

# **WAR CRIMES REPORT!**

**A report prepared and compiled on the basis of information supplied by SSPP/SSA North and in close consultation with the FSG members.  
Hkun Hom is an Shan activist and a voluntary member of the exiled FSG.**

# **BURMA USED CHEMICAL WAR WEAPONS AGAINST ETHNIC SHAN**

**A REPORT BY SSPP/SSAN IN COLLABORATION WITH  
FEDERAL SHAN GOVERNMENT IN EXILE  
20.08.2011**

**SYNOPSIS:** Shan people have a distinctive ethnic identity with historical, legal and constitutional rights clearly enshrined in the UNION OF BURMA 1948 CONSTITUTION. However, the Burmese military regime wants to erase it desperately with its feet. This was done by indirectly forcing Shan people to surrender their rights through a crafty mechanism called “BORDER GUARD FORCE”, whereby their homeland defence army SSA is to be literally neutralized. Shan people don’t see this military solution in accord with the “SPIRIT OF THE PANGLONG TREATY” of 1947, a foundation of all the ethnic constituents of the FEDERAL UNION.

On the 3<sup>rd</sup>. of June 2011, the regime’s Tatmadaw launched a massive military campaign to unseat the SSA HQ Wanhai, Northern Shan State. It was unprecedented perhaps in its intensity only equal by the incident of the fall of KNU HQ of the KaRen people 1995. The assault commenced by pounding the base with at least eighty rounds of heavy artillery fire before advancing with their troops in close combats. Then there was a long silence only to be interspersed by a coded message from the Naypyidaw (intercepted by SSA). These six SSA soldiers were unlucky as they knew before hand what the next terrible thing to expect. Four mortar shells laced with poison gas exploded above their defence bunkers.

The world should know this is a crime against humanity as it is in contravention with the Geneva Convention on the prohibition use of CW weapons.

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## STATEMENT of Col. Sao Sai Htoo, The General Secretary (2) of SSA/SSPP: (Monday 01 Aug. 2011.)

News of BURMA ARMY (Tatmadaw) attack on SSA Wan-hai HQ.

The hostilities between the SSA North and the Tatmadaw began when negotiations reached a deadlock on the issue of transformation of our defense forces into the so-called "Border Guard Force" under the Tatmadaw command. Politically this means that we have to surrender our arms with far reaching negative consequences on our constitutional and legal rights that we have been fighting for more than half a century since the military regime took over. They attacked us first when their ultimatum collapsed in May.

Burmese Army casualties are put at 400 plus dead and 200 disabled and wounded casualties over a period of three months since early May 2011. The hospital beds in Laikha, Nam Sang (Burmese Mi29 air base) and Loilem are full so they have to take the injured and sick Tatmadaw foot soldiers to Pangtara Burmese military hospital where it is claimed to have over 1000 beds waiting for them.

Col, Sai Htoo said that contrary to speculation made by local news report, the Wan Hai HQ is far from being run-over by the Marn. He said: "we will not pull out without giving them a good fight. We are now turning it into a trap despite a pincer grip by the enemy. **The closest enemy approach & advance to Wan-hai was 7 luk or miles, when the order came from Naypyidaw to fire with gas filled mortar shells (made by N. Korea), because they couldn't crash through the SSA defenders.**

At this particular fire-fight, 20 Tatmadaw soldiers were killed with heavy casualties where the SSA were outnumbered 80:300. **The gas shells were fired from 3 luk or miles from the SSA hill out-post where 9 SSA men were dug in. The mortar shells landed about 80 yards from the defense out-post but the dark smoke was blown in towards them by the wind, hitting 6 of the 9 in the trench. The shooting was at close range (lasting from 10PM to 4AM) that took place only when SSA soldiers could see the enemy (by order from Wan-hai HQ to save ammunition. The enemy approached in pairs, 2 at a time and they were all shot down. Then there was a long silence before the gas shells were eventually fired.** This particular SSA platoon were trigger happy to see their targets fall like flies as each enemy pair fell as if hit by haygon spray.



