

Nowhere to Go

Chin Refugees in Malaysia



**A
Report
by
Chin Human Rights Organization**

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RECOMMENDATION

A. Acknowledgement

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Salai Bawi Lian Mang
Director, Chin Human Rights Organization



“Illegal immigrants” including several Chin refugees arrested during a night raid by Malaysia police and Rela force (Photo: CHRO March 2005)

B. Introduction

Chin Human Rights Organization (CHRO) is non-governmental, not for profit organization legally registered in Canada. CHRO maintains branch offices in New Delhi and Aizawl, Mizoram state of India and in the United States. CHRO is working to protect and promote the rights of the Chin people inside and outside of the country. Continuing mass exodus of Chin people from their homeland in Burma due to political repression, violations of fundamental human rights against the Chin populace necessitated advocacy works for the protection and well-being of Chin refugees seeking sanctuary in Burma's neighboring countries such as India and Malaysia.

Until 2001, thousands of Chin refugees living in Malaysia were unaware of the UNHCR protection mandate extended to refugees in that country. In the absence of Chin asylum cases, little was known about the presence of thousands of Chin refugees and conditions that compelled them to come to Malaysia. Chin Human Rights Organization visited Malaysia in February of 2001 in order to advocate and explore ways to extend protection for Chin refugees who were experiencing serious security and protection problems. Following that first visit, UNHCR office in Kuala Lumpur started taking in Chin asylum cases.

Since that time, CHRO has paid regular visits to Malaysia to assist and coordinate advocacy activities with Chin refugee community and other local and international Non-Governmental Organizations. As of its last visit to Malaysia in 2005, CHRO estimated that there are at least 12,000 Chin refugees living in Malaysia. During this visit, the organization was able to meet with UNHCR office in Kuala Lumpur, various Chin communities concentrated in different locations such as Putra Jaya and Cameron Highland as well as local NGOs actively engaged in refugee advocacy activities such as SUARAM and Jesus Refugee Service, JRS.



Chin refugees taking shower at a well in Putra Jaya. The refugees consume water from the same well (Photo: CHRO)

C. Summary

Starting from the early 1990s Chin refugees come to Malaysia in search of security and survival. Most Chin refugees say they fled to Malaysia to escape life-threatening conditions at home as a result of widespread human rights abuses such as political repression, forced labor, arbitrary arrest and torture at the hands of Burma's ruling military regime. These claims were validated by the fact that while preparing this brief report, CHRO received a report that a Chin civilian was beaten to death and four village council members from Salen village severely tortured by members of the Burma military.

In the spring of 2005, the population of Chin refugees in Malaysia was estimated at about 12,000. Of these numbers only about 600 are recognized by UNHCR Kuala Lumpur as refugees. There are about 6000 Chin refugees who have already obtained serial number from Chin Refugees Committee CRC, a first step in a long waiting process for a UNHCR interview. Because UNHCR is currently accepting only 18 new interviews per week for Chin applicants, it is most likely that with the current pace it will take years before a regular individual case can get processed by UNHCR.

As the amnesty period for "illegal migrants" in Malaysia expired at the end of February, the security of Chin refugees has become more precarious. *"We are not allowed to live*

here in Malaysia, and we can not go back to our home country, we have got no where to go” said a 60 year-old former school teacher who is now seeking refuge in Malaysia.

The living conditions of the refugees are deplorable. About 20-40 people on average are clustered in a two-bedroom apartment. These are only those who can afford to live in the city and towns. Many more thousands of refugees are living in the jungle of Putrajaya and Cameron Highland Plantation in makeshift tents with plastic roof. On several occasions, police have raided their jungle camps and burnt their tents. The refugees usually come back and rebuild their tents as they have got no where else to go.

Between 1998 and 2005 March, over one hundred Chin refugees have died in Malaysia. Of these numbers, only 20 of them have died of natural causes and illness. The rest of them died a violent death due to accidents in the worksite or while being chased by the police. There are about 400 Chin refugees who are in detention camp at the time this report is being prepared.

