

Truce or Transition?

Trends in human rights abuse and local response
in Southeast Myanmar since the 2012 ceasefire



Karen Human Rights Group
Documenting the voices of villagers in rural Burma

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Front cover photo: Myanmar government and Karen National Union officials shake hands at a ceremony to commence the transfer of authority of the Kyaukkyi Township Liaison Office to the KNU in September 2012. The office will be used to facilitate communication between government and KNU officials and soldiers. *[Photo: KHRG]*

Back cover photo: Tatmadaw soldiers transport rations, weapons and other materials in February 2012 in Toungoo District. According to villagers in the area, the soldiers began to transport more materials to their army bases in the post-ceasefire period, causing concern among the local community. *[Photo: KHRG]*

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Table of Contents

Preface.....	2
Terms and abbreviations.....	3
Armed actors and transformations.....	5
Map 1: Karen districts (Kayin and Mon states; eastern Bago Region)	7
Map 2: Karen districts (Tanintharyi Region)	8
I. Introduction	9
Box 1: Key findings	10
History of the conflict	11
Detailed findings	15
Recommendations.....	18
Methodology	20
II. Trends in human rights abuse and local response	25
A. Attacks on civilians and extrajudicial killing	25
B. Arbitrary arrest and detention	32
C. Torture and violent abuse	34
D. Rape and sexual assault	39
E. Forced labour	43
F. Forced recruitment	52
G. Anti-personnel and other mines	59
Map 3: Mine accidents and contamination, 2012 - 2013	71
H. Restrictions on freedom of movement or trade	72
I. Arbitrary taxation and demands	78
III. Emerging issues: Resource management	87
A. Land confiscation	87
B. Impact of infrastructure and commercial development	97
IV. Emerging issues: Security, peacebuilding and social cohesion	106
A. Ongoing militarisation and villagers' perceptions of insecurity	106
Map 4: Army camps and activity, 2012 - 2013	118
B. Peacebuilding efforts	119
C. Access to health and education	126
D. Religious and ethnic discrimination	143
E. Drug production, use and social impacts	150

Preface

Human rights conditions have been transformed on the ground in rural Southeast Myanmar since the signing of a preliminary ceasefire agreement between the Myanmar government and the Karen National Union in January 2012. While some forms of human rights abuse documented by KHRG since 1992 remain of serious concern, others have almost disappeared. At the same time, new forms of abuse and local concerns are emerging in the evolving security environment. In this new context, there is speculation at the local level over whether the January 2012 agreement marks only a temporary truce, or a viable transition to peace and stability for local communities.

Drawing on a dataset of 388 oral testimonies and pieces of documentation from a total of 1,404 collected over the past two years by villagers trained to monitor human rights conditions in their own communities, this report presents analysis of 16 categories of human rights abuse or related issues. This analysis places recent testimony in the context of 20 years of abusive practices, quantifies occurrence across KHRG's seven research areas and identifies common perpetrators of abuse or related actors. Since the ceasefire, changes in the prevalence of human rights abuse and local responses to such abuse have not been systematically documented.

Local perceptions of threats to the ceasefire process remain similarly unknown. This report therefore aims to provide an update from the ground in rural Karen areas of Southeast Myanmar that will allow local, national and international actors to base programming and policy decisions related to this post-conflict region more closely around the experiences of local people, and better support villagers by understanding their concerns and priorities.

Terms and abbreviations

BPHWT	Backpack Health Worker Team
BGF	Tatmadaw Border Guard Force
BMA	Burma Medical Association
CBO	Community-based organisation
CIDKP	Committee of Displaced Karen People
DKBA	Democratic Karen Benevolent Army
EAG	Ethnic armed group
FBR	Free Burma Rangers
IB	Infantry Battalion of the Tatmadaw
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Persons
ILO	International Labour Organisation
KDHW	Karen Department of Health and Welfare
KHRG	Karen Human Rights Group
KNLA	Karen National Liberation Army
KNLA/KNU-PC	KNLA/KNU-Peace Council
KNDO	Karen National Defence Organisation
KNU	Karen National Union
KORD	Karen Office of Relief and Development
KPF	Karen Peace Force
LIB	Light Infantry Battalion of the Tatmadaw
LID	Light Infantry Division of the Tatmadaw
MOC	Military Operations Command of the Tatmadaw
MOU	Memorandum of Understanding
SLORC	State Law and Order Restoration Council
SPDC	State Peace and Development Council
USDP	Union Solidarity and Development Party
VPDC	Village Peace and Development Council

Armed actors refers to all armed actors, including Myanmar state security forces (Tatmadaw and Border Guard), ethnic armed groups (EAGs) and militias.

Ethnic armed group (EAG) is preferred to non-state armed group (NSAG) locally, where it is considered more sensitive due to nationalist aspirations of these groups, and is used in this report to refer to the DKBA, KNU/KNLA, KNU/KNLA-Peace Council and KPF.

Currency and measurements

baht	Thai currency; US \$1 equals approximately 32 baht at market rate
basket	Unit of volume used to measure paddy, husked rice and seeds; one basket of paddy equals 20.9 kg. / 45.08 lb. in weight; one basket of husked rice equals 32 kg. / 70.4 lb. in weight.
big tin	Unit of volume used to measure paddy, husked rice and seeds; one big tin of paddy equals 10.45 kg. / 23.04 lb. in weight; one big tin of husked rice equals 16 kg. / 35.2 lb. in weight.
kyat	Myanmar currency; US \$1 equals approximately 987 kyat at market rate
viss	Standard unit of weight measure; one viss equals 1.6 kg / 3.5 lb.

Burmese language terms

<i>Amyotha Hluttaw</i>	House of Nationalities of the Assembly of the Union of Myanmar
<i>Bo Hmu</i>	'Major', referring to the rank of a Tatmadaw officer
<i>Bo Gyi</i>	'Captain', referring to the rank of a Tatmadaw officer
<i>La Na 39</i>	Shorthand for Article 39 of the Land Nationalisation Act 1953
<i>Longyi</i>	Sheet of cloth widely-worn by men in Myanmar, wrapped around the waist or sewn into a cylindrical tube; worn by women, it is called a <i>htamein</i>
<i>Loh ah pay</i>	Forced labour, traditionally referred to voluntary service
<i>Pyithu Hluttaw</i>	House of Representatives of the Assembly of the Union of Myanmar
<i>Pyithu Sit</i>	People's militia
<i>Pyidaungsu Hluttaw</i>	Assembly of the Union of Myanmar
<i>Tatmadaw</i>	Myanmar government armed forces
<i>Set tha</i>	Term for forced labour duty, such as messengers or other tasks for an army base

Karen language terms

<i>gher der</i>	'Home guard' groups organised by local villagers to undertake armed self protection activities; may cooperate with KNLA forces but not under their direct command
<i>Naw</i>	S'gaw Karen title used for women, before their name
<i>Thara/Tharamu</i>	'Teacher', a term of respect use for a man or woman, respectively
<i>Saw</i>	S'gaw Karen title used for men, before their name
<i>k'thee k'thay</i>	Methamphetamine tablets, also referred to as <i>yaba</i> , which means 'crazy medicine' in the Thai language

Armed actors and transformations

Karen National Union (KNU) and Karen National Liberation Army (KNLA)

The KNU and its armed wing, the KNLA, were established in 1947, one year before Myanmar's (then Burma's) independence. Since its foundation, the organisation has undertaken an armed struggle against successive Myanmar governments and juntas. Since the 1970s, it has aimed to negotiate for the establishment of a democratic and federal constitution in coordination with other ethnic armed groups (EAGs) across Myanmar, while its operations have focused on defence of territory. As well as its political and armed wings, it has several departments managing civil affairs in its areas of influence, including health, education, economics, and agricultural management. Civilian departments are administered by central headquarters and local administrations for each of the seven locally-defined Karen districts. Correspondingly, the KNLA has a High Command and is divided into seven brigades (named Brigade one to seven).

Karen National Defence Organisation (KNDO)

The KNDO was formed in 1947 by the KNU and is the precursor to the KNLA. Today, the KNDO refers to a militia force of local volunteers trained and equipped by the KNLA and incorporated into its battalion and command structure.

Democratic Karen Benevolent Army (DKBA) or K'lo Htoo Baw

The DKBA, also known as K'lo Htoo Baw (Golden Drum), is the second largest Karen EAG and currently holds a ceasefire with the Tatmadaw. Formerly the Democratic Karen *Buddhist* Army, it was established in December 1994 by a breakaway faction of the KNU/KNLA. On formation, the group signed a ceasefire agreement with Myanmar's then ruling State Law and Order Restoration Council (SLORC), and began joint operations with the Tatmadaw, seemingly under its command. The move was influenced heavily by monk U Thuzana and depended on support from the SLORC.

In 2010, much of the DKBA reformed once more to become Tatmadaw Border Guard Forces (BGFs), formally assimilating into the national army. The majority of its #5 Brigade (also known as #555) and portions of some smaller battalions did not transform. While remaining independent of the KNLA, the group re-initiated conflict with the Tatmadaw in November 2010, before signing a new ceasefire with the Government in September 2011. In April 2012, the DKBA changed its name from "Buddhist" to "Benevolent" to reflect its secularity. At the same time, it formed a political wing called K'loh Htoo Baw Karen Organisation (KKO), but following internal disputes its leaders were ousted later that year and, it appears to have been inactive since. The group has officially defaulted to the KNU on political matters related to the peace process. The remaining DKBA forces are ordered into two tactical commands for the northerly and southerly parts of their areas of operation, named *K'lo Htoo Wah* and *K'lo Htoo Lah*, with its headquarters at So See Myaing in Kawkaik Township, Doooplaya District.

Karen Peace Force (KPF)

The KPF was formed in February 1997 after splitting from the KNU/KNLA, surrendering to and signing a ceasefire with Myanmar's then-ruling State Peace and Development Council (SPDC). The KPF controls some administrative areas in Three Pagodas Pass (on the border of Doooplaya District and Thailand). Following repeated rejections of Myanmar government proposals to transform KPF into the Tatmadaw Border Guard, a few hundred troops eventually acceded in 2010 while others remain independent.

KNU/KNLA Peace Council (KNU/KNLA-PC or KPC)

The KNU/KNLA-PC is a political organisation and armed group based in Hto Kaw Koh, Hpa-an District, which split from the KNU in 2007 and signed a ceasefire with the Government at that time. In 2010, the KNU/KNLA-PC refused to comply with orders from the Myanmar government to transform its forces into the Tatmadaw Border Guard. The group briefly fought the Tatmadaw in 2010 before signing a second ceasefire.

