returned to Burma are subject to punishment for, among other things, failing to be represented on house registration lists, for leaving the country without permission, and under accusations of having contact with the ethnic opposition groups based in Mizoram, such as the Chin National Front (CNF).<sup>307</sup>

Children are protected from forced return under articles 6, 22, and 37 of the CRC where “there is a real risk of irreparable harm to the child.”<sup>308</sup> Chin children in Burma are subject to extrajudicial killings, arbitrary arrest, imprisonment, torture, forced labor and portering, and conscription into military trainings by the *Tatmadaw*.<sup>309</sup>

India is also bound by the principle of *nonrefoulement* under customary international law, which protects refugees and asylum seekers from being returned to any country where their lives or freedoms could be threatened or where they could be at risk of persecution. The Indian government violates the principle of *nonrefoulement* by failing to prevent Mizoram authorities and voluntary associations from forcibly returning thousands of Chin in Mizoram to Burma without any determination as to the risks they face upon return.

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<sup>304</sup> International Covenant on Civil and Political Rights, adopted December 16, 1966 (entered into force March 23, 1976, acceded by India April 10, 1979), art. 13. General Comment No. 20 interprets this prohibition to protect individuals from extradition, expulsion, or refoulement to a country where they would be in danger of torture or cruel, inhuman or degrading treatment or punishment. General Comment 20, Human Rights Committee, HRI/HEN/1/rev.1, July 28, 1994.

<sup>305</sup> Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted December 10, 1984 (entered into force June 26, 1987, signed by India October 14, 1997), art. 3.

<sup>306</sup> Vienna Convention on the Law of Treaties, art. 18.

<sup>307</sup> Human Rights Watch interview with R.T., Lawngtlai, Mizoram, India, September 2006; Human Rights Watch interview with L.M., Lunglei, Mizoram, India, September 2006; Human Rights Watch interview with N.C., Kuala Lumpur, Malaysia, April 10, 2008.

<sup>308</sup> Article 22 of Convention on the Rights of the Child requires states “to ensure that a child who is seeking refugee status or who is considered a refugee...receive appropriate protection and humanitarian assistance...” See also Committee on the Rights of the Child, “General Comment No. 6,” U.N. Doc. CRC/GC/2005/6, September 1, 2005 (stating that states “shall not return a child to a country where there are substantial grounds for believing that there is a real risk of irreparable harm to the child, such as, but by no means limited to, those contemplated under articles 6 and 37.”)

<sup>309</sup> Human Rights Watch interview with S.K., Kuala Lumpur, Malaysia, April 12, 2008; Human Rights Watch interview with K.Z.T., Champhai, Mizoram, India, March 12, 2008; Human Rights Watch interview with C.B.T., New Delhi, India, January 31, 2005; Human Rights Watch interview with L.U., Kuala Lumpur, Malaysia, April 10, 2008; Human Rights Watch interview with S.H.T., Kuala Lumpur, Malaysia, April 14, 2008. See also Chin Human Rights Organization, “A 17 Year-old Boy Summarily Executed by Burmese Troops,” *Rhododendron News*, Vol. IX, No. 1, February 1, 2006; Chin Human Rights Organization, “Burmese Soldiers Killed Two Children, Injured Six Civilians in Random Shooting,” *Rhododendron News*, Vol. VIII, No. VI, November 14, 2005; Chin Human Rights Organization, “Villagers Flee to India to Escape Brutalities,” *Rhododendron News*, Vol. VIII, No. III, May 5, 2005.

Although UNHCR operates in New Delhi, the Indian government does not allow UNHCR access to the significant refugee populations living in India's northeastern states. For the Chin in Mizoram, this means they are effectively cut-off from procedures that could possibly provide protection and a chance to live free from fear.