The Chin Human Rights Organization hopes that this report will shed light on the plight of Chin refugees in Malaysia who are experiencing enormous security and humanitarian problems. Political and human rights conditions that are at the roots of refugees’ flight from Burma remain unimproved and in many cases have worsened. This means that more than 12,000 Chins living under dangerous conditions in Malaysia cannot return to Burma. In this regard, CHRO suggests that UNHCR and other NGOs, governments and intergovernmental agencies take a more proactive approach in order to explore viable solutions to the problems of Chin refugees, including considering resettlement where appropriate.



*Chin refugees in Kuala Lumpur, 28 people live together in this two bedroom apartment
(Photo CHRO March 2005)*

PART I BACKGROUND

Who Are Chins (A Very Brief Background):

Chin indigenous people inhabit the land bordering with India from the west, Bangladesh from the South-West, Arakan from the South and Burma from the east. It is estimated that the Chin, in a general sense including outside and inside of Chinland, number as many as over a million, with the largest and noticeable number about five hundreds thousands concentrated in the Chin State. The Chins were living as independent nation till the British invaded their land in the late 19th century and annexed all their territory into British Empire in the early 20th century.

After the second World Wars, as independence movement grew in the British colonies of India and Burma, the Chin decided to participate with the Burmese and other ethnic groups in a constitutional process towards the development of a federal union. Thus, the Chins co-founded the Union of Burma by participating in a multi-ethnic conference concluded on February 12, 1947, which led to the creation of an independent federal Union of Burma on January 4, 1948. However, a military coup led by General Ne Win in 1962 effectively ended the Chin's special political status within the Union of Burma as one of its primary constituent member.

In 1899, American Baptist Missionary come to Chinland, present Chin state in Burma, and over the next century almost the whole population in Chin state converted to Christianity. It is estimated that about 90 percent of Chins in Chin state are Christians.

Today Chin people in Burma are not represented in any form of political decision-making in the national, state or local administration. Under the ruling military junta, the Chin people suffer various kinds of human rights abuse, including persecutions on the basis of their ethnic, religious and cultural identity.

Militarization and Human Rights Abuse:

Many parts of Chin State have only been brought under effective Burman control after the 1990s. Prior to the nation-wide pro-democracy uprising in 1988, only one Burmese battalion was stationed in Chin State. At present, as many as 12 battalions are operating in the area. Consequently human rights abuses against the civilian population increased dramatically. All the battalions are reported to be using villagers as porters to carry their supplies and ammunition over mountains. The villagers are also routinely ordered to carry out forced labor on new roads and army posts as well as to provide food and money

to soldiers. Under increasing military rule, the Chins are currently suffering many of the same abuses as other ethnic groups living along the border region of Burma. However, a specific characteristic of the human rights abuses suffered in Chin State is religious persecution. Many Chin people have fled to the India border States and the Chittagong Hill Tracts of Bangladesh to escape forced labor, military harassment, as well as a range of other human rights abuses. Because of the military's increasing demands for money and labor, many families who were previously self-sufficient can no longer survive.

It is estimated that about 60,000 Chin are seeking refuge in India and several thousands more are in Bangladesh, while about 12,000 refugees have taken refuge in Malaysia.

The flow of Chin refugees to Malaysia:

For the last several years since the present military regime in Burma came to power in 1988, Chin people have been steadily crossing the international borders into India and Bangladesh to escape various kinds of systematic human rights violations committed against the Chin people by Burmese army personnel. Today, India continues to host tens of thousands of Chin refugees although the influx has been less significant in recent years. This is due to the ongoing and active armed resistance against the military regime in Chin State from the borders of India by the Chin National Front/Army. Active and frequent clashes between the Burmese army and Chin resistant forces have resulted in the military regime increasing military presence in the border areas. The attempts to fence off the Indian borders with increased troop deployment have meant that Chin people, especially young male individuals, trying to flee to India to escape abuses often got caught by Burmese troops and often tortured and executed them without trials.