Tatmadaw

The Myanmar Armed Forces are officially referred to as the Tatmadaw in Burmese and English. By far the largest service, and most active in KHRG's research areas is the army, or Tatmadaw Kyi. The army was founded at the time of independence in 1948, by General Aung San, the father of Aung San Suu Kyi, from mostly Burman independence fighters. Between 1962 and 2011, the military was the state's primary agent of governance, state-building and political affairs at both the national and local levels, and remains extremely influential in all spheres. The army is geared primarily towards counter-insurgency operations in the country's border areas. The overwhelming majority of its troops are infantry, organised into Light Infantry Battalions (LIBs) and Infantry Battalions (IBs), which then operate within a range of fixed and mobile command structures. There are 13 fixed regional commands across the country - with the KHRG research area falling under South Eastern Command. In large counter-insurgency campaigns, rapidly deployable forces under the Tatmadaw Kyi's 10 Light Infantry Divisions (LIDs) and Military Operations Commands (MOCs) take a leading role.

The Burmese phrase for the State Peace and Development Council (SPDC), *Na Ah Pa*, is still often used in rural areas to refer to the Myanmar government or the Tatmadaw interchangeably, despite the SPDC being officially dissolved in 2011. Some elderly people even continue to use *Na Wa Ta* (SLORC), which was the name for the council until 1997.

Tatmadaw Border Guard Forces (BGFs)

BGF battalions of the Tatmadaw were established in 2010, composed mostly of soldiers from former EAGs that agreed to a government initiative that was announced in 2009. BGF battalions were initially intended to consist of 326 EAG troops and 30 conventional Tatmadaw troops, though some EAGs have failed to meet the quotas in practice. Battalion commanders are former EAG commanders, while conventional Tatmadaw personnel take most other command and support roles, and former EAG troops make up the infantry. BGF battalions are assigned four digit battalion numbers beginning in 10, whereas Tatmadaw battalions are identified by two or three-digit battalion numbers.

The majority of all BGFs in Myanmar were formed from Karen EAGs, making up thirteen battalions. Twelve of these (#1011 to #1022) were formerly DKBA, which had been conducting joint operations with the Tatmadaw for more than fifteen years, while one (#1023) was part of the KPF. The seeds of this transformation date to May 2009 at the latest, when DKBA commanding officers stated at a high-level meeting that the group would agree. KHRG has attained unpublished leaked minutes from this meeting and stored them on file. Ceremonies attended by Tatmadaw commanders officially announced the transformation of large portions of the DKBA into BGFs in September 2010.

Map 1: Karen districts (Kayin and Mon states; eastern Bago Region)

Locally-defined northern and southern Karen districts
(Kayin and Mon states; eastern Bago region)



Karen Human Rights Group (KHRG)

Map 2: Karen districts (Tanintharyi Region)

Locally-defined Mergui-Tavoy District (Tanintharyi Region)



Karen Human Rights Group (KHRG)

I. Introduction

“The situation is getting better. The leaders are trying to build relationships with each other. There is a change. Villagers can travel freely. Before the ceasefire, [Tatmadaw soldiers] were coming and going from the village, and the villagers were afraid. They did not dare to travel. For now, we can travel freely.”

Saw S--- (male, 46), Toungoo District, April 2012¹

“[Some] villagers believe that the ceasefire is not a stable process for them because the Burmese army is rebuilding their camps and sending more rations during the ceasefire. The villagers are not satisfied. They always have to worry and also have to deal with land confiscation and extortion by the Burmese army after the ceasefire. Instead of removing their camps, the army has returned and rebuilt their camps in the mountains, close to the working areas of the villagers, who do not show themselves to the army.”

Situation Update written by a KHRG researcher, Hpapun District, January 2013²

In January 2012, the Myanmar government and the Karen National Union (KNU) signed a preliminary ceasefire agreement, bringing to a halt what is often referred to as the world’s longest-running civil war. This conflict engendered severe human rights abuse of civilians at the hands of a range of armed actors, primarily at those of the Myanmar Armed Forces (Tatmadaw). The ceasefire and other recent political developments in Myanmar have altered the ways in which human rights abuse is experienced by Karen people in the Southeast, and transformed the context within which these abuses can be addressed. This report aims to demonstrate how trends in human rights abuse have changed during the post-ceasefire period.

KHRG has drawn on 388 pieces of documentation and 162 sets of images collected by KHRG researchers between January 2012 and November 2013 from across the seven locally-defined Karen districts, which spread across Kayin and Mon states and Bago and Tanintharyi regions (see *Maps 1 and 2*).

This report focuses on three main sets of trends that were identified from this data.³ The first category, “Trends in human rights abuse and local response”, consists of nine human rights issues, namely, attacks on civilians and extrajudicial killing; arbitrary arrest and detention; torture and violent abuse; rape and sexual assault; forced labour; forced recruitment; anti-personnel and other mines; restrictions of freedom of movement; and arbitrary taxation and demands.

The second category includes two emerging issues related to “Resource management”, namely, land confiscation; and negative consequences of infrastructure and commercial development. The third category includes five emerging issues related to “Security, peacebuilding and social cohesion”, namely, ongoing militarisation and resulting perceptions of insecurity; the impacts of peacebuilding efforts; access to health and education; religious and ethnic discrimination; and drug production, use and related social impacts.

¹ See Source #22.

² See Source #275.

³ For a full description of the methods used to write all aspects of this report, see *Methodology* below.

Rationale for the report

Since 2011, the Myanmar government has undertaken a rapid liberalisation process. It has passed new laws that allow greater space for peaceful assembly, improved labour rights and broader political participation and made new commitments to international agencies to address a number of human rights related issues in rural ethnic areas. Meanwhile, the Government has pursued ceasefires with ethnic armed groups (EAGs) throughout the country. Ceasefires signed with Karen EAGs have transformed the security environment on the ground in Southeast Myanmar. As the Government becomes more open to discussion of human rights challenges, and a wide array of new external actors enter Southeast Myanmar, many local and international stakeholders have significant gaps in their knowledge of these challenges.

Since the ceasefire, local perceptions of threats to the ceasefire process have not been systematically documented. Local priorities for change and locally preferred solutions remain similarly unknown. As new actors become active in the peace process, greater awareness of the perspectives of conflict-affected communities will become critical to achieving a lasting solution. Further, there are a number of under-reported negative consequences of the ceasefire process, which represent significant obstacles to a lasting peace.

This report therefore aims to address these gaps by providing an update from the ground in rural Karen areas of Southeast Myanmar that will allow national and international actors to base policy decisions related to the post-conflict region more closely around the experiences of local people, and better support villagers by understanding their concerns and priorities.

Box 1: Key findings

According to KHRG documentation of human rights trends since January 2012:

- The ability to travel more freely was the most frequently reported change to villagers' lives and livelihoods.
- The construction or fortification of army bases as well as increases in rations transportations, have caused villagers to feel that their personal security is threatened, and to doubt that the ceasefire is sustainable.
- There have been no large-scale, coordinated military attacks targeting civilian settlements.
- Civilians accused of supporting EAGs continue to be arbitrarily arrested, detained, violently abused, tortured and targeted in isolated attacks by Tatmadaw and BGFs.
- An overall decrease in Tatmadaw demands for forced labour was reported. In some areas Tatmadaw and BGF battalions continue to demand forced labour on a regular basis.
- An increase in the production and sale of narcotics by BGF commanders was reported, which is likely due to the relative ease of travel.
- Profit-making activities of armed actors have led to various forms of abuse. Broadly speaking, these relate to the BGF's drug production and levying of taxes for soldiers' salaries, the Tatmadaw's involvement in the expropriation of land, and various forms of arbitrary taxation, imposed by all armed actors, including the KNLA and DKBA.
- Villagers described an increased sense of freedom to report cases of land confiscation to local authorities in the ceasefire period and responded collectively to such abuse.
- Following communal violence in Rakhine State, distribution of rules restricting interaction between Muslim and Buddhist communities was carried out by religious leaders and BGF personnel, increasing tension in those communities.
- Armed actors have largely stopped planting new anti-personnel and other mines in most areas. Residual mine contamination continues to cause death and injury and restrict freedom of movement and livelihoods, despite persistent requests for their removal by some communities.

History of the conflict

Since 1948, prolonged armed conflict has affected large swathes of eastern Myanmar (then Burma), incorporating KHRG's research areas. In 1947, the Karen Nation Union (KNU) was founded along with its original armed wing, the Karen National Defense Organisation (KNDO), which was then largely replaced by the Karen National Liberation Army (KNLA) in 1949. By the 1960s, EAGs were conducting insurgencies throughout most of the country's border regions, leading to civilian populations in these areas being subjected to the Tatmadaw counter-insurgency strategy of "*pya ley pya*," or the "four cuts".⁴

The "four cuts" strategy was initially developed in the 1960s for use against the KNU in the Ayeyarwaddy Delta and against the Community Party of Burma (CPB), and the Kachin Independence Organisation (KIO) on Myanmar's northernmost border with China.⁵ The strategy sought to destroy links between insurgents, their families and local villagers, cutting four crucial pillars of support: food, funds, intelligence and recruits. "Four cuts" campaigns consisted of the targeting of civilians deemed to support EAGs, indiscriminate firing of weapons, the destruction of food supplies and homes, and the forced relocation of civilian populations to areas not accessible by EAGs. Tatmadaw officers have publicly extolled the "four cuts" strategy in speeches,⁶ and memoirs published by retired Tatmadaw officers⁷ look back at the use of "four cuts", and the effective implementation of each 'cut', including cooperation with civilians to kill insurgents, with pride.⁸

In KHRG research areas, the 1980's saw the scale of KNU-controlled territory significantly decrease in the face of prolonged "four cuts" campaigns.⁹ A KNLA factional split in 1994¹⁰ led

⁴ The KNDO was founded in 1947 and, throughout 1948 communal violence was rife and widespread, including in the Ayeyarwaddy Delta. The Karen insurgency has most often been officially dated to January 31st 1949, with the siege of Insein. For further background, see Martin Smith. *Burma: Insurgency and the Politics of Ethnicity*, New York: St. Martin's Press, 1999, pp. 258-259.

⁵ For further background, see Martin Smith. *Burma: Insurgency and the Politics of Ethnicity*, New York: St. Martin's Press, 1999, pp. 258-259.

⁶ In recent years, the Tatmadaw spokesmen have denied the existence of the 'four cuts' strategy, but over the years its use has been well documented and frequently praised by such leading army officers as Ne Win's long-time deputy Brig. San Yu, and Gen Tin Oo, ex-minister of Defence and present-day NLD leader. Public speeches noted in Martin Smith, *Burma: Insurgency and the Politics of Ethnicity*, New York: St. Martin's Press, 1999, p. 259.

