



Bitter Wounds and Lost Dreams: Human Rights Under Assault in Karen State, Burma

August 2012

EXECUTIVE SUMMARY
physiciansforhumanrights.org

ABOUT PHYSICIANS FOR HUMAN RIGHTS

Physicians for Human Rights (PHR) uses medicine and science to investigate and expose human rights violations. We work to prevent rights abuses by seeking justice and holding offenders accountable.

Since 1986, PHR has conducted investigations in more than 40 countries around the world, including Afghanistan, Bahrain, Burma, Congo, Rwanda, Sudan, the United States, the former Yugoslavia, and Zimbabwe:

- 1988 — First to document Iraq's use of chemical weapons against Kurds.
- 1996 — Exhumed mass graves in the Balkans.
- 1996 — Produced critical forensic evidence of genocide in Rwanda
- 1997 — Shared the Nobel Peace Prize for the International Campaign to Ban Landmines.
- 2003 — Warned of health and human rights catastrophe prior to the invasion of Iraq.
- 2004 — Documented and analyzed the genocide in Darfur
- 2005 — Detailed the story of tortured detainees in Iraq, Afghanistan and Guantánamo Bay.
- 2010 — Presented the first evidence showing that CIA medical personnel engaged in human experimentation on prisoners in violation of the Nuremberg Code and other provisions.
- 2011 — Violations of medical neutrality in times of armed conflict and civil unrest during the Arab Spring.



PHR shared
the 1997
Nobel Peace Prize

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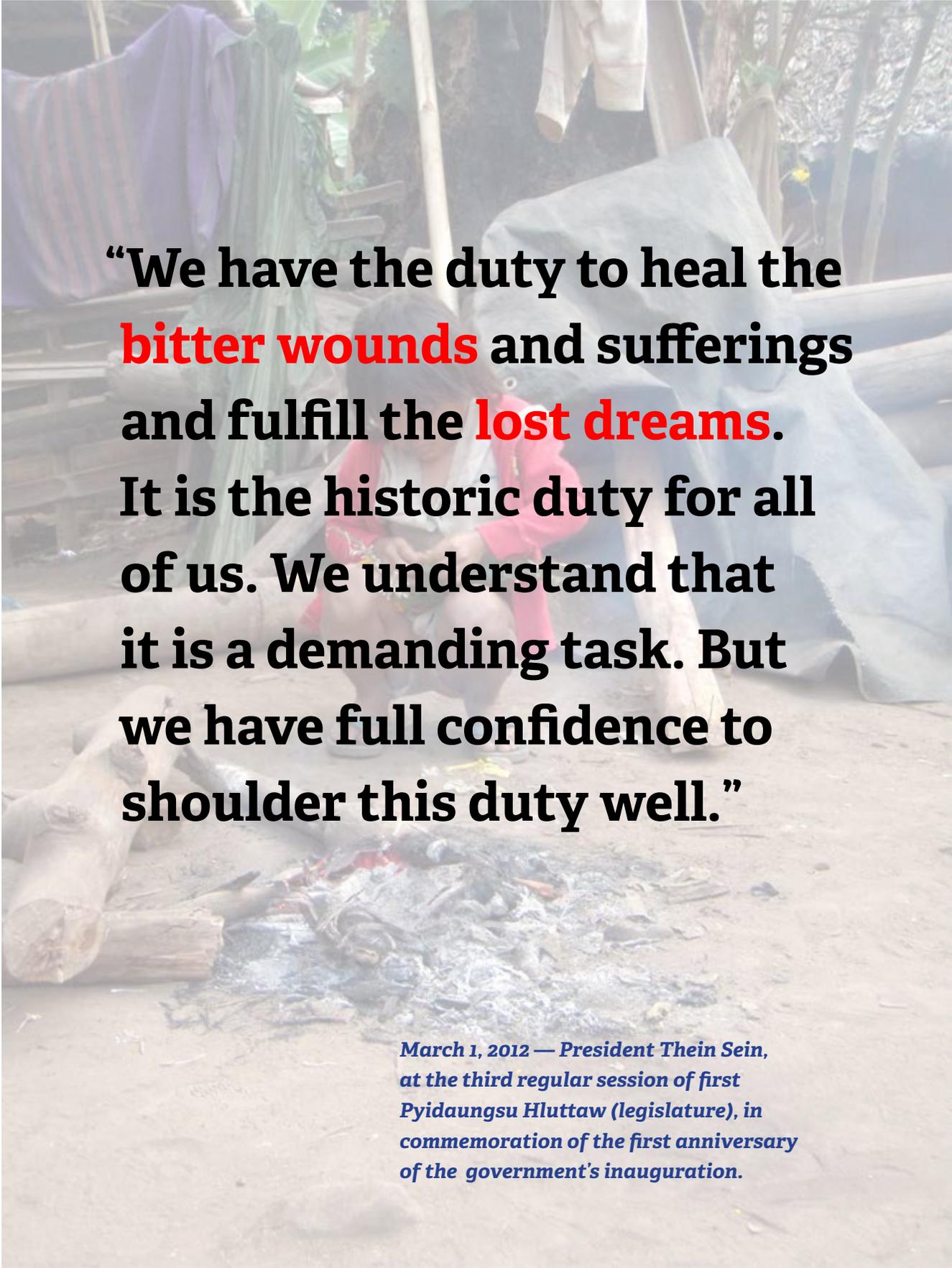
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Cover Photo: A Karen woman weaves a new roof out of palm fronds. Her house in the background, starting to be rebuilt, was burned down by the Burma Army in 2010. Photo: William Davis, PHR.