In another Burmese offensive the enemy had to withdraw from their attack against Wan-hai HQ with two truck-loads of their dead and wounded. The next day when they were taking their two dead commanders for a funeral rite at the cemetery with all their 14 guards of honour and senior army officers – all of them were killed– 'giving them back their brutality' – Col. Sai Htoo said.

Our men were brave, with their ammunition running down, despite being outnumbered by Burmese soldiers and their superior fire power.

## SUMMARY OF INTERVIEWS ON SSA VICTIM SOLDIERS

**I am 2<sup>nd</sup>. Lt Sai Nu** from 199 Company of IB 36. On 3<sup>rd</sup>.June 2011 there was heavy fighting between the Tatmadaw and our SSA-N troops from about 5AM to 1PM. It took place at 7<sup>th</sup> mile of the Nam Pan village tract between Tangyarn and Mongshu



township. The Tatmadaw attacked us first and tried to break through our defence line but was stalled by our fierce resistance. As a result, they then fired gas mortar shells against our troops. Five of us survived but are suffering from this poison gas. One of us died immediately after wandering around and became unconscious. We are now receiving a full medical treatment and hospital care from a hospital in Thailand.

Q: What kind of smoke did you see when the mortar shells exploded around you. Can you see them?

A: Yes! Of course sir. It was black colour for a while and turned light brown or grey later on.

Q: How many times did they fire at you?

A: The Tatmadaw troops fired at our base four times from a 4<sup>th</sup> mile position that was flanking the main artillery force about 7<sup>th</sup> mile from our position. All mortar shells exploded from about 80 meters from our bunker but blown in by the head wind.

Q: Were you feeling pain or lost consciousness when the shells exploded?

A: Immediately upon the explosion all of us were breathless from exhaustion.

We also suffered from vomiting including diarrhoea and semi-unconscious.

Q: Were you injured from the shell shrapnel from the explosion? What did you feel with your parts of the body?

A: No! Only our hands and legs were paralysed and were unable to move anywhere for sometime.

Q: Do you still have the uniform you wore on the day of the incident (03.06.2011)?

A: I could send it to you sir! And I have kept it at the same place, but it was washed already.

Q: What would like to say more to the public?

A: **We want peace. The Tatmadaw invaded us first and then we tried to push them out of our territory.**

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**I am Sergeant Major Sai Sar Ning from 199 Company of IB 36.** We were protecting our base from the assaults launched by the Tatmadaw troops from **IB 542, IB 33 and IB 291.** First, the attack was so fierce we had to retreat from our base to reassess our position. But later on we recaptured our base.



When the Tatmadaw realized that we were regaining our defence line they then reinforced their troops and continued to attack us with heavy artillery fire.

**Our base was rained down with at least 80 rounds of** artillery shells. We knew that these Tatmadaw troops were preparing to use chemical gas mortar shells against us as we intercepted their signals from the 4th mile flanking position. As heavy fighting was going on with a lot of bombing noises from the explosions we were unable to detect precisely which one came from the poison gas mortar shells. But some of our troops who were on security guards around our base said they could clearly see the gas bombs coming in. Everybody said the same in confirming the use of gas shells with different black smoke that later turned into light brown or grey. They used such weapons against us because they could not break through our base, we assumed. The heavy fighting lasted that day (03.06.2011) from early morning (5AM) to (1PM) in the afternoon.

Q: What happen to you after the fighting?

A: We were totally exhausted and could not move ourselves anywhere as we like. We could not stand on our feet as a result of trembling and nervous breakdown. Some of our comrades had to be moved out from the firing zone on stretchers and some could barely move themselves to a safer area. Up until now we do not feel our health is back to normal as was before the incident. We feel pains everywhere in our body with symptoms of rheumatisms, jaundice and yellow eyes. We are unable to stand on our feet for too long because of feeling weak and exhaustion.

Q: How is your health now? Is it the same as before the incident?