⁷ See for example: Thaung Wai Oo, "Not Fated to Die, Not Yet Die". Yangon Hlowet Sankye Magazine, 1999, p. 512, cited in Aung Myoe, "Neither Friend nor Foe," pp. 79-80. "*Farm huts in the nearby area of Laykay Village were destroyed and (we) made people stay in the village. A census and household registration was introduced. Sector chiefs were appointed in the village. Curfew was introduced from 6 p.m. to 6 a.m. Frequent surprise checks were conducted day or night (to check anybody missing or staying without reporting to authorities). All the approaches to the village were planted with anti-personal [sic.] landmines. The minefields and nearby areas were declared out of bound areas for all villagers.*"

⁸ See for example, Thaung Wai Oo, "Not Fated to Die, Not Yet Die," pp. 79-80. "*Colonel Than Tin began using a 'four cut' policy. The 'four cut' policies are: a) cut the information route to insurgents (or) prevent [insurgents] from getting information (insurgents don't know what to do if they don't get information; b) cut rations to insurgents (food is important for human beings. People can do nothing if there is no food); c) cut the arbitrary taxation source (money is also important. If there is no money, nothing can be done); and d) at the final stage, the killing of insurgents (people suffered pain for a long time because of insurgents; insurgents will not be able to be active if we kill them finally by cooperating with civilians).*"

⁹ See, South, *Ethnic politics in Burma: States of conflict*, 2009, p. 55 - 57.

¹⁰ The 1994 split in the KNLA resulted in the formation of the DKBA, the subsequent fall of KNU headquarters at Manerplaw and, according to a KHRG report published at the time, impacted the lives of tens of thousands of villagers in the surrounding areas, as villages were destroyed or forcibly relocated and villagers fled across

directly to the creation of the Democratic Karen Buddhist Army (DKBA),¹¹ which began conducting joint operations with the Tatmadaw against the KNLA, leading to the fall of the KNU's long-standing headquarters at Manerplaw.¹² Following the loss of considerable territory and permanent bases to Tatmadaw offensives again in 1997,¹³ the KNLA officially adopted the use of guerrilla tactics.¹⁴ Armed conflict continued to affect a wide geographic area, although the KNLA no longer attempted to firmly hold territory, increasing its reliance on the use of landmines to protect base areas and supply lines.¹⁵ The failure of the 2004 ceasefire known as the "gentleman's agreement"¹⁶ and the defection of the newly-created KNU/KNLA-Peace Council in 2007¹⁷ further weakened the KNU, at a time when other KNU-controlled areas were coming under renewed pressure from targeted offensives.¹⁸

Northern offensive 2005 - 2008

Beginning in November 2005, Tatmadaw troops systematically targeted civilians, civilian settlements and livelihoods in multi-battalion, coordinated attacks spanning the locally-defined northern Karen districts of Nyaunglebin, Toungoo and Hpapun. By November 2006, the Thailand Burma Border Consortium (TBBC)¹⁹ calculated that 27,400 civilians had been displaced from more than 130 villages in Kayin State.

the border to seek refuge in Thailand. See SLORC'S Northern Karen Offensive, KHRG, March 1995; *KHRG Commentary*, KHRG, February 5th 1995. For background information, see Ashley South, *Ethnic politics in Burma: States of conflict*, p. 57 - 58.

¹¹ The Democratic Karen Buddhist Army (DKBA) was formed in December 1994, led by monk U Thuzana with the help and support of the State Law and Order Restoration Council (SLORC), which was the name of the military government in Myanmar at that time. For more information on the formation of the DKBA, see "Inside the DKBA," KHRG, 1996.

¹² For further background, see "SLORC's Northern Karen Offensive," KHRG, March 1995.

¹³ See for example: "Clampdown in Southern Doooplaya: Forced relocation and abuses in newly SLORC-occupied area," KHRG, September 1997; "Refugees from the SLORC Occupation of Doooplaya District," May 1997, KHRG; "Free-fire zones in Tenasserim," KHRG, August 1997; "Wholesale Destruction: The SLORC/SPDC Campaign to Obliterate all Hill Villages in Hpapun and Eastern Nyaunglebin Districts," KHRG, April 1998.

¹⁴ The KNLA formally adopted the use of guerrilla tactics in 1998 at a military conference in Mae Hta Raw Tha, Doooplaya District; see, South, *Ethnic politics in Burma: States of conflict*, 2009, p. 56.

¹⁵ For example, KHRG continued to document the laying of new mines by government and NSAG forces throughout 2011; see *Uncertain Ground: Landmines in eastern Burma*, KHRG, May 2011.

¹⁶ The KNU and then-State Peace and Development Council (SPDC) reached a 'gentleman's agreement' to stop fighting in December 2003. For more on the historical background of the 'gentlemen's agreement', see Ashley South, *Ethnic Politics in Burma: States of conflict*, New York: Routledge, 2009, pp. 61 - 65.

¹⁷ The KNU/KNLA Peace Council is political organisation and armed group based in Htoh Gkaw Ko, Hpa-an District, which split from the Karen National Union (KNU) in 2007 and signed a ceasefire with the Government at that time. In 2010, KNU/KNLA-PC refused to comply with orders from the Myanmar government to transform its forces into the Tatmadaw Border Guard. The group briefly fought the Tatmadaw in 2010 before signing a second ceasefire.

¹⁸ For further background on ceasefire negotiations by a faction led by Htein Maung and the creation of the KNU/KNLA Peace Council in 2007, see, South, 2009, p. 57.

¹⁹ Now named the Thailand Border Consortium (TBC).

During this offensive, which ran continuously from 2005 until the end of 2008,²⁰ KHRG documented the widespread displacement of villagers in the face of systematic and targeted attacks against villages and livelihoods, and the expansion of military camps and transport infrastructure, primarily in Hpapun, Nyaunglebin and Toungoo districts. For more than three years, sustained Tatmadaw operations in the northern Karen districts saw the widespread and systematic commission of acts constituting violations of international humanitarian and human rights law, including the destruction of houses and crops, enforced disappearances, the laying of anti-personnel mines, forced labour, torture and extrajudicial killing of civilians.²¹ These acts were confirmed and condemned by numerous international observers.²²

A key distinguishing feature of the 2005-2008 offensive was that the attacks did not cease temporarily with the onset of the rainy season, as previous attacks had. This new tactic not only threatened the physical security of villagers in hiding sites, but also prevented many villagers who had fled the initial stages of the offensive²³ from returning to their villages to plant or tend to paddy crops during the crucial monsoon agricultural period, as well as to gather possessions, retrieve food stores or take shelter from the rains.²⁴

From the northern offensive until the January 2012 ceasefire

KHRG dates the end of this offensive to December 2008, which marked a decrease in the frequency and intensity of coordinated multi-battalion attacks, particularly during the rainy seasons, and a withdrawal of soldiers from 30 camps across Toungoo, Nyaunglebin and Hpapun districts.

²⁰ Although KHRG dates the end of the “Northern Offensive” to December 2008, when the frequency and intensity of coordinated multi-battalion attacks decreased and soldiers withdrew from 30 camps across the northern Karen Districts, throughout 2011 KHRG continued to document Tatmadaw military operations that launched sporadic attacks, deliberately targeting civilians and their food resources in areas beyond established or consolidated military control. For background on the Northern Offensive and an account of Tatmadaw operations in Hpapun district in the first 20 months after the withdrawal from forward positions in December 2008; see *Self-protection under strain: Targeting of civilians and local responses in northern Karen State*, KHRG, August 2010. For details of attacks against civilians between 2011 and the present, see ‘Attacks on civilians and extrajudicial killing’ in this report.

²¹ For comprehensive background on the 2005 to 2008 Tatmadaw offensive targeting civilians in northern Karen areas and eastern Bago Region, see *Self-protection under strain: Targeting of civilians and local responses in northern Karen State*, KHRG, August 2010, especially pp.15-22. For additional background on the 2005-2008 Offensive see, inter alia: *Crimes Against Humanity in Eastern Myanmar*, Amnesty International, June 2008; *Burma: Army Forces Thousands to Flee*, Human Rights Watch, November 2006; *Shoot on Sight: The ongoing SPDC offensive against villagers in northern Karen State*, Burma Issues, December 2006; *Campaign of Brutality*, Free Burma Rangers (FBR), April 2008; *State of Terror*, Karen Women’s Organisation, February 2007.

²² See “Myanmar: ICRC denounces major and repeated violations of international humanitarian law,” ICRC, June 29th 2007, News Release 82/07. See also *Crimes Against Humanity in Eastern Myanmar*, Amnesty International, June 2008; *Burma: Army Forces Thousands to Flee*, Human Rights Watch, November 2006; and “Report of the Special Rapporteur on the situation of human rights in Myanmar,” Tomás Ojea Quintana, UN Human Rights Council (HRC), September 5th 2008, A/HRC/63/341 paras. 56-58: “The Special Rapporteur has received information concerning a large number of internally displaced persons in northern Kayin State. Allegations about civilians being forcibly used by the military as porters have also been received.”

²³ “Recent Attacks on Villages in Southeastern Toungoo District Send Thousands Fleeing into the Forests and to Thailand,” KHRG, March 2006; “Offensive columns shell and burn villages, round up villagers in northern Hpapun and Toungoo districts,” KHRG, June 2006.

²⁴ See: “Papun Update: SPDC attacks on villages continue,” KHRG, October 2006; “SPDC forces attack rice harvest and force villagers into ‘new towns’,” KHRG, November 2006; “Bullets and Bulldozers: The SPDC offensive continues in Toungoo District,” KHRG, February 2007.

However, relatively large-scale displacements took place again in 2009 and 2010. The first was a result of joint Tatmadaw-DKBA offensives on KNLA 7th Brigade positions in Hpa-an District, near the border with Thailand. Amid the attacks, more than 3,500 people fled the area to Thailand, the majority of which had been living in Ler Per Her IDP camp, which was hit by Tatmadaw and DKBA artillery.²⁵ The second came on Myanmar's general election day, November 7th 2010, when the DKBA split for a second time, as a few thousand troops refused demands to assimilate into the Tatmadaw as Border Guard Forces (BGFs) and instead broke the ceasefire and went on the offensive, starting with the large border town, Myawaddy. At least 20,000 refugees were thought to have fled in the first few days, mostly from Myawaddy,²⁶ triggering weeks of conflict in the region, engendering further human rights abuse and displacement.²⁷

The majority of DKBA battalions had officially transformed into Tatmadaw BGFs earlier that year, forming a total 12 battalions, while one more was formed by former Karen Peace Force (KPF) commanders.

From 2009 until mid-2011, however, KHRG continued to report incidents of remote shelling or limited-range patrols in areas proximate to camps, in which soldiers deliberately targeted and shot villagers, burned houses, food stores, field huts and/or fields, but not necessarily as part of a multi-battalion offensive.²⁸ Crucially, ongoing abusive practices of the Tatmadaw, especially those that trace back to *pya ley pya*, were not isolated acts of individually egregious perpetrators, but practices embedded in Tatmadaw strategy.

The Ceasefire era

Following the retirement of the longtime military head of the country, Than Shwe, the quasi-civilian government of former general Thein Sein took power in Myanmar in March 2011, and immediately announced a broad reform agenda, including the intention to secure agreements to end all of the existing ethnic conflicts. Informal peace talks with the KNU/KNLA were announced in October of that year, and a preliminary agreement was signed in Hpa-an town on January 12th 2012. At a follow-up meeting in April 2012, the two sides reached a 13-point agreement. The agreement stipulated that the sides would "implement a ceasefire Code of Conduct", and work together to resolve issues including the fate of IDPs and refugees, landmines and land registration.²⁹ As of March 2014, the Code of Conduct has yet to be finalized.