Facing: A child makes a bouquet of wildflowers in front of her home in eastern Karen State. Photo: William Davis, PHR.

A woman in a red shirt is crouching in front of a fire pit in a rural setting. The background shows a simple wooden structure with clothes hanging on a line. The text is overlaid on the image.

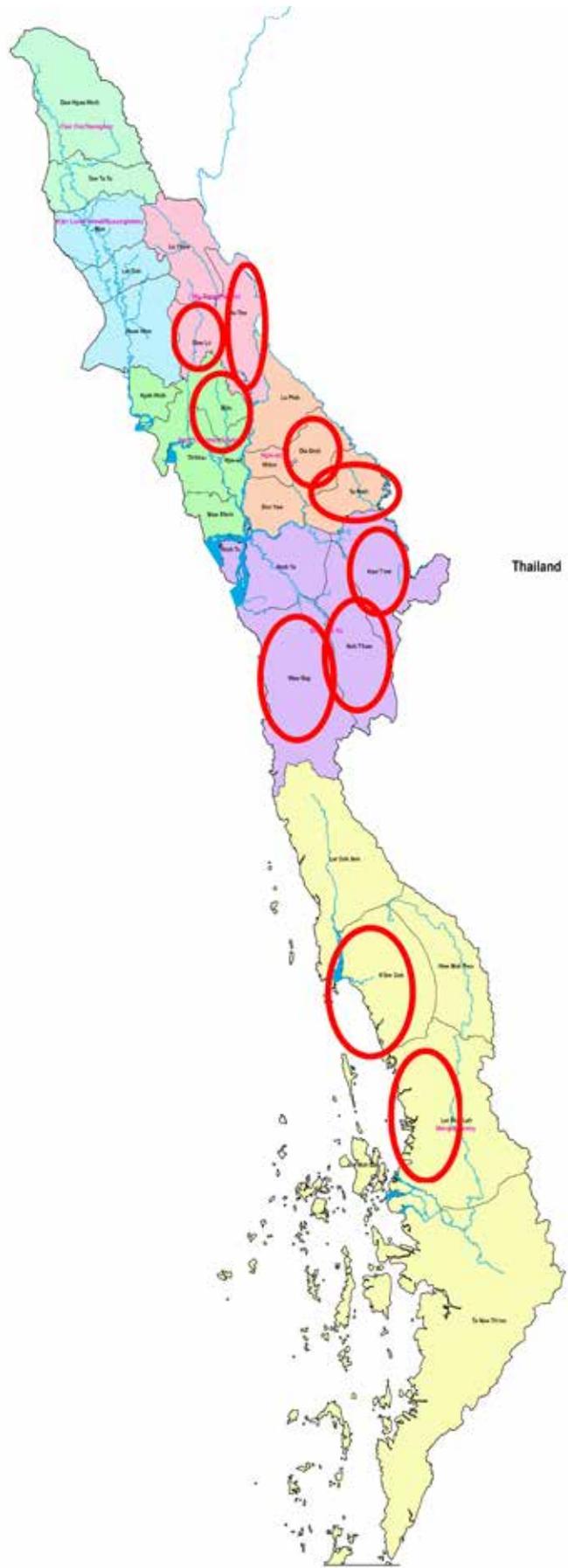
**“We have the duty to heal the
bitter wounds and sufferings
and fulfill the **lost dreams**.
It is the historic duty for all
of us. We understand that
it is a demanding task. But
we have full confidence to
shoulder this duty well.”**

