

The State Peace and Development Council's Investigation into the "Licence to Rape" report

24 September 2002

The "Licence to Rape" report was launched internationally on 19 June 2002. Following statements in the U.S. Congress and by the U.S. State Department in late June and early July, deploring the use of sexual violence by the Burmese military regime against Shan women, the regime began publicly denouncing the report. In the regime's first public statement on 3 July 2002, the Burmese Ambassador to the U.S. called the report "unverified testimonies" of "so-called victims." On July 12th and 30th, the State Peace and Development Council (SPDC) held press conferences, and denounced the report as "fabrications of the insurgents."

On 2 August, it was announced that the SPDC had launched an investigation into the report. SPDC Deputy Home Minister Brig-Gen. Thura Myint Maung was quoted in the state-run New Light of Myanmar newspaper as saying that the investigation was being made to "refute preposterous accusations."

Investigation teams were sent to Shan State from 18-30 August. The teams were led by Brig-General Thura Myint Maung himself, and Dr. Daw Khin Win Shwe, wife of General Khin Nyunt.

On 23 August (before completion of the investigation), the SPDC held a briefing for heads of diplomatic missions and UN agencies in Rangoon, claiming to have found the allegations in the "Licence to Rape" report as "groundless and malicious."
<http://www3.itu.int/MISSIONS/Myanmar/n020824.htm#3>

SWAN refutes the findings of this staged "investigation" by the SPDC. Reports received have revealed that the "investigation" was fraudulent. It is clear that under the current military regime, with no rule of law and no faith in its institutions, no-one will dare testify against perpetrators who have absolute power in their communities. The Burmese army's "licence to rape" continues (see Appendix II for recent incidences).

SWAN has compiled available evidence to counter the SPDC's "findings":

1. The SPDC claims their "investigation teams met and interviewed thousands of inhabitants of the region as well as government officials, including military officers and members of non-governmental organizations." (New Light of Myanmar, August 23, 2002)

SWAN has detailed information about how the investigation was carried out in Murng Hsat and Murng Ton townships, in southern Shan State. In summary, the investigation in these areas was carried out as described below (see Appendix I for further details):

The investigations were carried out in an intimidating manner. Male military officers led the investigation. The team travelled in a 12-truck military convoy, each truck filled with 8-9 armed soldiers. Headmen in selected localities were ordered several days in advance by local military units to provide a specific number of villagers (between 15-40) to meet the visiting team. The headmen were threatened not to mention any incidences of rape by the Burmese military in their area. If a headman did not attend the meeting, he was threatened with a fine of 3,000 kyats (equivalent to 10 days of labour at the current daily wage-rate in Shan State). The headmen randomly chose people who were available. Male villagers, on the whole, met the investigation team.

At each locality, the team's armed escorts and local soldiers scoured the area in advance, and stood guard while the meeting took place. The venue was either in front of a local district office, a school, a village headman's house, or in a military base.

As villagers arrived at the venue, a military officer wrote their names on a prepared Burmese language document. When the required number of villagers had arrived, the visiting SPDC team came to the venue. The officer in charge of the team then stated he was there to confirm there had been no incidences of Burmese troops raping women in that area. He spoke in Burmese; there was no

translation. Villagers who could not understand Burmese did not know what was being said. Those that could speak Burmese, did not dare mention any cases. All the villagers were ordered to sign next to their names on the prepared document, which stated that there had been no incidences of Burmese troops raping women in their area. Those that could not write had to stamp their fingerprints, and did not know what the document said.

Outside the township office in Murng Hsat, after signing the statement, the villagers were forced to chant publicly three times: "The Burmese army have not raped Shan women," and raise their hands as they chanted. Pictures were taken of them doing this.