At the time of writing, the KNU's negotiations with the Government are being carried out jointly with a large association of other EAGs, primarily aiming to achieve a national ceasefire accord (NCA) as a first step towards a nationwide political dialogue, and a comprehensive peace settlement. It is hoped by EAG negotiators that the NCA will include a universal Code of Conduct and provisions for their legal status for the interim period.

²⁵ See "Over 3,000 villagers flee to Thailand amidst ongoing SPDC/DKBA attacks," KHRG, June 2009; see also "Update on SPDC/DKBA attacks at Ler Per Her and new refugees in Thailand," KHRG, June 2009.

²⁶ See "THAILAND: Thousands flee Myanmar fighting," IRIN News, November 2010.

²⁷ "Civilians at risk from continued SPDC-DKBA conflict in Doooplaya District," KHRG, November 2010.

²⁸ Although in many cases, multiple battalions have been involved in coordinated attacks on civilian objects and livelihoods; see for example: "Joint Tatmadaw patrol burns field huts and seed stores, displace six villages in Toungoo District," KHRG, June 2011; "Tenasserim Interview: Saw C---, Received in May 2011," and "Attacks on cardamom plantations, detention and forced labour in Toungoo District," KHRG, May 2010.

²⁹ For the full text of this agreement, see "Preliminary Ceasefire Talk - 2012," KNU Website: www.knuhq.org, accessed March 31st 2014.

Detailed findings

- KHRG researchers and villagers throughout the seven Karen districts in Southeast Myanmar have described the ability to travel and work more freely as the single most positive trend resulting from the ceasefire. This change is due to an end to armed conflict and the accompanying decrease in movement restrictions and harassment by Tatmadaw troops. Villagers have, however, reported restrictions on their freedom of movement in some areas due to the actions of the Tatmadaw and EAGs, including arbitrary taxation at checkpoints, arbitrary curfews, requirements that villagers present travel permission letters or government-issued identification and mine contamination.
- New Tatmadaw bases have been built and existing bases have been strengthened in KHRG's research areas throughout 2012 and 2013. Ongoing militarisation has led communities of internally displaced people to remain in temporary settlements, unwilling to return to their former villages until Tatmadaw camps have been closed. The continuation of high levels of militarisation, as well as sporadic skirmishes between Tatmadaw and EAGs, have caused villagers to feel that their personal security is threatened, and to doubt that the ceasefire is sustainable.
- Since January 2012, KHRG has not documented any large-scale, systematic military operations targeted at civilians. Three separate deliberate attacks on civilians by Tatmadaw troops targeting individuals perceived to support EAGs were reported to KHRG. KHRG has documented attacks on civilians based on this rationale throughout the past two decades. KHRG also received reports that the Tatmadaw and EAG troops, when engaged in armed conflict, fired weapons indiscriminately into areas with civilian resident populations.
- Civilians were arbitrarily arrested, detained, violently abused, tortured and/or killed in all seven Karen districts since January 2012. When such abuse was perpetrated by the Tatmadaw, it was most often based on the suspicion that the civilian in question had associated with an EAG in some capacity, while both Tatmadaw and KNLA soldiers also perpetrated such abuses for other reasons.
- Villagers have reported an increase in the production and sale of methamphetamines by BGF soldiers in Hpapun and Hpa-an districts, and have increasingly complained of the negative consequences of drug production, sale and use, as well as related killings and sexual violence, and the negative impacts of its availability on youth and social cohesion. This increase in drug related issues has occurred in part because of the relative ease of travel for armed actors and civilians since the ceasefire.
- Villagers reported an overall decrease in demands for forced labour by Tatmadaw forces. This decrease is attributable to the ceasefire agreement and the ability of Tatmadaw soldiers to travel freely and perform their own labour in the new security environment, as well as efforts by international and local monitors throughout the past decade to end forced labour. Some violations continue nonetheless, and Tatmadaw and BGF commanders and soldiers in some areas have continued to demand that villagers perform forced labour on a regular basis during the ceasefire, forcing them to serve as porters, guides, messengers, produce materials for army camp maintenance, perform agricultural labour and construct infrastructure without pay.
- Since January 2012, villagers were forced to join or remain in BGFs and village militias set up by both the Tatmadaw and BGFs. BGF commanders have attempted to forcibly re-enlist former soldiers of the DKBA, including two boys originally recruited under the age of 18,

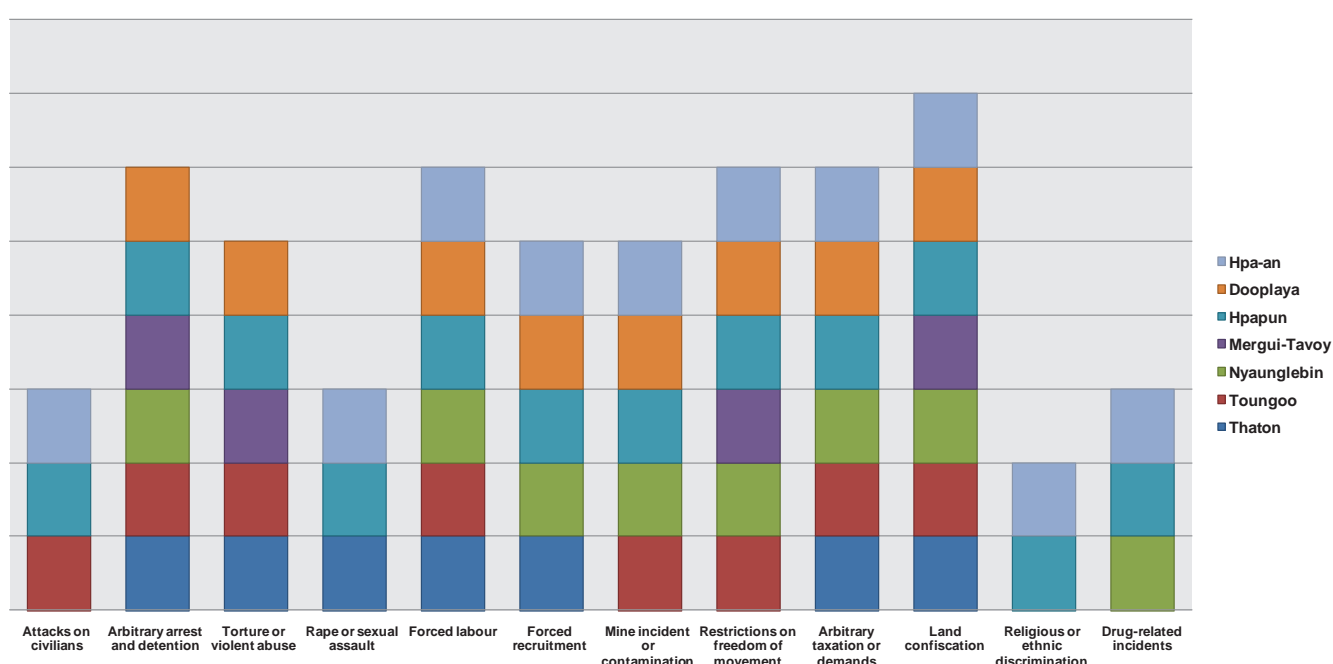
who had already completed their service period or deserted during the DKBA's transformation into BGFs. To avoid recruitment, villagers pay money, leave their villages during recruitment periods or become monks.

- KHRG documented a decrease in the planting of new mines by armed actors since January 2012, though the KNLA and BGFs continued to plant mines in some areas. Ongoing landmine contamination was reported across six out of the seven districts and has led to dozens of deaths and injuries, and the severe restriction of villagers' movement and livelihoods. Tatmadaw and EAGs have begun removing mines, but such efforts have ended prematurely due to accidents, lack of technical skills and coordination issues. Villagers continue to develop protective mechanisms, such as requesting that soldiers remove mines, choosing alternative routes and working with armed actors to mark the location of mines.
- Villagers reported the temporary or permanent confiscation of their land for army camps, dam construction, large-scale agriculture and mining projects since January 2012. Land confiscated by the Tatmadaw in the past had not yet been returned, with profoundly negative continuing effects on villagers. Villagers reported that land is confiscated through the use of government laws classifying the land as uncultivated or state-owned, with little or no consultation of affected communities. Villagers have reported attempts to forestall confiscation of their land by registering it with local government authorities, KNU or both, but have reported difficulties in doing so because of loss of titles during the conflict period, disputes between multiple authorities in mixed control areas, disputes between local villagers, and lack of coordination regarding the demarcation of land for returning refugees.
- Villagers faced environmental destruction and hindrances to their ability to sustain livelihoods due to development projects. These development projects included rubber plantations and mines, and were most often initiated by Myanmar nationals with connections to powerful government, military or EAG actors. These difficulties have in turn led some villagers to migrate to find work. Clashes between armed actors have also been related to development projects.
- Villagers throughout the seven Karen districts faced regular demands for arbitrary taxes by Tatmadaw, BGFs, Myanmar government officials, police, KNU, KNLA, DKBA and the KPF. Taxes were demanded from travelers as they crossed military and police checkpoints, as well as of plantation owners, gold miners, loggers and cardamom and livestock traders. Villagers living in mixed control areas may be taxed by multiple authorities citing social services or religious purposes. Villagers are also required to pay fees to support local military activities and soldiers' salaries.
- Villagers reported efforts by the Tatmadaw and EAGs, sometimes in collaboration with local CBOs, to improve awareness of the ceasefire process among the local community. BGF and KNLA soldiers have engaged in trust-building activities with local religious leaders. Government-KNU liaison offices have provided a space for communication between the two authorities and for villagers to report problems.
- Villagers receive healthcare at Government, KNU, local NGO and INGO clinics or hospitals, but healthcare is often not accessible because of the absence of a clinic in their area and a lack of funds to travel to one in a larger town. Access is also restricted by insufficient numbers of healthcare workers and unaffordable fees. The quality of healthcare is low due to unqualified staff and lack of supplies. Some villagers have built clinics without external assistance, while others are afraid to do so due to ongoing militarisation. Education is not available in some

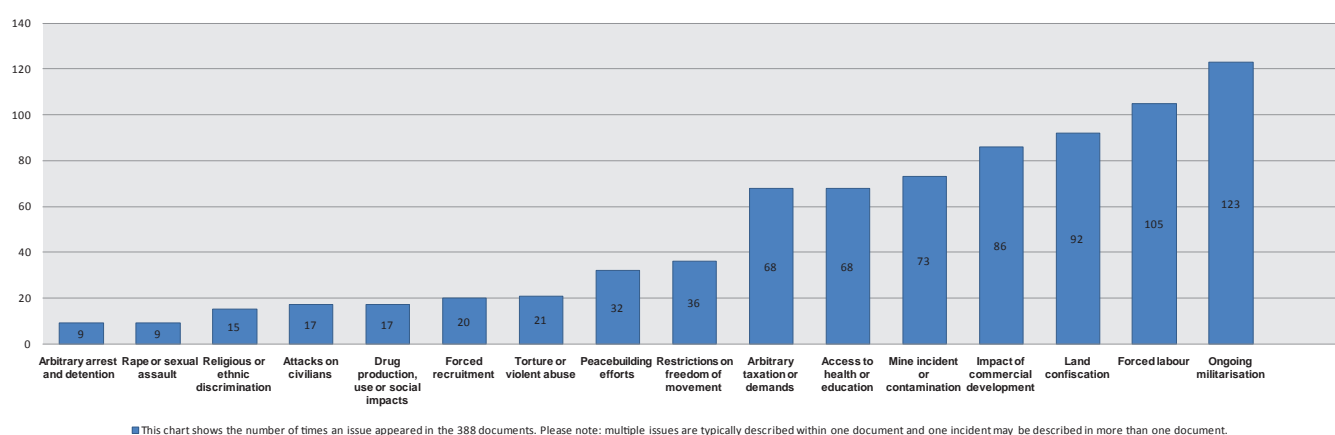
villages because of insufficient support for schools, including a lack of supplies and/or teachers. There is a positive trend toward free education in Government primary schools.