At present, the only way for Chin in Mizoram to acquire UNHCR protection is to travel to New Delhi. Very few, however, are able to make the arduous and expensive journey. As of September 2007, the community of Chin in New Delhi numbered only 1,800, some two to three percent of the Chin estimated to be living in India. Of those 1,800 people, the UNHCR has granted 1,000 refugee status, demonstrating that many Chin have legitimate claims to such status and the protections that go with it. The UNHCR has registered another 300 Chin cases, who are now awaiting refugee status determination. Those who have been recognized by UNHCR have had to wait several years in difficult conditions in New Delhi before being resettled to third countries.<sup>310</sup>

The 1951 Refugee Convention defines a refugee as a person who:

Owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country.<sup>311</sup>

Many Chin have fled to Mizoram in order to escape egregious human rights violations and persecution committed by Burma's military government, including arbitrary arrest, detention, and even death. But Chin in Mizoram continue to be indiscriminately classified as "illegal" economic migrants.<sup>312</sup> Without recognition as refugees and therefore lacking legal protection, the Chin in Mizoram are subject to arrest, detention, extortion, and deportation at the hands of or with the complicity of the Mizoram authorities.

The status of being a refugee is inherent, and does not depend on state recognition. India's refusal to recognize Chin refugees in Mizoram does not absolve it from meeting its obligation

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<sup>310</sup> Chin Refugee Center, New Delhi, India, September 2007. The resettlement of the Chin population in New Delhi started in 2007 after prolonged delays. Before this time, UNHCR did not refer most recognized Chin refugees for resettlement out of India. Instead, UNHCR expected the Chin to locally assimilate, despite the fact that the Chin community faced a host of livelihood, protection, and cultural challenges that are beyond the scope of this report.

<sup>311</sup> Convention relating to the Status of Refugees, adopted July 28, 1951 (entered into force April 22, 1954).

<sup>312</sup> In response to allegations of human rights violations connected to evictions conducted against Chins living in Lunglei, the Central YMA president, J.H. Zoremthanga, said that the problem with "so-called Chin refugees is that they are 'economic migrants' rather than 'political refugees.'" "YMA Denies Alleged Human Rights Violations," Newslink, October 2, 2006.

not to return Chin who have fled persecution and human rights violations to Burma. Such persecution is well-known and well-documented. The UN special rapporteur on the situation of human rights in Myanmar has repeatedly cited Burma for “widespread and systematic human rights violations, including summary executions, torture, forced labor practices, sexual violence and the recruitment of child soldiers.”<sup>313</sup>

According to a Chin refugee leader living in Lawngtlai, Mizoram since he fled Burma in 1998:

The fact that we are refugees and we are not recognized as such by anyone is by far the most painful and urgent issue for us. I am a refugee but who will believe me. As far as the Mizos are concerned I am a Chin who migrated here for economic reasons which is far from what my situation is. I am actually a fugitive fleeing a desperate situation in my own country ruled by the army.<sup>314</sup>

In addition to protection against forced return to risk of persecution or torture, India is also obligated under international law to provide certain basic rights to all people living within its borders, regardless of status. As a party to the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Convention on the Rights of the Child (CRC), India is bound by provisions that prohibit discrimination in protecting rights on the basis of language, national or social origin, property, birth or other status.<sup>315</sup>

The issue of whether India must protect the fundamental economic, social, and cultural rights of non-nationals within its territory is complex. The ICESCR recognizes the right of “everyone” to housing, livelihood, food, education, and health, and requires the state to “take steps” towards the progressive realization of these rights.<sup>316</sup> While article 2.3 allows developing countries to determine to what extent they will guarantee the economic rights of the Convention to non-nationals, they must do so “with due regard to [both] human rights and their national economy.” In the context of the purpose of the Convention and its guarantee of rights to “everyone” without discrimination, this provision can be interpreted to

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<sup>313</sup> “Human Rights Situation that Require the Council’s Attention,” Report of the Special Rapporteur on the Situation of Human Rights in Myanmar, Human Rights Council, A/HRC/7/18, March 7, 2008, <http://daccessdds.un.org/doc/UNDOC/GEN/Go8/115/16/PDF/Go811516.pdf?OpenElement> (accessed September 19, 2008).