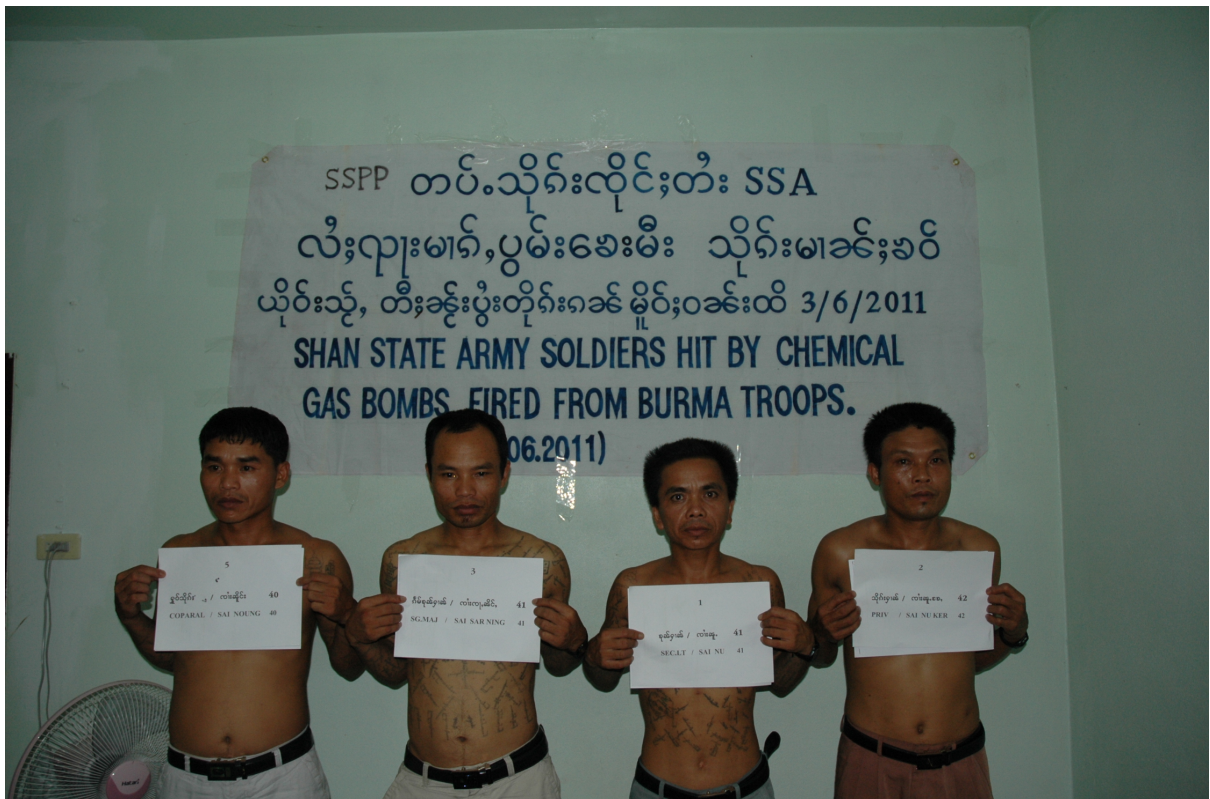
A: No! We are not feeling well at all. The whole part of our body is very painful.

We must say this fighting was completely different from our past experience.

Q: What do you want to say something more for our Shan people?

A: What we would like to say is that our health is not normal anymore since then. The whole body is still painful and weak from exhaustion.





# Medical reports

## X-Ray Tests Results

- 1.Sai Nu: The heart is slightly enlarged. Infiltration of lungs. No gross pulmo. Others are normal limits.
- 2.Sai Nu Khe: Increased markings clinical results at RLL or faint pulmo. Infiltration of lungs ( by gas). Please correlate with clinical results.
- 3.Sai Sar Ning: The heart is not definitely enlarged. Lungs are clear. Others are normal.
- 4.Sai Hseng: The heart is not enlarged. Lungs are clear. Others are normal. (now fatally hospitalized
- 5.Sai Nerng: : The heart is slightly enlarged. Lungs are clear. Others are normal .
- 6.Sai Phone: Died on battle ground following loss of conciousness. loss of conciousness.