Because of the danger involved in trying to cross into India, many Chin people chose to erase their trails by quietly disappearing into large cities such as Rangoon and Mandalay, and Hpakant and Monghso jade mines where there is less chance of scrutiny and recognition, and thus literally becoming Internally Displaced Persons. However, as Chin resistant movement intensified at the borders, so too has Burmese military authorities' search for civilians suspected of involving in anti-government activities, leaving Chin people hiding in urban areas no more place to run to escape arrest. This has compelled thousands of Chin people to flee to Thailand, the nearest country of escape from Rangoon and other populous urban cities in Burma. However, because of the difficult realities for illegal immigrants in Thailand, especially those from Burma who can be deported across the border at any given time, Chins who fled to Thailand often look for other countries to seek safe haven. For the Chins and many others, going to Malaysia provides a sense of limited safety because they realize that Thailand offers a buffer zone that prevent them from being handed over directly to the Burmese military regime when they are arrested.

Although conditions are no different for 'illegal immigrants' in Malaysia, the fact Thailand lies between Burma and Malaysia offers a degree of psychological protection. While Chins, like many other nationalities living illegally in Malaysia risk arrest,

harassment and deportation on a daily basis, the relatively better economic condition in Malaysia allow them to work for their survival.



Chin refugees in their jungle makeshift tent (Photo: CHRO)

Map of South East Asia

[Note: Note to be scaled]



Part II

Situation of Chin Refugees In Malaysia

The UNHCR office in Kuala Lumpur has been doing a commendable job in terms of extending protection and assistance to Chin refugees. However, CHRO finds that the interview process is often too slow as the office is taking only about 18 new interviews per week. Additionally, due to the increase in prioritized cases such as minor, single women and people over the age of 50 years, the regular waiting period for thousands single male individuals get further prolonged, often depriving many applicants of a chance for an interview. Meanwhile, they experience daily hardships, harassment and arrest at the hands of Malaysian immigration and police authorities.

In most cases, it takes over two years for a "non-vulnerable case" to get a 5-minute interview for P1, P2, P3...P6. For example, someone who has submitted his application in 2003 waited for as long as until 2005 to get a final Refugee Status Determination interview or RSD. The prolonged waiting process often compromises the refugees' survival ability and heightens their security risk while awaiting an interview.



*Refugees in waiting
outside of UNHCR office, Kuala Lumpur (Photo: CHRO)*

Security:

Security is a serious problem facing Chin refugees in Malaysia. Since Malaysia government is not a signatory to 1951 United Nations Refugee Convention and the 1967 Protocol Relating to the Status of Refugees, Chin refugee can be arrested at any time. The arrest and police harassment occur on a daily basis. Some refugees died while on the run during police raid. The following interview with a Chin refugee paints a clear picture of how Chin refugees are coping with daily hardships, arrest and police harassment in Malaysia.

[Chin refugee fall into a ditch and died while on the run during police raid. Hi body was recovered after two days (photo courtesy: CRC 2001)]



*The jungle camp at Putra Jaya where hundreds of Chin refugees live
(Photos courtesy CRC)*



On several occasions, police have raided their jungle camps and burnt their tents



The refugees usually come back and rebuild their tents as they have got no where else to go



CHRO: How were you arrested?

Chin Refugee: One evening I was looking for a job in restaurant at Bukit Bintang Kuala Lumpur. From the restaurant I saw the police stopped some people on the street. That road was the only way I could get back home. I waited for a bout 40 minutes hoping that the police might go away. It was a little late and I thought I should take a chance of going through them since I have a UNHCR paper recognizing me as a refugee from Burma. But when I got near the police they stopped me and asked me which country I came from, whether I have any legal paper to stay there. I showed them my paper, but one of the policemen said he did not know who the UNHCR was and threw away my paper into the drainage nearby. And they started beating me and asked me for money. I told them I was jobless and didn't have any money. Then they asked me to call a friend who will be able to pay the money for me to in order to buy my release. But I told them I had no such friend in Malaysia who could afford Rm 500 for me. Agitated, they called for the police car to take me to the Pudu lockup.

CHRO: What happened after you were arrested?