<sup>314</sup> Human Rights Watch interview with R., Lawngtlai, Mizoram, India, October 2005.

<sup>315</sup> Covenant on Civil and Political Rights, art. 2(1); Covenant on Economic, Social and Cultural Rights, adopted December 16, 1966 (entered into force January 3, 1976, acceded by India April 10, 1979), art. 2(2); and Convention on the Rights of the Child, adopted November 20, 1989 (entered into force September 2, 1990, acceded to by India January 11, 1993), art. 2(1).

<sup>316</sup> See Covenant on Economic, Social and Cultural Rights, arts. 7, 11, 12, and 13 (providing the right to livelihood, housing, health, and education, respectively).

mandate that even developing countries strive to guarantee a core minimum level of these rights.<sup>317</sup>

The Refugee Convention also provides limited employment rights to longer-staying refugees, as well as equal rights to primary education, food rationing, and public assistance as nationals.<sup>318</sup> India's unwillingness to join the Refugee Convention and Protocol underscores its failure to guarantee even a minimal level of protection to the economic rights of non-nationals.

The right to education is also protected under the CRC, which requires India to ensure that all children born in India are registered immediately after birth.<sup>319</sup> India is required to provide all children with access to education without discrimination, including on the basis of nationality. Under the CRC and the ICESCR, everyone has a right to education, including a free and compulsory primary education for all.<sup>320</sup> The UN committee that monitors the ICESCR has confirmed that the right to education without discrimination "extends to all persons of school age residing in the territory of a State party, including non-nationals, and irrespective of their legal status."<sup>321</sup>

The Parliament of India adopted an amendment to the Constitution of India in 2005 providing "free and compulsory education to *all* children" between the ages of six to 14. In reality, Chin are unable to afford the costs and meet the documentation requirements for admission, and are denied entrance to government schools.

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<sup>317</sup> See Matthew C. R. Craven, *The International Covenant on Economic, Social and Cultural Rights: A Perspective on its Development* (Oxford: Clarendon Press, 1995), p. 172.

<sup>318</sup> Convention relating to the Status of Refugees, arts. 17, 20, 22, and 23.

<sup>319</sup> Convention on the Rights of the Child, art. 7.

<sup>320</sup> Convention on the Rights of the Child, art. 28. Covenant on Economic, Social and Cultural Rights, art. 13.

<sup>321</sup> Committee on Economic Social and Cultural Rights, General Comment no. 13 (The Right to Education), para. 34.

## VII. Recommendations

### To Burma's ruling State Peace and Development Council:

- Publicly order all members of the Burmese Army (*Tatmadaw*) and other government officials to end all human rights abuses, including extrajudicial killings, arbitrary arrest and detention, torture and mistreatment of prisoners, abusive military conscription policies, forced labor, severe reprisals against members of the opposition, restrictions on movement, expression, and religious freedom, and extortion and confiscation of property without due process or adequate compensation.
- Develop a legitimate and transparent legal framework to investigate, prosecute, and address allegations of human rights abuses. Ensure those responsible and complicit in such abuses, including Tatmadaw officials, are held accountable and are appropriately prosecuted or disciplined.
- Invite the UN Special Rapporteur on the situation of human rights in Myanmar to visit Chin State and provide him unfettered access to all areas of the state to investigate human rights violations.
- End the torture and mistreatment of prisoners. Ensure that prisoners in Chin State receive adequate levels of food, water, health care, and that their rights, including the right to be free from abuse, are fully respected.
- End forced labor practices in Chin State, including forced portering, forced labor on infrastructure projects, roads and military camp construction, and forcing villagers to grow *jatropa* and tea, and the confiscation of land for such purposes without compensation.
- Invite representatives from the International Labour Organization to visit Chin State and provide them unfettered access to all areas of the state to investigate allegations of forced labor.
- Allow civilians in Chin State to communicate, associate, assemble, and move freely without undue or illegitimate restriction, particularly with regard to political and religious expression and association.
- Immediately end all recruitment of children under the age of 18, and demobilize children under the age of 18 from the armed forces. Develop and impose effective and appropriate sanctions against individuals found to be recruiting children under 18 into the armed forces.
- Ensure the effective delivery of food aid and humanitarian assistance to respond to food shortages in Chin State. Prevent obstruction of food aid delivery to famine-affected areas.