- Villagers reported instances of religious and ethnic discrimination perpetrated by Myanmar government officials, BGF soldiers and Buddhist religious leaders. Villagers described a deterioration in relations between Buddhist and Muslim villagers in Hpa-an and Hpapun districts after a Buddhist monastery released a document restricting social and economic interaction between the two communities. One villager also described how government officials categorised him as 'Buddhist' on his identity card, even though the villager identifies as animist.

Geographic spread of human rights abuse categories, 2012 - 2013



Human rights abuses or concerns displayed by frequency of reports received, 2012 - 2013



Recommendations

The final section in each chapter includes issue-specific recommendations developed in November 2013 by 22 KHRG field researchers from Thaton, Toungoo, Nyaunglebin, Hpapun, Hpa-an and Mergui-Tavoy districts. These recommendations form the basis for the more general recommendations listed in this section.

- The Myanmar government and ethnic armed groups (EAGs) in Southeast Myanmar should work to make the ceasefire sustainable, as it has contributed to decreases in most types of human rights abuse. This means the ceasefire process should lead to a final peace agreement as quickly as possible, given the need for agreement by multiple actors, whether as part of a nationwide ceasefire or an agreement which is signed by the Government and KNU authorities throughout the seven Karen districts.
- All armies should begin to demilitarise former conflict areas, particularly positions close to villages. This means reducing troops, army bases, checkpoints and weapons inventories to signify the transition to peace. The Tatmadaw and EAGs should finalise a joint Code of Conduct as quickly as possible, which clearly defines limited operation areas for their forces and appropriate behaviour of soldiers towards civilians. This document should be made public in order to support the efforts of organisations and villagers to monitor the ceasefire. KHRG researchers report that existing KNU-Government liaison offices have helped improve communication at the local level. Both sides should ensure that these offices are staffed with competent personnel.
- The Myanmar government is obligated to ensure that all armed forces under its control observe their responsibilities under domestic and international humanitarian and human rights law. Tatmadaw Border Guard Forces (BGFs) have been complicit in torture, killing, forced labour and have been involved in the production of narcotics during the ceasefire period. The Myanmar government must develop and implement adequate human rights standards for its BGF soldiers and ensure that any BGF soldier or commander who violates the rights of any person is held accountable.
- Local civilian and military authorities should implement transparent and accessible mechanisms to receive complaints from villagers regarding violations of their rights, ensure follow-up and provide protection for individuals or groups who file complaints from retribution. Township, State and Union-level authorities should likewise ensure that adequate complaint mechanisms are in place for villagers who have been abused by local authorities or who are not comfortable reporting incidents locally. To complement these government mechanisms and provide support for villagers who remain suspicious of government-affiliated actors, NGOs, CBOs, and international agencies should strengthen their existing mechanisms for villagers to complain of abuse.
- The Government should work toward the official recognition of local education, health, and other social service structures. Government and non-state service providers should continue efforts towards coordination and collaboration, and compliment each other's service delivery where possible. The Government should be willing to undertake such collaboration even where service providers are institutionally or personally affiliated with EAGs. International actors working to improve access to these services should back such collaboration efforts and prioritise support to providers considered most legitimate locally.

- INGOs and inter-governmental organisations working in areas of ongoing human rights abuse should do so in collaboration with local CBOs who have long-established relationships with local communities. Interventions should be predicated on comprehensive conflict analysis, be carried out in line with conflict-sensitivity standards, and prioritise the needs of local communities.
- Local people have a right to be included in the decision-making process for any policy decision that affects their lives. The Government and private actors should involve local communities early in the decision-making and planning stages of commercial developments, land and resource management, infrastructure development and other changes that impact their lives and livelihoods. More broadly, related policies should be informed and guided by local needs to ensure that economic planning and the benefits of development are fully inclusive and do not risk driving conflict grievances.
- Taxes, whether levied by the Myanmar government or EAGs, should be determined in advance and tax schedules should be disseminated to villagers. Authorities should refrain from arbitrary taxation. To discourage arbitrary taxation, the Myanmar government and EAGs should make sure that their local representatives are provided with the funds and materials they need to carry out their professional responsibilities, and are paid adequate salaries.
- All armed actors should agree to and enforce a comprehensive ban on the new use of mines. Before such a ban is agreed to, commanders should take responsibility for prohibiting the planting of new mines in civilians' farmlands and pathways and must consistently inform the local community about the location of existing and new mines. Local and international mine actors should conduct inclusive and fully participatory consultations and assessments to determine villagers' opinions and perspectives on mine action and removal. In communities where villagers have determined that mines should be removed, fully trained and equipped national and/or international actors should begin mine removal.

Methodology

Field Research

KHRG has gathered testimony and documented individual incidents of human rights violations in eastern Myanmar since 1992. Research for this report was conducted by a network of researchers, who are villagers trained and equipped to employ KHRG's documentation methodology, including to:³⁰

- Gather oral testimony, by conducting audio-recorded interviews with villagers living in Southeast Myanmar. When conducting interviews, local people working with KHRG are trained to use loose question guidelines, but also to encourage interviewees to speak freely about recent events, raise issues that they consider important and share their opinions or perspectives on abuse and other local dynamics.
- Document individual incidents of abuse using a standardised reporting format. When writing or gathering incident reports, local people working with KHRG are encouraged to document incidents of abuse that they consider important, by verifying information from multiple sources, assessing for potential biases and comparing incidents to local trends of abuse.
- Write general updates on the situation in areas with which they are familiar. When writing situation updates, local people working with KHRG are encouraged to summarise recent events, raise issues that they consider important, and present their opinions or perspectives on abuse and other local dynamics in their area.
- Gather photographs and video footage. Local people are trained by KHRG to take photographs or video footage of incidents as they happen when it is safe to do so or, because this is rarely possible, of victims, witnesses, evidence or the aftermath of incidents. Local people are also encouraged to take photographs or video footage of other things they consider important, including everyday life in rural areas, cultural activities and the long-term consequences of abuse.
- Collect other forms of evidence where available, such as letters written by military commanders ordering forced labour or forced relocation.

While some researchers draw salary and others material support, and some work as volunteers, KHRG trains local people from all walks of life and a variety of backgrounds to document the issues that affect their community. KHRG's recruitment policy does not discriminate on the basis of ethnic, religious or personal background, political affiliation or occupation. We train anyone who has local knowledge, is motivated to improve the human rights situation in their own community and is known to and respected by members of their local communities. Recognising that in all cases, no one is truly 'neutral' and everyone has competing viewpoints and interests, KHRG seeks always to filter every report through those interests and to present evidence from as many sources and perspectives as possible.

Verification

KHRG trains these local researchers to follow a verification policy that includes gathering different types of information or reports from multiple sources, assessing the credibility of sources, and comparing the information with their own understanding of local trends. KHRG information-processing

³⁰ *KHRG Field Documentation Philosophy* is available on request.

procedure additionally involves the assessment of each individual piece of information prior to translation in order to determine quality and facilitate follow-up with researchers where necessary.

This report does not seek to quantify a total number of incidents across research areas; where provided, figures indicate only those occurrences that were described in KHRG field documentation. KHRG reporting is designed primarily to share the perspectives of individuals and communities, rather than to focus on incident-based reporting or to quantify a number of confirmed incidents. Emphasis is placed on locating concerns raised by communities, rather than seeking to disqualify testimony, because community members may not always articulate things clearly or keep exact records of incidents. In many cases, villagers raised concerns about issues not tied to a specific time or place, or described events that were not discussed elsewhere in KHRG documentation. This report seeks to emphasise the cumulative weight of the large data set analysed, and the consistency with which concerns were raised by communities across a wide geographic area.

Analysis for this report

This report is based on field information received during the reporting period from January 12th 2012, when the Myanmar government-KNU ceasefire was signed, to November 2013. During this period, KHRG researchers collected a total of 1,404 oral testimonies, sets of images and pieces of documentation, including: 721 audio-recorded interviews, 228 incident reports, 95 situation updates, 121 other documents written by villagers, 162 sets of photos and video amounting to a total of 25,964 images, and 77 written orders issued by civilian and military officials. As this information was received, KHRG staff assessed each piece of documentation and translated those conveying human rights concerns into English for analysis by a team of Karen information-processing officers and interns, who were supported by native English-speaking capacity builders. As of November 2013, 601 pieces of documentation had been translated into English based on these priorities and were available for analysis for this report.

In an internal workshop held in November 2013, the staff who had processed this data identified two main categories of concerns. The first related to the most common types of human rights abuse that were continuing into the ceasefire period, having been prevalent throughout the 20 previous years. The second related to concerns that were perceived to be emerging or shifting in the changing context. KHRG staff members then began coding and analysing the 601 pieces of documentation in order to identify which dealt with concerns in these categories, and included incidents that took place, or had ongoing impacts, after January 12th 2012. This refined dataset included 388 pieces of documentation.

These 388 documents were then reclassified into three categories. The first category, “Trends in human rights abuse and local response”, consists of nine human rights issues, namely, attacks on civilians and extrajudicial killing (17 documents); arbitrary arrest and detention (9 documents); torture and violent abuse (21 documents); rape and sexual assault (9 documents); forced labour (105 documents); forced recruitment (20 documents); anti-personnel and other mines (73 documents); restrictions of freedom of movement or trade (36 documents); and arbitrary taxation and demands (68 documents).