CR: When I got to the Pudu lockup one of the policemen blindfolded me with the dark ribbon and started beating me again. My nose bled profusely and he took me to the clerk to file my case. He took my fingerprint, asked me to take off my clothes and the other man pushed me to the room. The room has a cement floor with iron rod wall and very narrow skylight in the biggest room of the lock up. They gave me 4X2 size of blanket for use as towel and for sleeping. They gave me no more than a fistful of rice with

unsweetened ice tea once a day. There was only one rest room in the corner of the largest room. Every body from the other blocks had to share the same rest room. I requested that my arrest be made aware of UNHCR whenever a police officer visited the lock up, but they just simply ignored it.

CHRO: Did you appear to the court?

CR: No, I did not appear to any court.

CHRO: How long were you detained in the lockup or immigration detention?

CR: I was detained for ten days in the lock up and then another ten months in the Immigration detention.

CHRO: Tell us about the detention situation?

CR: I was taken to the Lengkek detention from the lock up after ten days. When I arrived there the officer did my paper works, and then told me to take off my shoes, bag and belt. The policeman told me to walk barefoot on the scorching road from the office to the Block. It was too hot that my feet were burnt. The detainees from the block started shouting in Bahasa Malaysia saying “Kawan baru, Selamat datang” which meant welcome new friend to the Lengkek Immigration camp. Just before he pushed me to the block, he beat me with a stick and other detainees shouted again, “hantam hantam”-- beat him, beat him!

Once inside the block I looked around where the rest room, baths room and sleeping place were. There were some restrooms at the corner of the ground floor. But only one of them was flushable. All the rest were plugged with waste. Thousands of mosquitoes were flying all over the block. The bath room water was available for 40 minutes a day. Some times there was no water at all for a bout two weeks. The gas emanating from the rest room caused most of the detainees to have eye infections. When the guards came to count the detainees, they covered their noses and mouths with their hanker-chief to avoid the smell around there. There was no fresh air that any one could breath-in. I requested the officers who inspect the camp to do something about the restroom bath water. It was renovated after 7 months.

They fed us twice a day with very small portion of undercooked rice with salted fried fishes and unsweetened ice tea. The best food they provided was cucumber soup in the very big pot with a little bit of oil in it. I used my shirt to tie my waist to ease the pain from hunger. But it wouldn't last long. Everybody in the blocks looked yellow in their skin due to the lack of vitamins from the food we ate. Some people who have stomach problems used to cry out loud due to their stomach pain caused by hunger. I drank a lot of water, but I was still very hungry.

There wasn't a proper medical treatment to the sick people. Only after we were in a serious state did we get some medical attention. Some lost their lives just like that. Since there wasn't any proper food to eat, proper place to waste or shower, many of us suffered from cold, dysentery flu, malaria and all kind of sicknesses.

The guards were clever enough to make money out of the detainees. They let the detainees to use and make us call some of our friends from outside who would be able to assist us with some money. The police charged 40% from that money. The police advise the detainees' friend to put money into their bank account. Some were cheated out of that account when they were about to be deported to their country.

There is a joint shop in the camp. The police brought biscuit, breads, cigar, marijuana and other kinds of drugs to the block. Every time they came in to count the people, they were searching money from the detainees. When they were about to move to other station, they let their new friends know who has business in the block and who has some money. Some detainees stole people clothes and sold it for a packet of cigarette.

Detainees from different countries would keep a piece of wood from the frame of the building to be used as a weapon in case a brawl broke out between the groups. The police told us to line up once every four hour to do headcounts. There were thousands of bugs in the floor. There were no blanket to cover and there was no time to sleep. Days are long and nights longer. It was a terrible life being in there.

The UNHCR personnel from KL visited me after about 8 months telling me they were still dealing with my case and assisted me with some money. That was my happiest time in my life. By the grace of God, Episcopal Immigration ministry, the UNHCR Malaysia and the US states Dept, I was resettled to the US from the detention centre.

Reasons to Fear:

In spite of the risky and dangerous conditions they encounter on a daily basis in Malaysia, for most Chin refugees remaining in Malaysia is a choice between the lesser of two evils. They are consciously aware of the fact that a more dangerous condition awaits their return in Burma. Such fears have been reinforced by the fate of returnees who have been arrested, tortured and jailed in Burma.