- Allow UN and international humanitarian agencies and delegations unfettered access to all areas of Chin State in order to assess the needs of Chin people and provide assistance, particularly in areas recently affected by food shortages and famine. Make good-faith efforts to implement recommendations made by the UN and international humanitarian agencies.

### **To the Chin National Front (CNF) and the Chin National Army (CNA):**

- Order all members of armed groups operating in Chin State to end all human rights abuses against civilians, including extortion, harassment, and physical abuse, and take appropriate action against persons responsible for human rights abuses.

### **To the Government of India:**

- Accede to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol. Develop a legal framework to implement the Convention by incorporating its refugee definition and the *nonrefoulement* principle in domestic law and through the establishment of asylum procedures.
- Uphold the principle of *nonrefoulement* in practice by stopping state and non-state actors from forcibly returning Chin asylum seekers and refugees to Burma.
- Allow UNHCR access to Mizoram to determine refugee status of Chin asylum seekers. Ensure that Chin asylum seekers are not prevented or obstructed from having their claims for refugee status assessed.
- Allow humanitarian agencies access to Mizoram to provide formal assistance to asylum seekers and refugees living there.
- Call upon the state government of Mizoram to stop all arbitrary arrests, forced evictions, assaults, intimidation, and forcible returns of Chin people. Ensure Chin in Mizoram are protected from discrimination with respect to fundamental rights.
- Pressure the government of Mizoram to remove and rehabilitate children involved in hazardous occupations in accordance with Indian law.
- Call on the State government of Mizoram to ensure all children have access to primary education without imposing requirements for specific identity documents that would frustrate that goal.

### **To the State Government of Mizoram:**

- End deportations of Chin people to Burma who face persecution or torture.
- Prevent all arbitrary arrests, forced evictions, assaults, intimidation, and forcible returns of Chin people by Mizoram authorities as well as Mizo voluntary associations, such as the YMA. Ensure those engaging in such abuses are held legally accountable.
- Monitor voluntary associations to ensure their actions do not violate the rights of others and create a system to register complaints of abuse.
- Promote non-discriminatory practices towards the Chin community in Mizoram.
- Establish a process for Chin to obtain work permits and ensure labor protections extend to Chin laborers. Create accessible complaint mechanisms for Chin workers who face discrimination or abuse in the workplace. Remove and rehabilitate children involved in hazardous occupations in accordance with Indian law.
- Grant Chin equal access to education, healthcare, and other social services, including access to redress for victims of domestic violence. Ensure all children have access to education without requiring proof of legal identity.
- Permit the unfettered operation and maintenance of Chin churches and use of local cemeteries.

### **To the UNHCR:**

- Urge the government of India to accede to the 1951 Convention Relating to the Status of Refugees and respect the principle of *nonrefoulement*. Encourage the government of India to protect and prevent the forcible return of Chin asylum seekers and refugees living in India, particularly those living in Mizoram.
- Continue advocacy with the governments of India and Mizoram for unhindered access to asylum seekers and refugees living in Mizoram and other northeastern states of India.
- Support outreach and public awareness campaigns in Mizoram to increase local understanding about rights and protection needs of asylum seekers and refugees.
- Support trainings for Mizoram authorities and members of voluntary associations, such as YMA, on the rights and protection needs of asylum seekers and refugees.