The second category includes two emerging issues related to “Resource management”, namely, land confiscation (92 documents); and negative consequences of infrastructure and commercial development (86 documents). The third category includes five emerging issues related to “Security, peacebuilding and social cohesion”, namely, ongoing militarisation and resulting perceptions of insecurity (123 documents); the impacts of peacebuilding efforts (32 documents); access to health and education (68 documents); religious and ethnic discrimination (15 documents); and drug production, use and related social impacts (17 documents).

During the next round of analysis, conducted in January 2014, KHRG staff verified the coding of reports and collated them by district. KHRG staff then identified the number of districts in which each type of abuse was documented, and used this information to draw cautious conclusions about the nature and geographic scope of human rights concerns to be included at the start of each chapter. Between February and March 2014, 10 staff members wrote chapters on each of these 16 types of abuse or concern using a standardised writing and analysis method.

Specialist feedback

Two drafts of the report were shared with two separate groups of local and international subject-matter specialists for review, after which KHRG staff held internal workshops to review and incorporate feedback, while continuing to prioritise local concerns as expressed in KHRG documentation. Specialists were chosen based on their expertise on a particular issue, general knowledge of the ceasefire and/or the peace process or past experience writing KHRG reports.

Recommendations

This report includes general recommendations featured at the beginning of the report and issue-specific recommendations at the end of each chapter. These recommendations were initially developed in November 2013 during a workshop with 22 KHRG field researchers from Thaton, Toungoo, Nyaunglebin, Hpapun, Hpa-an and Mergui-Tavoy districts and were revised during subsequent workshops with KHRG information processing and advocacy staff, as well as the directors of KHRG and KHRG's advisory board. They were also improved based on feedback from both sets of specialists.

Sources and referencing

Every piece of information in this report is based directly upon testimony articulated by villagers during the reporting period or by documentation and analysis written by KHRG researchers. In order to make this information transparent and verifiable, all examples have been footnoted to 388 'Sources', which are available in *Appendix 1: Testimony* on the KHRG website and are coded with one or more of the 16 human rights issues covered in this report. Wherever possible, this report includes excerpts of testimony and documentation to illustrate examples highlighted by KHRG.

Research areas

In order to classify information geographically, KHRG organised information according to seven research areas: Thaton, Toungoo, Nyaunglebin, Mergui-Tavoy, Hpapun, Dooطلا and Hpa-an. These seven research areas are commonly referred to as "districts" and are used by the Karen National Union (KNU), as well as many local Karen organisations, both those affiliated and unaffiliated with the KNU.

KHRG's use of the district designations to reference our research areas represents no political affiliation; rather, it is rooted in KHRG's historical practice, due to the fact that villagers interviewed by KHRG, as well as local organisations with whom KHRG seeks to cooperate, commonly use these designations.

The seven districts do not correspond to any demarcations used by Myanmar's central government, but cover all or parts of two government-delineated states and two regions. Toungoo District includes all of northwestern Kayin State and a small portion of eastern Bago Region, while Nyaunglebin District covers a significant portion of eastern Bago Region. Hpapun, Hpa-an

and Doooplaya districts correspond to all of northern, central and southern Kayin State, respectively. Thaton District corresponds to northern Mon State, and Mergui-Tavoy District corresponds to Tanintharyi Region.

In order to make information in this report intelligible to all stakeholders, including those who use the locally-defined Karen districts and those who are familiar with Myanmar government designations for these areas, *Map 1* and *Map 2* include both the government demarcation system of states and regions, and the seven research areas, or “districts,” used when referencing information in this report.

When transcribing Karen village names, KHRG utilizes a Karen language transliteration system that was developed in January 2012 in cooperation with fourteen other local Karen community-based organisations (CBOs) and non-governmental organization (NGOs) to ensure the consistent spelling of place names.³¹

Censoring of names, locations and other details

Where quotes or references include identifying information that KHRG has reason to believe could put villagers in danger, particularly the names of individuals or villages, this information has been censored, and the original name has been replaced by a letter or pair of letters. The censored code names do not correspond to the actual names in the relevant language or to coding used by KHRG in previous reports. The censored names in the body of this report also do not correspond to the censored names in the *Appendix: Testimony*. Village and personal names have been censored using single and double digit letters beginning from A--- and running to Z---, then beginning at Aa--- and continuing to Az---, and so on. This censoring is restarted in each chapter in this report and in each ‘Source’ in the *Appendix: Testimony*. All names and locations censored according to this system correspond to actual names and locations on file with KHRG. Thus, censoring should not be interpreted as the absence of information. In many cases, further details have been withheld for the security of villagers and KHRG researchers. Note also that names given by villagers have been transliterated directly, and may include relational epithets, such as mother, father, as well as terms that imply familiarity but are not necessarily indicative of a familial relationship, such as uncle or aunt.

Independence, obstacles to research and selection bias

Though KHRG often operates in or through areas controlled by armed forces and groups including the Tatmadaw and BGF battalions and EAGs, KHRG is independent and unaffiliated. Access to certain contexts has sometimes been facilitated by the Karen National Liberation Army (KNLA), particularly in cases where documentation activities required crossing vehicle roads near Tatmadaw army camps or in areas that were likely to be mined. Other groups were not willing to facilitate research by KHRG; Tatmadaw, BGF and Democratic Karen Benevolent Army (DKBA) forces were the chief obstacles to safely conducting research in Southeast Myanmar during the reporting period. Local people documenting human rights abuses did so with the understanding that they risked potential arrest or execution should perpetrators of abuse learn of their activities.

³¹ Note that this transliteration system differs from the previous system used by KHRG, and as such the spelling of location names may be different. Note also that organisations developing the system agreed to continue using the spellings in common-usage for districts and townships, even where they do not match the new transliteration system.

Because of the obstacles described above, it has only been possible for local people collecting testimony to interview civilians who are not likely to report documentation activities to authorities in a way that would place those people in danger. This does not represent a research constraint in areas where whole communities are in hiding, view authorities perpetrating abuse as a threat, and as such are likely to flee rather than risk encountering them. In other areas, however, security considerations mean that interviews cannot always be conducted openly. Civilians most likely to compromise the security of those working with KHRG may also be those who are most likely to present a positive view of the Tatmadaw, and express critical opinions of EAGs that have been in conflict with Myanmar's central government.

It is important to acknowledge that these limitations have restricted KHRG's ability to make conclusions about all aspects of operations by opposition EAGs or about potentially positive activities conducted by government actors. For this reason, this report avoids making conclusions that are not supported by the data set, including practices of government actors in areas where research was not conducted. Instead, this report focuses on sharing concerns raised by villagers that relate to events they experienced during the reporting period, and analysing those experiences in light of patterns previously identified by KHRG.

It is equally important to acknowledge that these research limitations do not call into question the veracity of documentation regarding practices by the Tatmadaw or other groups. While there is always a risk that individuals interviewed by KHRG might hold personal biases that cause them to provide exaggerated or inaccurate information, the verification practices described above are designed to prevent such inaccuracies from being reported by KHRG. Furthermore, the sheer volume and consistency of information gathered by KHRG during the reporting period, as well as over the last 20 years, minimises the potential for inaccurate or incorrectly identified patterns. Ultimately, the constraints faced by KHRG mean that there are unanswered questions about issues not present in the data set, on which further research needs to be conducted.

II. Trends in human rights abuse and local response

A. Attacks on civilians and extrajudicial killing

Attacks on civilians

Customary international humanitarian law (IHL) requires parties to both international and non-international armed conflict to adhere to the *principle of distinction*; parties must distinguish between civilians and combatants, and between civilian objects and military objectives, at all times, during both the planning and execution of military operations.³² Customary IHL therefore prohibits parties to a conflict from deliberately attacking civilians or civilian objects.³³ Additional rules of customary IHL derived from the *principle of distinction* prohibit attacks which are “indiscriminate” in nature, because they cannot be directed at specific military objectives,³⁴ as well as acts or threats of violence aimed at terrorising the civilian population.³⁵

Throughout the 20 years leading up to 2012, KHRG consistently documented attacks in violation of the *principle of distinction* between civilians and combatants in all seven research areas, including incidents in which civilians and civilian objects were deliberately attacked,³⁶ as well as attacks on civilians and civilian objects as a result of indiscriminate military practices.³⁷

1. Deliberate targeting of civilians or civilian objects

During the conflict period, the most obvious deliberate attacks on civilians or civilian objects, through shelling and/or ground attacks, took place in geographic and/or temporal isolation from

³² ICRC Customary IHL Database, *Rule 1: The Principle of Distinction between Civilians and Combatants*: “The parties to the conflict must at all times distinguish between civilians and combatants. Attacks may only be directed against combatants. Attacks must not be directed against civilians”; and *Rule 7: The Principle of Distinction between Civilian Objects and Military Objectives*: “The parties to the conflict must at all times distinguish between civilian objects and military objectives. Attacks may only be directed against military objectives. Attacks must not be directed against civilian objects.”

³³ ICRC Customary IHL Database, *Rule 8. Definition of Military Objective*: “... military objectives are limited to those objects which by their nature, location, purpose or use make an effective contribution to military action and whose partial or total destruction, capture or neutralisation, in the circumstances ruling at the time, offers a definite military advantage.”; *Rule 9: Definition of civilian object*: “Civilian objects are all objects that are not military objectives.”

³⁴ ICRC Customary IHL Database, *Rule 11: Indiscriminate attacks*; *Rule 12: Definition of indiscriminate attacks*: “Indiscriminate attacks are those: (a) which are not directed at a specific military objective; (b) which employ a method or means of combat which cannot be directed at a specific military objective; or (c) which employ a method or means of combat the effects of which cannot be limited as required by international humanitarian law; and consequently, in each such case, are of a nature to strike military objectives and civilians or civilian objects without distinction.”

³⁵ ICRC Customary IHL Database, *Rule 2*: “Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited.”

³⁶ See for example, “Attacks on cardamom plantations, detention and forced labour in Toungoo District,” KHRG, May 2010; “Attacks and displacement in Nyaunglebin District,” KHRG, April 2010; “Attacks, killings and the food crisis in Papun District,” KHRG, February 2009; “Mortar attacks, landmines and the destruction of schools in Papun District,” KHRG, August 2008.