Mr. Pu Al Bik, a businessman from Thantlang was accused by military authorities in 1996 of supporting and sympathizing with the Chin National Front and subsequently sought for arrest by Military Intelligence. Pu Al Bik escaped to Malaysia upon learning his imminent arrest where he stayed for two years. His family and relatives bribed a good deal of money to the authority in Thantlang for Pu Al Bik's safe return. After taking a good deal of money, the authority of Thantlang guaranteed Pu Al Bik's safe return. Thus, he came home from exile to reunite with his family in 1998. Soon after he got home, the MIS summoned him to their camp. There, he was put in a dark room and inhumanely interrogated and tortured for two weeks. During the two weeks interrogation, he was not provided food and no one was allowed to see him.

After two weeks of interrogation, Pu Al Bik was charged with Unlawful Association Acts and sentenced to seven years jail term with hard labor and sent to Kalaymyo, Sagaing Division. Just before he was sent to Kalaymyo, the family and relatives were allowed to

see him. At that time his face was badly swollen as a result of the torture. The physical affects of the torture made him unable to eat or walk for a long time.

Tepi (not her real name) in her mid 20s was a young woman from XXXX town in Chin state. In the year 2000 she came to Malaysia to escape persecution by the Burmese military regime. Soon after she arrived in Malaysia, Tepi became seriously ill as a result of grueling conditions in Malaysia. The effects of her illness, compounded by depression and frustration as a result of life insecurity in Malaysia made her mentally handicapped. When she was hospitalized at a hospital in Kuala Lumpur, the doctors suggested that she be returned home and thus provided her with a certificate mentioning her situation.

The Chin Christian Fellowship in Kuala Lumpur arranged her return believing that the Burmese military regime will not bother a mentally challenged young girl. When the girl arrived back in Burma, she was arrested and detained. She was released only after her family bribed a good deal of money to the authority.

Potential Organizations for Partnership in Advocacy in Malaysia

There are several associations and fellowship among Chin refugees in Malaysia based on dialects and locality such as Chin Refugee Committee, Chin Christian Fellowship, Falam Fellowship, Tedim Cimnuai Family, Tonzang Malay Zomi Organization, Matupi Fellowship, Mara Fellowship, Hakha Fellowship, Zotung fellowship, Zophei fellowship, Agape Refugee Service etc. Among these organizations, the Chin Refugee Committee and Chin Christian Fellowship are the main service providers among Chin refugees in Malaysia.

Chin Refugee Committee (CRC):

Following the CHRO visit to UNHCR office in February 2001 in Kuala Lumpur, the UNHCR office in Kuala Lumpur started the process of accepting and providing protection to Chin Refugees in Malaysia. Since most of them do not know the process of refugee application, the CHRO initiated the formation of Chin Refugee Committee in July 2001 with the aims of helping Chin refugees living in Malaysia in their search for safety and protection. Being a volunteer organization, Chin Refugee Committee's primary concern is to provide guidance and assistance to Chin people seeking protection from the United Nations High Commissioner for Refugees Office. With the help of Asia Indigenous People Pact (AIPP), the CRC has established Chin Refugee Center in August 2002 with the aims of improving the CRC works. In 2005, with the help of Inter Pares, Canada, and Jesus Refugee Service, Kuala Lumpur, the Chin Refugee Center has extended into three centers for providing shelter for vulnerable women and children and for the operation of CRC works.

The CRC has established a good working relationship with the United Nations High Commission on Refugees (UNHCR) as well as authorities and NGO's in Malaysia to provide immediate assistance to those who have been granted refugee status as well as those who are in the process of being determined as refugees by UNHCR. It has also

been successful in providing welfare services to those in need, informing the Chin community in Malaysia on the refugee application process, coordinating interview and communication to avoid long queues for registering at the UNHCR office, giving recommendation letters for uniting family members to the UNHCR and providing necessary information to Chin communities outside who are interested in knowing the refugee situation in Malaysia. It has also started its own registration process for those who are interested in approaching the UNCHR for refugee status.