## CBC (Complete Blood Counts)

	1	2	3	4	5	Ref. Range
1. Hemoglobin	15.6	15.6	16.7	17	14.5	M=12-15, F=11-15
2. Hematocrit	46	45	48.2	46	43	M=36-50, F=33-45
3. WBC	12,000	11,200	9,200	5,200	12,400	4000-10,000
4. Neutrophil (N)	61	74	65	76	74	50-60%
5.Lymphocyte (L)	14	2	12	13	9	25-45%
6.Monocyte M	25	12	32	11	16	2-7%
7.Platelete	A	A	A	A	A	A
Smear						
RbcMorphology	N	N	N	N	N	N
Eosinophil	NA	5	NA	NA	1	1to 3

## URINE TESTS

Blood Urea Nitrogen	10	15	15	14	11	7-20mg%
Creatinine	0.7	0.8	0.8	0.8	0.8	0.6-1.4mg%

## LEVER FUNCTION TESTS

1. Total protein	7.3	7.3	8.6	8.4	7.8	6-8mg% 3.5-5.5mg%
2.Albumin	4.1	4	4.4	4.6	4.2	% 1.6-3.5mg%
3.Globulin	3.2	3.3	4-Jan	3.6	3.6	%
Total Bilirubin	0.5	1.1	1.6	15.8	0.7	0-1.5mg%
Dir Bilirubin	0.1	0.4	0.3	2.8	0.2	0-0.5mg%
Indir.Bilirubin	0.4	0.6	1.3	6	0.5	0-1.0mg%
AST (SGOT)	22	18	21	196	21	0-40u/l
ALT(SGPT)	36	16	27	41.6	25	M=0-12,F=0-52u//l



AlkalinePhos.

86

103

63 106

90

M=53-12  
8,  
F=12-98  
u/l

## Medical reports comments

It should be noted that the medical lab tests were conducted by a hospital in Thailand as a routine on the assumption that the SSA victims were taken ill or injuries sustained during a conventional war conflict. This practice has been going on for decades, thanks to the goodwill of the Thai hospital purely for compassionate and humanitarian considerations without taking sides on either party in conflict.

The lack of awareness on the part of the Thai doctors or the hospitals authority might not necessarily reflect the true results compatible with these unprecedented bio chemical warfare injuries, not to mention it was launched by the Burma's brutal regime against ethnic Shan SSA defence forces.

For this reason, we would appeal for further help from community with expert advice and the essential resources required to replicate results based on dedicated chemical warfare weapons. More test samples will be made readily available to those who are ready to provide help in anyway possible to improve the results. The samples will include soils around the affected war zone, clothing and uniforms of the soldiers during the incident and second lot of samples including nails, urine, hair and blood. Further interviews and close inspections of the victims would be possible following a high level security screening and clearance by the Shan War Crimes Committee.

## **Regime's Union Legislative on Defence Policy**

On 3.6.2011, Burma's Tatmadaw troops used mortar shells loaded with poison gas ( chemical ) to attack a defence outpost of Shan army of SSA North. When the attacking Burma troops failed to crash through the defence of WANHAI, the ceased fire HQ of the Shan State Army, it was claimed they have intercepted the order from Naypyidaw's high command to fire the gas bombs.

The casualties included one dead, two seriously taken ill, one remaining in fatal condition with liver poisoning, with three others suffering from semi paralysis of limbs, vomiting and head ache.

With reference to the present Union of Myanmar's quasi civilian government constitution of 2008 on page 181 :

### **SCHEDULE ONE**

Union Legislative List  
( Refer to Section 96 )

#### **1. Union Defence and Security Sector**

- (a) Defence of the Republic of the Union of Myanmar and every part thereof and preparation of such defence;
- (b) Defence and Security Industries ;
- (c) Arms,ammunition and explosives including biological and chemical weapons ;

There was absolutely no justification to use such chemical war weapons (CWW) against Shan peoples in defending their constitutional rights and their constituent state. Such an action not only tantamount to unproportional use of force but more importantly a blatant violation of the Geneva Convention on the prohibition of chemical war weapons. The question remains as to whether such CWW could be used on this particular incident which is far removed from external threats as was referred to above Section 96 of the Myanmar Constitution.