2. "Judicial, police and military records show there had only been three rape cases and only two involving Shan women; and the three soldiers involved have already been given heavy prison sentences by military courts." (New Light of Myanmar, August 23, 2002)

No details have been provided by the SPDC about these cases. It cannot be confirmed whether or not the perpetrators in these incidences were punished. However, there is evidence that the SPDC investigation teams uncovered rape cases but they did not report these publicly in their findings.

Sources from Laikha Township, southern Shan State, reported that the SPDC #3 Team investigating the "Licence to Rape" report found evidence of a case covered-up by local military authorities. This case involved six Shan women who had been severely tortured as well as sexually abused.

On 30 July 1997, Aung Win, a Burmese army private from Company 4, Infantry Battalion 64, deserted after killing Lance Corporal Min Din and Private Thet Oo. Captain Khin Maung Toe and his unit, Company 2, from the same battalion was assigned to track down Aung Win as he had seized some weapons. The Captain ordered six women from Wan Mawn village to accompany the unit as guides. When the unit returned, the parents of the women filed a complaint that their daughters had been raped and tortured by the troops. The women were hospitalised for 5 days at Laikha civil hospital. In addition to wounds resulting from the rapes, they had been beaten and scratched, their sex organs burnt and their pubic hair pulled out. Major Hla Moe, the acting Commander of IB 64, ordered Major Moe Zaw, in charge of the battalion's affairs, to suppress the case. No action was taken against the perpetrators.

3. "Some of the villages where the incidents were supposed to have taken place were non-existent." (New Light of Myanmar, August 23, 2002)

The SPDC has not publicly listed the names of the villages from the "Licence to Rape" report which it claims do not exist. It can be illustrated from the SPDC's response to the ILO on 24 January 2002, regarding an SHRF report in September 2001 documenting the extrajudicial killing of 7 Shan villagers for complaining to authorities about being subjected to forced labour, that the regime classifies villages that have been forcibly relocated as non-existent, and does not recognize Shan names of villages.

In the SPDC's response to the ILO, it claimed that four of the seven villagers were "non-existent", as the villages they came from did not exist: namely, "Kun Hoong," "Kun Keng," and "Nawng Ook" in Nam Zarng township. The SHRF pointed out to the ILO in its letter dated 18 March 2002, that these three villages did exist, but were deserted following the 1996-1997 forced relocation campaign by the SPDC in central Shan State. The victims had been living as internally displaced persons when they were killed.

The SPDC report to the ILO, sought to discredit the SHRF by stating that one of the villages which SHRF names in its report as "Nam Tum Tai" is in fact called "Taung Nam Tung." SHRF explained to the ILO the difference in its letter dated 18 March:

"'Nam Tum Tai' is the name it is called by the native Shans. 'Nam Tum' is the Shan name of the village and 'Tai' means 'south' or 'lower', so that 'Nam Tum Tai' means 'Southern Nam Tum'. Likewise, the Burmans call it 'Taung Nan Tung' which means 'Southern Nan Tung' because 'Taung' in Burmese means 'south', and 'Nam Tum' becomes 'Nan Tung' because they have no 'm' final sound in the Burmese language." **

** For details about the case, see

<http://www.ilo.org/public/english/standards/relm/gb/docs/gb282/pdf/gb-4-ax.pdf>

(or) ILO Document No: GB282/4/Appendices, 282nd sessions, Geneva, November 2001, Page 27

This illustrates that the SPDC has overridden local Shan terminology for their own villages. Therefore, it is not surprising that the SPDC team investigating the "Licence to Rape" report, which was compiled by members of the Shan community, has apparently been unable to locate some of the villages in the report.

4. "Moreover, one of the assertions was that some of the raped women received treatment at a hospital in Wiang Haeng town, Chiang Mai district, Thailand. Enquiries made by the Myanmar National Committee on Women's Affairs and the Myanmar Embassy in Bangkok showed that there were no such cases and there were no hospital records of Shan women admitted and treated as alleged." (New Light of Myanmar, August 23, 2002)

There is no mention in the "Licence to Rape" report of any survivors being treated at Wiang Haeng town, Chiang Mai district. This clearly indicates that the investigators have not read the report.