*March 1, 2012 — President Thein Sein,
at the third regular session of first
Pyidaungsu Hluttaw (legislature), in
commemoration of the first anniversary
of the government's inauguration.*



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Karen State, showing townships sampled by surveyors



Foreword

As I write these words, Central America is celebrating the 25th anniversary of the Peace Accords that ended years of violence and unrest in our countries and ushered in a new era of progress. However, as we take stock of the road we have traveled in our own region, our gaze turns outward, toward the many corners of the globe where conflict and repression continue to hold sway. We hope that the light of negotiation, democracy, and human development that made a difference for our part of the world will illuminate those places that remain in darkness.

Until very recently, Burma was certainly one such place. That is why I, along with millions of others around the globe, have rejoiced so deeply upon seeing signs of change from the Government of Burma during the past few years. Political prisoners who languished behind bars are now released. Civil society can now operate with fewer restrictions. Countries around the world have responded to these changes with eager praise and the lifting of sanctions. This excitement is understandable, given that Burma was long recognized as a pariah state and is now inching toward greater openness. But other urgent steps must be taken by the government if a lasting peace is to be secured.

One of the lessons of Central America's experience is that no lasting peace exists without the democratization of our countries. That was the leitmotiv of our Peace Accords, and it must be for Burma as well. After so many years of military dictatorship, real freedom cannot be secured through one group's decision to lessen restrictions. It can only be obtained through the painstaking work of establishing and strengthening democratic institutions. That must be the priority in Burma, and of all those nations that seek to help the country progress.

This report includes the kind of scrutiny and monitoring that will be essential to this process, particularly regarding those who have not reaped the benefits of the positive changes Burma has experienced – and who, in fact, have been marginalized by the central government for decades. Ethnic minority groups in rural Burma have long faced violence from Burma's military. In Karen State, where local insurgents have fought the Burmese military in what is considered the world's longest running civil war, communities have been routinely devastated by violence. Local human rights investigators have documented numerous cases of forced labor, displacement, killings, extortion, and acts of sexual violence perpetrated against Karen communities.

As groups in Karen State move closer to a ceasefire agreement with the Burmese military, the need for accurate information about human rights violations remains important. Physicians for Human Rights (PHR) and partner groups conducted a household survey in areas where Burma's military has had a significant presence over the last few decades of conflict in Karen State, and where health care is often difficult or impossible to access. The quantitative data collected through this survey casts a light on stories from Karen communities – voices that are too often left out of political decisions.

The investigation of human rights violations and humanitarian concerns in Karen State or in the rest of Burma should not end with this report. In order to prevent human rights violations in the future, the country of Burma needs to investigate current abuses, hold perpetrators accountable, and, above all, address crimes of the past in a manner that will lead to a peaceful future. As the international community shifts its policies toward Burma, we must not forget the voices and experiences of Karen communities and other ethnic minority groups. Rather, we should hold up the stories of those groups as a guidepost to evaluate the true measure of reform in Burma. After all, the collection and exchange of information, the real assessment of problems and progress, and the inclusion of viewpoints that have not been heard are all hallmarks of the democratic process. Carrying out such efforts is one of the most important ways that the global community can support countries taking their first steps toward democratic stability.