For this reason Shan people will not rest until this monster crime is exposed and condemned internationally. **The exiled Federal Shan Government with its legal arm The Shan Layars Council will ensure, in accordance with its Section 2/Article 57 on Security, National and Civil Defence, the victims will have their justice met with and call upon all friendly nations to stop Myanmar immediately from committing further such crimes against humanity.**

## **CONCLUSIONS**

The aim of the war crime report is to:

- Make available information as much as possible relating to the Chemical War Weapons used by Burma's Military Regime against Shan People
- Prove that the Military Regime's uses of CWW as tactics for the resolution of ethnic issues in Burma will not succeed.
- Show that the CWW is in contravention with the Geneva Convention and to enable ICC to prosecute the perpetrators.
- Enable International Community to condemn the use of CWW as a crime against Humanity and to support UN move to seek justice and compensation for the victims.
- Appeal for humanitarian support by international community for the healthcare of victims who are likely to suffer from the long term affect of CWW
- **The regime must stop further use of CWW immediately**

## ATTACHMENTS

### THE IRRAWADDY

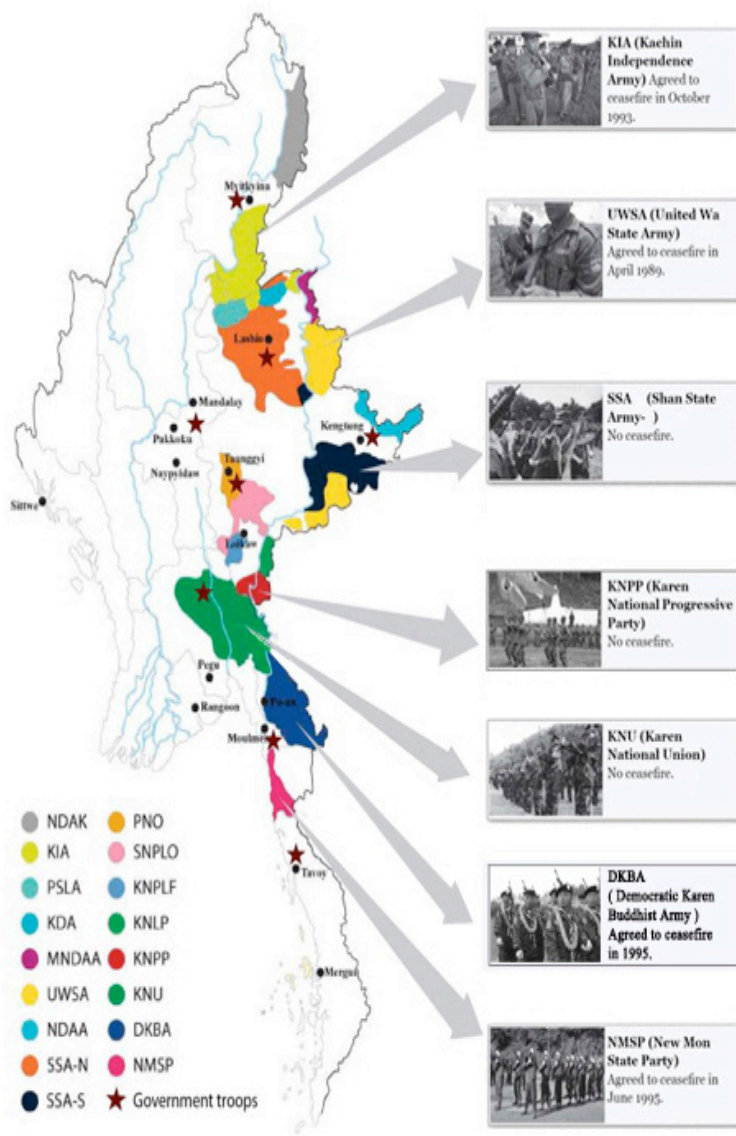
Covering Burma and Southeast Asia

#### The BGF Jigsaw Puzzle

By SAW YAN NAING AND SAI ZOM HSENG Tuesday, June 7, 2011

Leaders of ethnic ceasefire groups say the Burmese government's Border Guard Force (BGF) is crumbling in eastern Burma as more and more factions break away and rejoin the rebels. Major clashes flare and minor skirmishes break out on an almost daily basis in Karen, Shan and Kachin states, from Burma's far north to its deep south.