³⁷ See for example, “Tatmadaw soldiers shell village, attack church and civilian property in Toungoo District,” KHRG, November 2011; Displacement Monitoring Update No. 40: “KHRG Photos document examples of damage to property caused by shelling in Waw Lay village,” KHRG, January 2011; “SPDC mortar attack on school in Papun District,” KHRG, February 2010; “Update on SPDC/DKBA attacks at Ler Per Her and new refugees in Thailand,” KHRG, June 2009.

legitimate military objectives or armed engagements between the Tatmadaw and ethnic armed groups (EAGs), and frequently when no recent or proximate engagements had occurred. In such cases, groups of Tatmadaw battalions launched coordinated operations against identified areas, remotely shelling villages that were not immediately proximate to an area in which a clash with EAG soldiers had previously occurred. Tatmadaw soldiers would then sometimes enter the village on foot and destroy civilian objects, including houses, places of worship, plants and crops under cultivation, domestic animals, cooking implements, agricultural machinery, food processing or storage equipment, and food supplies.³⁸

“Black areas” and the practice of “shooting-on-sight”

The use of the term “shoot-on-sight” alludes to practices in which Tatmadaw soldiers treat civilians, villages, food supplies and essential civilian property as legitimate military targets, in violation of IHL. These types of attacks appear to be perpetrated against portions of the civilian population perceived to support EAGs, sometimes as apparent retaliation for recent clashes with EAGs and/or communities who are residing in difficult-to-control upland areas that Tatmadaw forces have sought to de-populate throughout decades of military campaigns. These regions, referred to by the Tatmadaw as “black areas”,³⁹ are often spaces from which the Tatmadaw has already made efforts to forcibly relocate civilians, or where it has limited territorial control.

The practice of shooting-on-sight precludes Tatmadaw forces from ascertaining whether individuals attacked are civilians or combatants. In some cases, Tatmadaw forces have fired at individuals whose non-combatant status is obvious, such as women carrying children or civilians working on agricultural projects.⁴⁰

KHRG researchers documented attacks on civilians by government troops during military offensives, particularly in 1997 and throughout 2005 - 2008,⁴¹ but continuing into 2011. These attacks included deliberate targeting of civilians, of civilian settlements and of their food resources in areas beyond established or consolidated Tatmadaw control.⁴²

³⁸ For details about attacks on civilian objects in 2011, see “Tatmadaw attacks destroy civilian property and displace villages in northern Papun District,” KHRG, April 2011. See also “Tatmadaw soldiers shell village, attack church and civilian property in Toungoo District,” KHRG, November 2011.

³⁹ The Tatmadaw counter-insurgency doctrine views territory as black, brown or white according to the extent of ethnic armed group (EAG) activity. A black area denotes “an area controlled by insurgents but where the Tatmadaw operates;” a brown area denotes “a Tatmadaw-controlled area where insurgents operate;” while a white area is territory which has been “cleared” of EAG activity; see: Maung Aung Myoe, *Neither Friend Nor Foe: Myanmar’s Relations with Thailand since 1988*, Singapore: Institute of Defence and Strategic Studies Nanyang Technological University, 2002, p. 71. For KHRG documentation of attacks in designated “black areas,” see “Toungoo Interview: Saw F---, October 2011,” KHRG, November 2011; see also “Attacks killings and the food crisis in Papun District,” KHRG February 2009; “Interview from the Irrawaddy Delta,” KHRG, July 1996.

⁴⁰ For additional information on the practice of shooting-on-site, see *Self-protection under strain: Targeting of civilians and local responses in northern Karen State*, KHRG, August 2010, pp. 22-46, 101-108.

⁴¹ For details of Tatmadaw offensives between 1997 and 2010, see *Self-protection under strain: Targeting of civilians and local responses in northern Karen State*, KHRG, August 2010, pp. 15-46.

⁴² During 2011, KHRG documented such attacks on civilians in six of seven research areas, including Toungoo, Nyaunglebin, Mergui-Tavoy, Hpapun, Dooطلا and Hpa-an districts. See, *‘All the Information I’ve Given You, I Faced It Myself’: Rural testimony on abuse in eastern Burma since November 2010*, KHRG, December 2011, pp. 23-29. For specific examples, see “Tatmadaw attacks destroy civilian property and displace villages in northern Papun District,” KHRG, April 2011; “Joint Tatmadaw patrol burns field huts and seed stores, displace six villages in Toungoo District,” KHRG, June 2011; “Tatmadaw soldiers shell village, attack church and civilian property in Toungoo District,” KHRG, November 2011.

Deliberate attacks since January 2012

Since the beginning of 2012, as a result of the ceasefire agreement between the Myanmar government and the KNU, KHRG has not documented any systematic military operations targeted on civilian settlements or buildings.

However, during the ceasefire period, KHRG has documented three separate deliberate attacks on civilians themselves, perpetrated by Tatmadaw soldiers. All three of these took place in areas where Tatmadaw forces had begun to strengthen their presence since the ceasefire. These attacks are part of a consistent pattern that includes the “shoot-on-sight” type of attacks that KHRG has documented throughout the past 20 years, in that they appear to be perpetrated against communities perceived to support EAGs.⁴³

On June 13th 2012, Tatmadaw soldiers fired at a group of ten internally displaced persons (IDPs), killing one, while they were collecting truffles on a hill. KHRG spoke to two villagers present during the attack, who explained that Tatmadaw soldiers had only begun to patrol in that part of Bu Tho Township, Hpapun District since the ceasefire was signed. These villagers also explained that all of the men and women, including the man killed, were wearing civilian clothing and were in plain sight.⁴⁴

“The Burmese [Tatmadaw] had never come to the place where the shooting took place before the ceasefire. After the ceasefire, we saw their tracks in many places, and they came ... near where we live. ... [Typically], when civilians collect truffles, they do so up the hill. These civilians were not paying attention, as they had faith in the ceasefire.... The soldiers heard them, came down from their base and shot at them. ... This villager [who was shot] was not wearing an army uniform; he was wearing a white t-shirt with green sport-shorts and a Karen longyi. His clothes did not make him look like a soldier. Also, if we look at the area where he was shot, there is no tall grass; ... so there could not have been a mistake regarding his identity; it was clear he was a civilian.”

Saw A---, Bu Tho Township, Hpapun District/Northeastern Kayin State
(Interviewed in June 2012)⁴⁵

Tatmadaw LID #66 troops on the border of Hpapun and Toungoo districts have also carried out attacks on civilians as they have strengthened their position in the area.⁴⁶ In the first incident, on March 9th 2012, Tatmadaw LID #66 soldiers fired at a group of civilians and home guard villagers while they crossed a road,⁴⁷ killing one civilian and one home guard villager, and injuring another civilian.⁴⁸ The attack occurred in northern Lu Thaw Township of Hpapun District, an area where villagers have historically been targeted for perceived links to the KNLA.⁴⁹

⁴³ See ‘All the information I’ve given you, I faced it myself’, KHRG, December 2011, pp. 24-29.

⁴⁴ For interviews with two of the villagers targeted in the June 13th attack, see Source #291 and #292.

⁴⁵ See Source #292.

⁴⁶ Signs of this expansion include the repairing of a road and of bridges to more effectively transport rations between Lu Thaw Township and their army bases further north in Toungoo District in October 2012; see Source #146.

⁴⁷ ‘Home guard’ or *gher der* groups have been organised locally in parts of northern Karen State to address Tatmadaw operations targeting civilians and the resulting acute food insecurity. Villagers interviewed by KHRG researchers have reported that *gher der* were established with the objective of providing security for communities of civilians in hiding, particularly when those communities engage in food production or procurement activities, and when other modes of protection are unavailable.

⁴⁸ See Source #146.

⁴⁹ See *Self-protection under strain: Targeting of civilians and local responses in northern Karen State*, KHRG, August 2010, p.15.

On June 23rd 2012, a newly positioned battalion under the command of Tatmadaw LID #66 orchestrated a supply run to front-line camps in Toungoo District. On the same day, the same battalion fired at four civilians who were carrying rice back to their village after having purchased it in a larger town, though no villagers were harmed during the attack. According to the KHRG researcher who reported the attack, the incident occurred in an area that villagers often pass through to transport goods to their villages. According to the report, *“Villagers were accustomed to using the path to cross the road at that point,”* as the only nearby Tatmadaw facilities were two camps that were abandoned in 2008. In the days immediately after this incident, a KHRG researcher described increased military activity in the area, including a Tatmadaw helicopter patrol and skirmishing between KNLA and Tatmadaw troops.⁵⁰



The photos were taken on October 19th 2012 by a KHRG researcher. The photo on the left shows a photograph taken by local villagers of Saw B---, a 19-year-old male from A--- village, who was killed when troops from Tatmadaw LID #66 shot him on March 9th 2012, in the K'Kyay Hta area. The local home guard villagers found Saw B---'s body at the site of the shooting on March 16th 2012 and, according to the KHRG researcher who spoke to those who collected his body, the Tatmadaw soldiers also stole 160,000 kyat (US \$162.12)⁵¹ from the deceased person. The photo on the right shows Saw C---, 28-years-old, who is also from A--- village and was injured during the same March 9th attack. He is pictured above, resting after receiving treatment for two bullet wounds on his hip and waist.⁵² [Photos: KHRG]

2. Attacks on civilians and civilian objects as a result of indiscriminate actions in combat

Attacks on civilians and civilian objects as a result of indiscriminate practices typically occur in geographic or temporal proximity to legitimate military objectives or armed engagements between the Tatmadaw and EAGs. This may be the result of operations undertaken without specific objectives. A common example is the firing of mortars into areas where civilians live or work either during or immediately after an armed engagement, either with knowledge of civilian presence, or without properly determining the civilian or military nature of the area. Between November 2010 and December 2011, KHRG documented incidents of indiscriminate firing of mortars and small arms into areas with civilian resident populations⁵³ and into civilians' agricultural workplaces.⁵⁴

⁵⁰ See Source #30.

⁵¹ As of January 13th 2014, all conversion estimates for the Kyat in this report are based on the official market rate of 987 kyat to the US \$1.

⁵² See Source #352.

⁵³ Displacement Monitoring Update No. 83: "Shelling in Myawaddy Town," KHRG, June 2011.

⁵⁴ "Dooplaya Situation Update: August 2011 to September 2011," KHRG, December 2011.

Indiscriminate attacks since January 2012

In 2012 and 2013, KHRG received fewer reports of indiscriminate attacks on civilians compared with attacks reported each year in the previous decade. Still, since January 2012, villagers and KHRG researchers in Hpapun and Hpa-an districts reported several attacks in which armed actors fired mortars or small arms indiscriminately into areas with civilian resident populations, during or following engagements with other armed actors. These attacks included specific incidents in which civilians were killed or injured as a result of indiscriminate fire.

On February 19th 2012, following a raid in which BGF soldiers stole weapons from a DKBA base, the DKBA ambushed a truck carrying troops from BGF Battalion #1015 near Myaing Gyi Ngu town. The ambush occurred at the site of a civilian settlement with homes and small shops belonging to resident villagers. Despite the visible civilian presence, the soldiers engaged in armed conflict, which resulted in the death of one female resident of about 24 years of age and the injury of two additional residents, a 17 or 18 year-old woman and one man.⁵⁵ As a consequence of the attack, villagers from six villages chose to move away from their homes due to concern that the ceasefire situation would deteriorate. According to a KHRG researcher, these villagers returned to their homes approximately four months later due to a temporary decrease in BGF and DKBA activity in the area.⁵⁶

Slightly over one year later, on April 27th 2013 in the same area, DKBA and BGF soldiers engaged each other in combat near civilian settlements once again. During the skirmish, a grenade was fired and entered a civilian home and injured two sleeping babies.⁵⁷

“A piece of shrapnel from a bomb [grenade] struck and injured the head of the girl [the first baby that was injured] and another piece of shrapnel struck through one of her ears, making a hole. Two more pieces of shrapnel from the bomb also hit the back of the little girl. The face of Saw D--- [the second baby that was injured] was grazed by the shrapnel from the bomb and shrapnel hit his calf, creating a laceration. This is the story of the children who were injured in the fighting in Myaing Gyi Ngu.”