### **To ASEAN, the US, EU member states, the EU, Australia, Canada, Japan, and Other Concerned States:**

- Pressure Burma to immediately end forced labor, torture and mistreatment, arbitrary arrest and detention, severe reprisals against members of the opposition, restrictions on movement, expression, and religious freedom, extortion and



confiscation of property, abusive military conscription policies, and extrajudicial killings and other abuses forcing Chin to flee from Burma.

- Increase humanitarian assistance earmarked for populations at risk in Chin State while ensuring that the delivery of humanitarian assistance is carried out independently without unnecessary interference from government or military officials.<sup>322</sup>
- Impose or strengthen targeted sanctions against Burma if it does not meet specific human rights conditions. Such sanctions should include financial sanctions directed at specified officials, both military and civilian, who bear responsibility for abuses, as well as others who may assist or be complicit in the evasion of sanctions by those individuals. Such sanctions should be identified by means of a fair process, and the sanctions should be subject to regular monitoring.<sup>323</sup>
- Issue public statements unequivocally supporting the right of Chin people fearing persecution, including torture, to appropriate protection and assistance in India in line with international principles.
- Urge the governments of India and Mizoram to stop the forced eviction, arbitrary arrests, and forcible returns of members of the Chin community who would face persecution or torture upon return to Burma.
- Encourage the governments of India and Mizoram to allow UNHCR and humanitarian agencies access to Mizoram and other northeastern states in order to protect and assist asylum seekers and refugee populations living in such areas.
- Support and promote the operations of UNHCR in India.

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<sup>322</sup> For more detailed recommendations of effective delivery of humanitarian aid in Burma see Human Rights Watch, *Crackdown: Repression of the 2007 Popular Protests in Burma*, vol. 19, no. 18(C), December 2007, <http://hrw.org/reports/2007/burma1207/>, p.125; and Human Rights Watch, "Letter to Donors on Reconstruction after the Cyclone," July 22, 2008, <http://www.hrw.org/en/news/2008/07/22/letter-donors-reconstruction-after-cyclone-nargis>.

<sup>323</sup> For more detailed recommendations of what sanctions should include, see Human Rights Watch, *Crackdown: Repression of the 2007 Popular Protests in Burma*, vol. 19, no. 18(C), December 2007, <http://hrw.org/reports/2007/burma1207/>, p.123.

## VIII. Appendix

### Letters to Mizo Authorities and the UNHCR:

#### HUMAN RIGHTS WATCH

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October 31, 2008

Pu Zoramthanga  
Chief Minister of Mizoram  
McDonald Hill  
Chattlang, Aizawl 796001  
Mizoram State, India  
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Via Facsimile: +91.389.232.2245

Dear Chief Minister Pu Zoramthanga,

Human Rights Watch is a nongovernmental organization based in New York that monitors violations of human rights by states and non-state actors in more than 80 countries around the world.

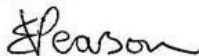
Human Rights Watch is preparing a report on the ethnic Chin of Burma. The report explores human rights issues for the Chin community in Chin State, Burma, as well as in Mizoram State.

We are writing to ensure that our report reflects the views, policies, and practices of the Mizoram government regarding the ethnic Chin in Mizoram State.

Human Rights Watch is committed to producing material that is well-informed and objective. We hope you or your staff will respond to the attached questions so that your views are accurately reflected in our reporting. In order for us to take your answers into account in our forthcoming report, we would appreciate a written response by November 21, 2008. We are also happy to provide you a copy of our report once it is finalized.

Please do not hesitate to include any other materials, statistics, and government actions regarding the ethnic Chin that you think might be relevant. Thank you for your time in addressing these urgent matters.

Sincerely,



Elaine Pearson  
Deputy Director  
Asia Division

Cc: H.E. Ambassador Nirupam Sen; Ambassador Ronen Sen.