In the end, profound change must come from Burma itself. International support for Burma and investment in its growth will be essential in the coming years if the country is to make real progress. However, as we have seen time and time again throughout history, respect for human rights, human security, and the rule of law cannot be imposed from outside. Only by choosing these values for themselves can leaders in Burma effect real change. And only by creating the democratic structure that protects these fundamental rights can Burma create the climate of trust and confidence needed for investment and economic growth. In Central America, achieving that kind of stability was up to us, and in the case of Burma the same will be true. It is not an easy road, but it can lead the extraordinary people of Burma toward the country they deserve: a country that prioritizes human rights protection and political participation, and gives a voice to all.

Óscar Arias Sánchez, PhD

Nobel Peace Prize Laureate, 1987

President of Costa Rica (1986-1990 and 2006-2010)

Founder, Arias Foundation for Peace and Human Progress

Acknowledgments

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PHR is indebted to the Karen community organizations that continue to work to fulfill the right to health of people in eastern Burma; to the surveyors who implemented the survey; and especially to the Karen families who shared their experiences with our team. This report is dedicated to them.

Executive summary

On Burma/Myanmar nomenclature:

In the wake of the violence of the 1988 student uprising in Burma, the military regime that seized power in a coup changed the country's name to Myanmar and the name of the then-capital from Rangoon to Yangon. Pro-democracy groups such as the National League for Democracy and ethnic minority groups did not recognize the name changes. In support of these groups, the US, UK, Australian, Canadian, and other governments continue to recognize the country as Burma. In this report, PHR uses the names "Burma" and "Rangoon" for the same reason.

Over the last two years the Burmese government made several changes to bring the country closer to a democracy, including holding elections, releasing political prisoners, and negotiating ceasefires with ethnic armies. The effects of these initiatives, however, have yet to reach people in Karen State in eastern Burma or other minority ethnic groups in the country's border areas. PHR documented abuses that occurred between January 2011 and January 2012 in eight townships in Karen State and in two townships in Tenasserim Division that were populated mostly by Karen people. PHR's research shows that during 2011, as citizens in Rangoon experienced new freedoms, nearly one third of the families we surveyed in Karen State reported human rights violations. Notably, some violations were up to eight times higher in areas occupied by the Burmese army than in areas contested by the Burmese army and insurgent groups. The data suggest that ceasefires do not in themselves end human rights violations for some ethnic minorities, and that the Burmese government must do more to guarantee their human rights.

Human rights abuses in Burma can occur in wartime and peacetime alike. The Burmese army fought Karen insurgents for over 60 years, and their counterinsurgency policies included shelling villages, extrajudicial killings, forced relocations, and other direct assaults on civilians. Similar violations are ongoing in Kachin and northern Shan States, where the Burmese army has been aggressively fighting the Kachin Independence Army since June 2011. Today, the situation in Karen State is different. Though the Burmese army fought skirmishes through 2011 and 2012, they did not engage in major offensives in that state. They did, however, maintain a heavy troop presence in Karen State — an estimated 38 infantry battalions stationed at 200 outposts across the state. Civilians also suffer in these occupied and militarized areas; though there is no fighting, the Burmese army restricts their movements and forces them to provide troops with food and labor.

Economic development projects, such as hydroelectric dams, mines, pipelines and industrial areas, are also linked to human rights abuses. Ethnic minority people tend to live in mountainous regions at the periphery of the country that are also rich in natural resources. Scores of development projects have begun in these areas in the last decade. Development projects are implemented by Burmese and foreign companies in partnership with the military, which provides security. Rights groups accuse the Burmese army of subjecting civilians to forced relocations, forced labor, and intimidation as a result of these projects. PHR questioned people living near one such project, the Dawei deep sea port and special economic zone. Civilians living there reported experiencing forced labor, blocked access to their land, and restrictions on their movement at rates two to eight times higher than in other areas surveyed. The Burmese government is promoting economic development projects as part of ceasefire deals in ethnic minority areas. These projects have the potential to provide jobs and create infrastructure, but they should be implemented with protections for civilians' rights.