Appendix I:

Details of the Investigation carried out in Murng Hsat and Murng Ton townships

Dates of investigation :18-30 August 2002

Investigation team :5-man SPDC investigation team

August 18, Murng Hsat township: the SPDC team flew by helicopter to Murng Hsat. Messages were given to SPDC military units both in Murng Hsat and in various locations in Murng Ton township to order local headmen to prepare villagers to meet the visiting team. The local military units informed local headmen and village committee members that a team of high-ranking SPDC officers were coming to meet them to ask about incidences of rape. The headmen and committee members were told they would be fined 3,000 kyats each if they did not show up on the day of the SPDC team's visit and did not bring with them a specified number of villagers. It was not specified whether the villagers should be men or women. The local military units warned the headmen and village committee members that they must not reveal information about any incidences of rape committed by the Burmese army in their area or they would face problems after the meeting.

August 20: Local headmen arranged for 40 villagers from the local vicinity to gather in front of the Mong Hsat township office at 9.00 am in the morning. There were armed SPDC soldiers guarding the area. One SPDC military officer wrote the names of the villagers as they arrived on a Burmese language prepared statement. After the assigned number of villagers had arrived, the SPDC investigation team came. The officer in charge of the team told the villagers he was there to check that no Burmese troops had raped women in their area in the last 5-6 years. He asked the villagers to confirm this. He spoke in Burmese, with no translation. Not everyone understood Burmese, and no one dared ask any questions. Those that did understand Burmese, did not dare mention any cases. The SPDC officer in charge of the team ordered the villagers to sign next to their names, which had been listed as they arrived on the prepared document. The document stated that they had not heard of any incidences of Burmese troops raping Shan women. Those that could write, signed their names, and those that could not, stamped their fingerprint. Some people did not know what they were signing.

The villagers were then ordered to chant publicly in front of the township office in Burmese three times: "The Burmese army have not raped Shan women!" and to raise their hands as they chanted. Pictures were taken of them doing this.

The whole process took about one hour.

August 24, Murng Ton township: The SPDC team travelled from Murng Hsat to Murng Ton in a military convoy of about 12 trucks. Each truck contained about 8-9 armed soldiers from Infantry Battalion 49 and Light Infantry Battalion 278 from Murng Hsat. Soldiers from these military units were ordered to stand guard at intervals.

Thirty villagers were ordered to meet the SPDC investigation team in front of the district office in Murng Ton. The meeting with the SPDC team was carried out in Murng Ton in the same way as in Murng Hsat. However, there was no forced chanting afterwards.

August 26, Mae Ken village: The SPDC team travelled in a military convoy to Mae Ken village. Security was provided by troops from LIB 519. Fifteen villagers were ordered to meet the SPDC investigation team outside a school in Mae Ken. The process of the meeting was the same as in Murng Ton.

August 28, Na Kong Moo: The SPDC team travelled in a military convoy, with guards (from LIB 333 and IB 49) to Na Kong Moo village. Twenty villagers were ordered to meet the SPDC team in a headman's house in Na Kong Moo. The process of the meeting was the same as in Murng Ton.

August 30, Pong Ba Khem: The SPDC team travelled in a military convoy to Pong Ba Khem, with security provided by IB 65. Thirty villagers were ordered to meet the SPDC team in the military camp of LIB 524. The process of the meeting was the same as in Murng Ton.

Appendix II:

No. of Cases	10
No. of women and girls raped:	11
No. of girl under 18 :	4

No. of Cases in each ethnic State

Arakan State:	1
Karen State:	1
Karenni State:	2
Mon State:	1
Shan State:	5
Tennessee Division:	1

Note: exact details withheld for reasons of confidentiality

URL: http://www.shanland.org/HR/Publication/A_mockery.htm