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Questions:

1. What is the Mizoram government's estimate of the population of ethnic Chin in Mizoram? How is this data collected?
2. We have received reports of Chin being rounded up and returned to Burma from Mizoram. Under what law, regulation, or policy are Chin returned to Burma?
3. How many Chin have been returned to Burma by the Mizoram authorities in the past year? In previous years?
4. Who is responsible for ordering the eviction of Chin from Mizoram? Who is responsible for returning the Chin to Burma? Are Mizoram State authorities involved in the return of Chin from Mizoram to Burma? If yes, which specific authorities and how are they involved?
5. What procedural rights, if any, are accorded to Chin facing return to Burma?
6. Has the Mizoram government taken steps to prevent or investigate reports of unlawful return to Burma by the Mizoram police?
7. Has the Mizoram government taken steps to prevent or investigate reports of forced return to Burma by the Young Mizo Association (YMA) or Mizoram police?
8. What is the Mizoram government's relationship with the YMA and other civil society organizations operating in Mizoram?
9. What is required to rent/own property in Mizoram? What documents are necessary?
10. What are the admissions requirements to attend a government school? What documents are required for admission to a government school? Is the admissions policy different for the Chin children living in Mizoram?
11. In our interviews with individuals in Mizoram, we received conflicting accounts of the cost of public schooling. Please provide, if possible government figures for the costs of attending public primary and secondary schools. Are these costs different for Chin living in Mizoram?
12. Are documents required to obtain medical treatment in Mizoram? Is this policy different for Chin living in Mizoram?

13. In our interviews with individuals in Mizoram, we received conflicting accounts of the cost of health care. Please provide, if possible government figures for the costs of visiting a doctor in a government hospital in Mizoram. Are these costs different for Chin living in Mizoram?
14. What are state requirements to form a church or religious fellowship in Mizoram? Has the Mizoram government ordered the closure of Chin churches/fellowships in Mizoram in recent years? If yes, when and for what reason?
15. Has the Mizoram government taken steps to prevent or investigate reports of interference by the YMA or other voluntary associations with the operation of Chin churches/fellowships in Mizoram?
16. Who decides where Chin are buried? Are Chin excluded from being buried in established Mizo cemeteries? If yes, why? Why are Chin cemeteries often located outside village/town limits in Mizoram?

**HUMAN RIGHTS WATCH**

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October 27, 2008

Ms. Montserrat Feixas  
Chief of Mission  
United Nations High Commissioner for Refugees  
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New Delhi-110003  
New Delhi, India  
*Via Facsimile: +91-11-4353046*



[www.hrw.org](http://www.hrw.org)

Dear Ms. Feixas,

Human Rights Watch is a nongovernmental organization based in New York that monitors violations of human rights by states and non-state actors in more than 80 countries around the world.

Human Rights Watch is preparing a report on the ethnic Chin of Burma. The report explores human rights issues for the Chin community in Chin State, Burma and in Mizoram State, India.

We are writing to ensure that our report reflects the views, policies, and practices of UNHCR regarding the ethnic Chin in Mizoram State.

Human Rights Watch is committed to producing material that is well-informed and objective. We hope you or your staff will respond to the attached questions so that your views are accurately reflected in our reporting. In order for us to take your answers into account in our forthcoming report, we would appreciate a written response by November 17, 2008. We are also happy to send you a copy of our report once it is finalized.

Please do not hesitate to include any other materials and statistics regarding the ethnic Chin that you think might be relevant. Thank you for your time in addressing these urgent matters.