*The Irrawaddy* spoke about the BGF situation to the leaders of some of the main ethnic armies involved—the Karen “Ex-BGF,” the Democratic Karen Buddhist Army (DKBA), the Karen National Liberation Army (KNLA), the United Wa State Army (UWSA), the Kachin Independence Army (KIA), and the Shan State Army (SSA).



## ETHNIC ISSUES FEATURED AT THE US CONGRESSIONAL HEARINGS

**23 June 2011:** The human rights issues faced by Burma's ethnic nationalities were prominently highlighted during the US House Foreign Affairs Committee hearing yesterday in Washington D.C, which also featured a video-taped testimony of Burma's democracy leader Aung San Suu Kyi, but whose historic address to the US Congress ironically snubbed ethnic issues.

The Committee's hearing took place at the backdrop of new fightings that have erupted in Burma's northern border between the Burma Army and Kachin Independence Army, ending a 17-year-old armistice, which in recent days has sent thousands of ethnic Kachin civilians fleeing across the border into China. It also coincided with the visit to Burma by high-level delegation of the European Union and the Foreign Minister of India to Naypyidaw.

Testifying before the Committee were three prominent witnesses: Aung Din, Executive Director of Washington-based US Campaign for Burma; Dr. Chris Beyrer, a Burma expert and Director of the Center for Public Health and Human Rights, Johns Hopkins Bloomberg School of Public Health; and Aung San Suu Kyi, who addressed the Committee via pre-recorded video.

The **Chin Human Rights Organization** (CHRO) also made a written submission to the hearing, which was entered into the official Congressional record. In it, CHRO highlighted the post-election situation in western Burma's Chin State, where it said human rights abuses continue unabated. CHRO said that the flawed election has allowed army officers associated with past serious human rights abuses to occupy some important positions at the State level government.

In his testimony, Chris Beyrer said that despite Burma's sham election in November 2010 nothing has changed in that country. **Drawing on recent examples from Chin, Kachin, Karen and Shan States, Dr. Beyrer concluded that the human rights and humanitarian situation can only be effectively addressed by having a mechanism of accountability through the establishment of the UN Commission of Inquiry.**

"The US should vigorously support a UN Commission of Inquiry into human rights abuses in the country," Dr. Beyrer said.

Beyrer cited specific examples why an international investigation is needed.

"Our recent joint Physicians for Human Rights and Johns Hopkins study, a population-based survey in western Burma's Chin State, found that 91.7% of households had at least one family member forced to labor for the military in the preceding 12 months (March 2009-March 2010). That is the highest rate we have ever identified in Burma. Religious persecution was reported by 14% of households, disappearance of a family member by 4.8%, torture by 3.8%, and rape by 2.8%. Government soldiers committed 98.3% of abuses."



Dismissing any suggestion that there is reason to be hopeful with the quasi-civilian government in Burma, Aung Din cautioned against an open-ended engagement and 'wait-and-see' policy towards Burma.

"Instead of applying collective and effective pressure on the regime, the international community has wasted many years by waiting, hoping, dividing, debating, and doing nothing meaningful. Such an attitude needs to change."

Urging the United States to continue to lend its support to the cause of democracy in Burma, the 1991 Nobel Peace Laureate Aung San Suu Kyi said the best way to help her country is for the international community to stand behind the recent United Nations Human Rights Council's resolution, which she said encompassed some of the most important steps needed for the realization of human rights and democracy in Burma.

"The resolution includes such very important issues as political prisoners, freedom of association and information, independence of the judiciary and the right of professor Quintana, the UN Human Rights Special Rapporteur, to visit whenever he wishes... and an inclusive political process," the 66-year-old leader said.

While the Human Rights Council's resolution already contained issues pertaining to the ethnic people, **Suu Kyi however stopped short of making specific reference to the ethnic nationalities during her nearly 9 minutes recorded message.**