The Chin community in Malaysia recognizes the role of the CRC and supports the continued activities of the CRC. The CRC is active in providing service among others;

- 1) Registration of Chin Refugees
- 2) Humanitarian Services in the event of a Crackdown
- 3) Information Dissemination on Refugee Application Process
- 4) Coordinating UNHCR Interviews and Communication
- 5) Posting Bail and Visiting Detention Centers
- 6) Lobbying for Chin-English Interpreters
- 7) Information Dissemination on Refugee Situation in Malaysia
- 8) Strengthening Relationship between UNHCR, NGO's and Authorities
- 9) Providing Welfare Services

Chin Christian Fellowship (CCF)

As most Chins are Christians, Chin refugees in Malaysia have formed several Christian associations based on locality and dialects. The biggest and most active one is Chin Christian Fellowship (CCF) in Kuala Lumpur. CCF was formed in 1998 and at present the fellowship is led by two pastors and 20 deacons. About 600-700 Chin refugees come to CCF weekly worship service at Brethren Church, Jalan Imbi in Kuala Lumpur. It is estimated that the CCF have provided about 7000 Chin refugees in Malaysia. The primary aim of the CCF is to maintain their faith in Christianity through having fellowship on Sundays. However, as times goes by and as the population of Chin refugees gradually increases, CCF become the major social service provider among the Chin refugees in times of death, marriage and other social occasions.

The role of CCF is vital in providing moral and psychological supports to several thousands of Chin refugees who are living in constant fear of arrest and deportation. The CCF worship center provides a place of comfort and support in the face of daily hardships Chin refugees experience in exile. In 2004 alone the CCF took care of the funeral of 28 Chin refugees. It is extremely difficult to claim the death body of a refugee, who does not have any legal documents from the authority in order to have a proper burial. At lease about Rm. 3000/- is required for a funeral, most of which are usually borne by the CCF.



Funeral at Cheras Christian Cemetary, Kuala Lumpur (Photo: CHRO March 2005)

In 2004 alone the Chin Christian Fellowship in Kuala Lumpur took care of the funeral of 28 Chin refugees



Unable to afford funeral home, the funeral service like this one is usually held under the tree at Cheras Christian Cemetery in Kuala Lumpur (Photo: CHRO March 2005)



Christmas celebration at jungle makeshift church (Photo courtesy, CRC)

The Chin Human Rights Organization Recommends:

- That UNHCR more seriously look into cases where refugees have spent a long time in jails and immigration detention and make effective intervention in a more urgent manner
- That UNHCR maintain its work in protecting and assisting refugees in Malaysia and speed up the registration process for refugees and asylum seekers
- That International and local NGOs and aid agencies provide humanitarian assistance to the Chin refugees in Malaysia, especially for health care and the welfare of most vulnerable persons such as elderly, women and children
- That the authorities of Malaysia respect the legality of those registered with UNHCR as refugees and asylum seekers who have not yet had the opportunity to register and avoid actions that would harm refugees' security and well-being in Malaysia
- That the international communities and government agencies urgently explore effective ways to find viable and durable solutions to refugee problems, including resettlement as appropriate.
- That local and international organizations working with refugees provide assistance to Chin refugee groups, particularly the Chin Refugee Committee and Chin Christian Fellowship to help build their capacities and knowledge infrastructure that are essential in the effective provision of care to refugees
- .

Waiting For The New Sun

By Van Biak Thang

And I have so to run away,
Away beyond hills and valleys,
Across rivers and mountains,
All alone towards the unknown.

Family and loved ones behind,
Farther away from kith and kin,
Absconding from the Chin land,

Fatherland and motherland.

Time decided to say goodbye,
Farewell to the breeze and scene:
Panorama unforgettable
From the summit where the sun sets.

When on the verge of the border
Sobs by my little ones haunt me.
Oh! Faces striped with teardrops
And dreary eyes and hearts in tears.

Whilst in search of safety for life
Worry - who will feed hungry pets
Amongst storms and tornadoes
Awakens my drowsy gooseflesh.

A pigeon may not welcome a dove
For shelter during the rain;
But it may keep its door ajar.
Then where is what I am after?

So many sleepless nights have passed
Away with the setting sun;
The world is still spinning unchanged.
The wind blowing is still the same.

Living under the time unsure
Whether to live or to die,
I am waiting for the new sun
When a free trumpet can be blown.