Sincerely,

Bill Frelick  
Director, Refugee Policy Division  
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(202)612-4344

Questions:

1. How many Chin are currently registered with the UNHCR-Delhi? How many Chin have received refugee status from UNHCR-Delhi?
2. How many Chin refugees have been resettled from India within this last year? To which countries? In previous years, how many Chin have been resettled from India?
3. How many Chin have been denied refugee status by UNHCR-Delhi in the past year? What was the main basis for denials?
4. What is the policy regarding registration, recognition, and resettlement of Chin refugees in India? Has this policy changed over the years? Has UNHCR ever suspended the registration or resettlement process for Chin? If so, when and why?
5. How long does the process typically take for a Chin to receive refugee status after being registered with UNHCR-Delhi? How long does the process typically take for a Chin to be resettled after receiving refugee status with UNHCR-Delhi?
6. Has the government of India ever interfered directly or indirectly in the process of recognizing or resettling Chin refugees from India? If so, when and how?
7. What are the protection concerns for the Chin living in Mizoram State?
8. Why is UNHCR unable to conduct refugee assessments in Mizoram? Under what policy?
9. Has UNHCR taken any steps to prevent Chin from being returned from Mizoram to Burma? If so, how? Were these measures successful? Why or why not?

## Glossary

**CIA:** Chin Integrated Army, small Chin armed resistance group no longer active in Chin State.

**CLC:** Chin Liberation Council, small Chin political opposition group, now defunct.

**CNC:** Chin National Confederation, small Chin political opposition group, now defunct.

**CNA:** Chin National Army, the armed wing of the CNF, implicated in human rights violations against Chin civilians with continuing operations in Chin State.

**CNF:** Chin National Front, the political wing of the Chin ethnic resistance formed in 1988.

**CRCL:** Chin Refugee Center Lunglei, community-based organization assisting members of the Chin refugee community in Lunglei, Mizoram.

**FTUB:** Federation of Trade Unions-Burma, formed in 1991 by exiled Burmese to monitor and report on forced labor practices in Burma.

**IB:** Infantry Battalion.

**LIB:** Light Infantry Battalion.

**MNF:** Mizo National Front, a Mizo political party responsible for successfully spearheading the campaign for statehood in Mizoram, India after the Indian central government failed to properly respond to a famine in Mizoram in 1959.

**MTP:** *Mara Thyutlia Py*, or Mara Youth Party, a voluntary association in Mizoram, implicated in attacks against Chin refugees and migrants.

**NLD:** National League for Democracy, pro-democracy political party in Burma led by Aung San Suu Kyi and winner of a majority of parliamentary seats in the 1990 elections.

**SLORC:** State Law and Order Restoration Council, former name of Burma's military government, which changed to the SPDC in 1997.

**SPDC:** State Peace and Development Council, the ruling military council currently composed of 12 senior military officials that control the executive, legislative and judicial branches of government.

**Tatmadaw:** Burmese armed forces, inclusive of the *Tatmadaw Kyi* (Army), *Tatmadaw Ye* (Navy), and *Tatmadaw Lay* (Air Force).

**USDA:** Union Solidarity and Development Association, a government formed and controlled "social welfare" organization with 24 million members, many of whom are coerced or

induced into joining. Members of the paramilitary wing of the USDA have been responsible for attacks on Aung San Suu Kyi and other opposition politicians since 1997.

***VPDC:*** Village Peace and Development Council, the government controlled administration often controlled by the local army commander.

***YMA:*** Young Mizo Association, a voluntary association in Mizoram implicated in attacks on Chin refugees and migrants.



## **Acknowledgments**

This report was researched and written by Amy Alexander, consultant for Human Rights Watch, based in part on earlier research conducted by Sara Colm, senior researcher in the Asia division of Human Rights Watch.

The report was edited by Elaine Pearson, deputy Asia director; Dinah PoKempner, general counsel; and Joseph Saunders, deputy director in the program office of Human Rights Watch.

Production assistance was provided by Dominique Chambless, consultant in the Asia division; Grace Choi, publications specialist; Jim Murphy, online editor; Veronica Matushaj and Anna Lopriore, multimedia specialists; and Fitzroy Hepkins, production manager.

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