The people of Karen State have endured systemic violence at the hands of the military for decades. The US State Department Country Human Rights Reports and documentation from local

human rights groups from the past several years show a high incidence of grave human rights violations including forced labor, forced displacement, arbitrary arrest, torture, acts of sexual violence, killings, and other crimes. This report does not describe the whole history of violence and abuse in Karen State; rather, the information included in this report represents a snapshot of one recent period on Karen State's multidecade trajectory of violence. Some basic conclusions can be drawn from the following report:

- Human rights violations remain serious problems in Karen State despite political reforms initiated by the central government.
- Given the prevalence of human rights violations in areas where there is no active armed conflict, a ceasefire agreement between fighting parties will not necessarily lead to an end of abuses against civilians.
- Economic development and related investment are linked with increased human rights violations, and policies and regulations should be carefully crafted by all parties involved to ensure that development projects harm neither individuals nor communities.
- Systemic reforms that include accountability for perpetrators of human rights violations, full political participation by ethnic minorities, and access to basic services including health care are necessary to support a successful transition to a peaceful democracy.

Reports of ongoing human rights violations, despite some reforms from the central government, make research in Karen State especially timely. Voices of civilians from Karen State are too often muffled by the international community's praise for the government's recent changes. Information about the ongoing abuses in Karen State, especially in areas where there is no active armed conflict, and about the urgent humanitarian needs should inform any policy shifts on the part of international actors. Sanctions are key tools through which the international community can press for further change in Burma, and decisions about easing or reinstating sanctions or about altering general policies regarding Burma should reflect the country's human rights and humanitarian situations.

Methods

The Institutional Review Board at Johns Hopkins University, the Ethical Review Board of Physicians for Human Rights, and a Karen community advisory team approved this study. Our research team trained 22 surveyors from five partner organizations to perform a multistage, 90-cluster sample household survey in areas of Karen State in January 2012. The survey instrument comprised a 93-question standardized form that was translated into two local languages. The survey questions covered human rights abuses, health indicators, food security, and access to health care from January 2011 to January 2012.

PHR surveyors approached 90 villages in Karen State; because of security reasons (i.e., the presence of Burmese army or Border Guard Force troops) they were not able to access 10 of the villages. Surveyors compensated for eight of these by surveying the next closest village, and they skipped two villages altogether. Out of 686 heads of households approached by the surveyors, 665 agreed to participate in the survey.

Findings

Out of all 665 households surveyed, 30% reported a human rights violation. Forced labor was the most common human rights violation reported; 25% of households reported experiencing some form of forced labor in the past year, including being porters for the military, growing crops, and sweeping for landmines. Physical attacks were less common; about 1.3% of households reported kidnapping, torture, or sexual assault.

Human rights violations were significantly worse in the area surveyed in Tavoy, Tenasserim Division, which is completely controlled by the Burmese government and is also the site of the Dawei port and economic development project. Our research shows that more people who lived in Tavoy experienced human rights violations than people who lived elsewhere in our sampling area. Specifically, the odds of having a family member forced to be a porter were 4.4 times higher than for families living elsewhere. The same odds for having to do other forms of forced labor, including building roads and bridges, were 7.9 times higher; for being blocked from accessing land, 6.2 times higher; and for restricted movement, 7.4 times higher for families in Tavoy than for families living elsewhere. The research indicates a correlation between development projects and human rights violations, especially those relating to land and displacement.

PHR's research indicated that 17.4% of households in Karen State reported moderate or severe household hunger, according to the FANTA-2 Household Hunger Scale, a measure of food insecurity. We found that 3.7% of children under 5 were moderately or severely malnourished, and 9.8% were mildly malnourished, as determined by measurements of middle-upper arm circumference. PHR conducted the survey immediately following the rice harvest in Karen State, and the results may therefore reflect the lowest malnutrition rates of the year.

Recommendations

To the Government of Burma:

The Burmese government is currently in negotiations with the Karen National Union (KNU) to end hostilities in Karen State. Previous ceasefire agreements in the region have disintegrated, and any agreement that lacks a foundation in political participation or proper accountability mechanisms may fail in the future. Human rights violations persist in areas of economic development and of concentrated military presence, even without active armed conflict. Human rights abuses will not end with a ceasefire agreement, and continued documentation as well as the establishment of accountability for violators are necessary for reconciliation. Strong accountability mechanisms that operate in a transparent manner and have the support of local communities will chip away at the culture of impunity that reigns in Burma today. Comprehensive institutional reform, including reform of the judiciary and establishment of the rule of law, is necessary to move Karen State and other regions of Burma from conflict to a peaceful future. The Government of Burma should:

- Ensure that any ceasefire agreement with the Karen National Union involves political reforms and efforts at reconciliation in addition to an end to outright hostilities.
- Create robust accountability mechanisms to hold all parties responsible for the terms of the ceasefire.
- Thoroughly investigate allegations of human rights abuse and establish broad accountability mechanisms to hold human rights violators accountable whether or not ceasefire agreements are made.
- Restructure the National Human Rights Commission so that it is capable of conducting impartial investigations of alleged human rights violations.
- Remove provisions in the Constitution that provide amnesty for government and military officials responsible for human rights violations.
- Grant international humanitarian and human rights groups full access to Karen State to facilitate delivery of essential services and documentation of human rights violations.
- Invite the UN office of the High Commissioner for Human Rights to establish a field office in Burma.

To the Karen National Union:

- Ensure that any ceasefire agreement with the Burmese government involves political reforms and efforts at reconciliation in addition to an end to outright hostilities.
- Create robust accountability mechanisms to hold all parties responsible for the terms of the ceasefire.
- Ensure that protections for civilians from human rights abuses are an integral part of ceasefire negotiations.

To the international donor community:

The recent reforms in Burma have created greater opportunities for international donors to fund civil society organizations within Burma. Because of limited resources, some donors have shifted their focus from Burma's border regions to the interior of the country, leaving those organizations on Burma's borders with little funding for their work. Groups along the Thai/Burma border, such as the Mae Tao Clinic, the Backpack Community Health Worker Team, and the Karen Department of Health and Welfare, provide essential health care services to people in Karen State and those who cross into Thailand — people who have little or no other access to medical treatment. International donors should continue to support the essential work of local health professionals. The increase in international agencies operating within Burma can benefit communities, but those agencies should recognize the importance of the civil society organizations that are already conducting activities in various areas in Burma. In Karen State, for example, community-based organizations are providing health care despite problems with funding and accessibility. Incoming international groups should work alongside these local partners instead of supplanting them. The international donor community should:

- Continue to fund community-based groups, especially those that provide direct health services to people inside Karen State who have little other access to care.
- Collaborate with community-based organizations operating in Karen State when designing humanitarian, human rights, or health-focused programs.

To the international business community:

PHR's survey found a strong correlation between development projects and incidence of human rights abuse: Abuses were as much as eight times higher around a development project than elsewhere. Because the United States recently lifted its prohibition on American investment in Burma, the number of development projects in Burma likely will increase in the coming years. Without active steps by the international community or the businesses themselves, the number of human rights violations stands to increase as more projects are started. Companies operating in Burma should verify that their members and partners take all necessary steps to ensure that their activities are not contributing to human rights violations or environmental degradation. The international business community should:

- Conduct thorough and impartial impact evaluations of investment projects on human rights, particularly land rights, and environmental conditions. Make the results of these evaluations public.
- Consult with civil society groups, including members of ethnic minority communities, before implementing investment projects.
- Develop internal guidelines to keep companies from contributing to human rights abuses.
- Commit to following UN guiding principles on business and human rights.¹

1. The UN Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises to the Human Rights Council on the Guiding Principles

- Extractive industries should commit to the Extractive Industries Transparency Initiative (EITI) transparency standards.²
- Commit to following voluntary principles on security and human rights.³

To the United States:

After decades of a strong US policy stance on Burma, including a detailed sanctions regime that targeted particular industries, the Obama Administration started relaxing its sanctions against the Burmese government. On July 11, 2012, the Administration announced an easing of the bans on US investment in and financial services to Burma, ushering US businesses into the country. As of the writing of this report, the United States has not yet promulgated regulations that prohibit US companies from participating in or benefiting from human rights violations. The policy shift is a response to recent political changes in Burma, including the election of Aung San Suu Kyi to parliament and the easing of media restrictions. Given the ongoing human rights violations in Karen State, however, the US should continue to press for key improvements in the region, including open access to health care and the establishment of accountability for human rights violators. Of particular concern is the impact US investment will have on the civilian population and the environment in Karen State. Our survey documented a higher prevalence of abuses near a development project; this supports similar findings around development projects in other parts of the country. Investment should not be synonymous with forced labor, displacement and other abuse. The US should take the following precautions to prevent further human rights abuses in Karen State:

- Revise current US policy on investment in Burma to promulgate strict regulations for investment that will keep US companies out of sectors such as oil and gas that are closely linked with human rights abuses and out of conflict areas, where development projects would exacerbate precarious human rights situations.
- Develop strict accountability measures to hold US companies to account if they are complicit in human rights violations or violate other US regulations on investment in Burma.
- Promulgate and effectively enforce regulations that will keep US companies from doing business with individuals implicated in human rights violations, including actively monitoring human rights abuses in Burma and regularly updating the Specially Designated Nationals list⁴ and revoking the licenses of companies found to be working with individuals on the list.
- Gather feedback from civil society groups in Burma, including those from ethnic minority groups, regarding US regulations on investment in the country.
- Increase support for civil society groups in Burma, along the Burmese border, and internationally to investigate alleged human rights violations, strengthen national institutions, and provide humanitarian services, including health care.
- Hold Congressional hearings about the impact of US investment on the human rights situation in Burma and develop appropriate legislation to protect human rights.

on Business and Human Rights: Implementing the United Nations "Protect, Respect, and Remedy" Framework, UN Doc A/HRC/17/31 (21 Mar. 2011), <http://www.ohchr.org/documents/issues/business/A.HRC.17.31.pdf> (hereinafter UN Report of the Special Representative).

2. Extractive Industries Transparency Institute, What is EITI?, <http://eiti.org/eiti>.
3. Voluntary Principles on Security and Human Rights, http://www.voluntaryprinciples.org/files/voluntary_principles_english.pdf.
4. US Department of Treasury, Specially Designated Nationals (SDN) List (24 Jul. 2012), <http://www.treasury.gov/resource-center/sanctions/SDN-List/Pages/default.aspx> (hereinafter SDN List).

To the Association of Southeast Asian Nations:

The 10-member Association of Southeast Asian Nations (ASEAN) has not taken a critical approach to Burma's human rights record, citing its policy of non-interference in member countries' internal affairs. The ASEAN Charter, however, calls on member states to respect human rights and adhere to the rule of law. The ASEAN Intergovernmental Commission on Human Rights is drafting a declaration of human rights principles, but has not collaborated with civil society groups during this process and, as of the writing of this report, has not distributed this document to the public. ASEAN should:

- Shift the tenor of engagement with Burma to ensure that human rights protection becomes a regional priority, especially in an era of increased international investment.
- Call on the Government of Burma to adhere to its obligations under the ASEAN Charter.
- Carefully monitor the human rights situation in Burma, especially in minority communities and areas of economic development.
- Encourage the Government of Burma to develop fair laws based on internationally recognized legal standards for the protection of human rights.
- Publicly release the anticipated declaration on human rights, and collaborate with civil society groups to ensure that the declaration accurately reflects regional priorities and international norms.
- Foster collaboration between civil society groups in Burma with those elsewhere in the region.

To the International Labor Organization (ILO):

The ILO operates in Burma and collects reports of labor abuses, including acts of forced labor. The survey detailed in this report indicated that over 90% of individuals in Karen communities had no knowledge of the ILO or its reporting mechanism, and only one of 186 households that experienced forced labor reported it to the ILO. The Government of Burma only recently granted the ILO access to areas in Karen State, which offers the Organization an opportunity to reach out to Karen communities who wish to report forced labor. The ILO should:

- Broaden its activities and reach beyond Rangoon into ethnic minority communities, including rural areas of Karen State, to ensure that victims of forced labor can report violations.
- Continue to protect those who report labor violations to prevent acts of retribution.

To the United Nations High Commissioner for Refugees (UNHCR):

The United Nations High Commissioner for Refugees (UNHCR) manages refugee camps in Thailand for over 100,000 Karen who fled violence in Burma. Some international organizations are considering repatriation of Karen from the camps, given the recent political reforms in Burma. Repatriation is supported by some governments, thereby increasing pressure on international organizations to send refugees back to Burma. Repatriation should only occur, however, when refugees would not face persecution or violence in their home country. The UNHCR should:

- Assure non-refoulement and continue supporting refugee camps in Thailand until such time as refugees would not face persecution or violence upon returning to Burma.

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