Situation Update written by a KHRG researcher, Bu Tho Township, Hpapun District/Northeastern Kayin State (April 2013)⁵⁸

During a skirmish between KNLA and BGF troops in Bu Tho Township, Hpapun District in March 2013, two grenades were fired in close proximity to a civilian's home, injuring a one-month-old infant and his father inside the home.⁵⁹

⁵⁵ See Source #109.

⁵⁶ As a consequence of the attack on February 19th 2012, villagers living close to the Border Guard Battalion #1015 and DKBA *Kloh Htoo Lah* camps, including those from the villages of B---, C---, D---, E---, F--- and G---, moved away from their homes, as they were afraid of being injured during fighting between the two groups. As of June 6th 2012, a KHRG researcher described the Border Guard and DKBA were less active in Myaing Gyi Ngu town or in villages nearby. All villagers who fled the fighting between the Border Guard and DKBA had also returned to their villages; see Source #109.

⁵⁷ See Sources #280 and Source #167.

⁵⁸ See Source #280.

⁵⁹ See Source #81.



These photos were taken on April 28th 2013 in H--- village, Htee Th'Daw Htah village tract, Bu Tho Township, Hpapun District. The photos show an infant (left) and his father (right) who were injured as a result of indiscriminate fire when fighting erupted between BGF Battalion #1014 and KNLA soldiers on March 16th 2013. During the course of fighting, a 40 mm grenade fired from an M79 grenade launcher detonated in front of the villagers' home, and another exploded behind it. As a result, grenade shrapnel struck the one-month-old infant on his head and his father on the elbow (pictured above). According to the KHRG researcher, local villagers do not know which armed actor is responsible for firing the grenade. The infant and his father received medical care at Hkaw Taw Hpoh Hospital but did not receive any financial support for treatment costs from either of the armed actors.⁶⁰ [Photos: KHRG]

Extrajudicial killing

In addition to the above incidents in which villagers were killed or injured as a result of deliberate or indiscriminate attacks, KHRG documented four incidents of extrajudicial killing, all of which occurred in 2013. While the above cases highlight incidents in which communities or civilians were targeted due to their association with EAGs, the extrajudicial killings of civilians reported below were due to their interference with the production of drugs by soldiers or on accusation of practicing witchcraft.

In 2013, in two separate incidents, a 16-year old boy and an elderly woman were killed after altercations with BGF soldiers about the sale of methamphetamines.⁶¹

"A 16-year-old student who used [methamphetamines] spent all his money on the drug and then pawned his motorbike [to trade it for methamphetamine pills sold by BGF soldiers]. His parents asked him, 'Where are you keeping your motorbike?' His father asked him this continuously, so he told him. His father said, 'My son, I bought this motorbike for you with 38,000 baht (US \$1,187.50)⁶² and you traded it for 30 k'thee k'thay [methamphetamine pills]. So, here is the money, go and redeem your motorbike.' ... Then, the boy ... went to the place where he pawned his motorbike. He met the seller of the drug [BGF soldier] and asked for his motorbike; they were worried that the news would go public after he'd given the money to them. So, they arrested the boy, and then beat and killed him with a piece of brick...."

⁶⁰ See Sources #86 and #245.

⁶¹ For additional information about drug-related issues, see the 'Drug production, use and social impacts' chapter in this report.

⁶² As of March 18th 2014, all conversion estimates for the Baht in this report are based on the official market rate of 32 baht to US \$1.

A [woman who is a] grandmother told some BGF soldiers, 'You all are Myanmar's [Tatmadaw] people. You became rich because you sell k'thee k'thay. I don't respect you.' She argued with BGF Battalion #1016 [soldiers], and then [on the same day] four of Battalion Commander [#1016] Mya Khaing's soldiers murdered her in Htoh Kaw Koh village at the riverside. To murder her they tied a rope around her neck and hit her head with stones. [The BGF soldiers] said that they murdered her because they were worried that she would say [disclose] that they are selling k'thee k'thay."

Situation Update written by a KHRG Researcher, Nabu Township, Hpa-an District/ Central Kayin State (March and May 2013)⁶³

In an additional two incidents in 2013, BGF soldiers killed six villagers on accusation of practicing witchcraft.⁶⁴

"The BGF #1015 Commander Kya Aye asked his men to shoot and kill them all [the necromancer and his family]. He said that E--- [the father] had abilities for practicing black magic, and that he would be able to kill other people with it, so he killed him, his wife and his two daughters ... He had his six men [soldiers] kill them; two of his soldiers, named Nyay Maw and Naw Kay carried out the plan. Before they did it, Commander Kya Aye told his men, 'Don't question anything, just kill them all. If you leave any of them alive, they will keep on killing other people with their [black magic]'. So the BGF #1015 soldiers killed E---, his wife and his daughters."

Incident Report written by a KHRG researcher, Paingkyon Township, Hpa-an District/Central Kayin State (June 2013)⁶⁵

⁶³ See Source #164.

⁶⁴ For reports on the family killed on June 11th 2013, see Sources #206 and #362. The second incident occurred in Hpa-an District and resulted in the death of a man and woman, but cannot be made public due to requests from the surviving children.

⁶⁵ See Source #206.

B. Arbitrary arrest and detention

Since January 2012, KHRG researchers and villagers have raised incidents in which civilians were arrested and/or detained without any formal charge or observance of judicial due process in six out of the seven Karen districts: Thaton,⁶⁶ Toungoo,⁶⁷ Nyaunglebin,⁶⁸ Hpapun,⁶⁹ Dooplaya⁷⁰ and Mergui-Tavoy⁷¹ in Southeast Myanmar. Civilians were arbitrarily arrested and detained by KNLA,⁷² Tatmadaw⁷³ and BGF⁷⁴ soldiers.

During the reporting period, KHRG documented incidents in which civilians were arbitrarily arrested and detained by Tatmadaw or BGF soldiers based on an accusation that the civilian supported or cooperated with the KNU or its armed wing, the KNLA.⁷⁵ Incidents were also reported in which villagers were arrested and detained for competing economically with a business run by a local battalion;⁷⁶ not having identification;⁷⁷ traveling in a different area from where they live⁷⁸ or traveling in a military limited operation area;⁷⁹ after which, they were transferred from one armed actor to another,⁸⁰ detained for arbitrary periods,⁸¹ forced to pay money in order to be released,⁸² were beaten,⁸³ tortured⁸⁴ or killed.⁸⁵

⁶⁶ For an example of arbitrary arrest and detention in Thaton District, see Source #16.

⁶⁷ For an example of arbitrary arrest and detention in Toungoo District, see Source #262.

⁶⁸ For an example of arbitrary arrest and detention in Nyaunglebin District, see Source #370.

⁶⁹ For examples of arbitrary arrest and detention in Hpapun District, see Sources #90, #91, #276 and #364.

⁷⁰ For an example of arbitrary arrest and detention in Dooplaya District, see Source #112.

⁷¹ For an example of arbitrary arrest and detention in Mergui-Tavoy District, see Source #374.

⁷² For an example of arbitrary arrest and detention perpetrated by the KNLA, see Source #90.

⁷³ For examples of Tatmadaw soldiers arbitrarily arresting and detaining villagers, see Sources #262 and #370.

⁷⁴ For an example of arbitrary arrest and detention perpetrated by BGF soldiers, see Sources #16 and #91.

⁷⁵ For example, in October 2012, a villager was arrested and detained for six days by Tatmadaw troops based on an accusation that he provided information to the KNU; see Source document #374. In June 2012, two villagers were detained and one killed after they were accused of being KNU spies by BGF #1014 soldiers; see Source #16.

⁷⁶ For example, on November 2nd 2012, BGF Battalion #1014 Commander Saw Moo Hsah arrested a villager, punched him in the face several times and confiscated 300,000 kyat (US \$303.95) from him, before warning him to cease his brickmaking; see Sources #91 and #276.

⁷⁷ For example, on February 15th 2012, a Muslim man was arrested by the KNLA in Kawkaik Township for not carrying identification and handed over to BGF soldiers where he was violently abused, without any due process; see Source #112.

⁷⁸ On March 25th 2013, a Tatmadaw Strategic Operations Commander arbitrarily detained and questioned a villager while he was traveling from Toungoo town to his family's village in Kyaukkyi Township, Nyaunglebin District, and released him the following day; see Source #370.

⁷⁹ For example, KNLA 5th Brigade Commander Saw Pah Mee arrested a villager for being in a military limited operation area and detained and physically abused the villager overnight; see Source #90.

⁸⁰ In February 2012, a Muslim man was arrested by KNLA soldiers for lacking identification, transferred to Board Guard soldiers and beaten on his head and back; see Source #112.

⁸¹ For example, in October 2012, in Hpapun District a villager was arrested and detained for six days by Tatmadaw troops on accusation of providing information to the KNU; see Source #374. Also in October, a KNLA soldier arrested and held Saw A--- overnight; see Source #90.

⁸² In November 2012, a BGF soldier detained a civilian until he paid 300,000 kyat for his release; see Source #91.

⁸³ On June 26th 2013, Tatmadaw soldiers stopped a villager traveling by motorbike in Thandaunggyi Township, Toungoo District, and detained the villager in their army camp, where he was forced to drink alcohol and was violently abused; see Source #262.

⁸⁴ See Source #374.

⁸⁵ On June 25th 2012, two villagers from Hpa-an Township, Thaton District were arbitrarily detained and accused of being KNLA soldiers by eight BGF #1014 soldiers, after which the villagers were violently abused and one died as a result; see Source #16.

“When Saw Pah Mee [KNLA 5th Brigade Commander] encountered Saw A---, he asked him [what he was doing on a closed road], and Saw A--- told him that he did not hear or know anything about the road being closed. He also said that if he had known, he would not have come. But Saw Pah Mee did not like his answer and kept scolding him. While scolding him, Saw Pah Mee also asked for money from him. Saw A--- said that if he has to pay 100,000 kyat (US \$114), that it is fine, and that he is willing to give it. But he kept scolding him and, at 12:00 am [on October 15th 2012], Saw Pah Mee blindfolded him, tied him up under a villager's house and punched him three times. After tying him up, Saw Pah Mee did not [want to] take the 100,000 kyat anymore. Saw Pah Mee blindfolded Saw A---'s eyes and left him tied him up from 12:00 am until the morning.”

Incident Report written by a KHRG researcher, Bu Tho Township, Hpapun District/ Northeastern Kayin State (October 2012)⁸⁶

“On March 25th 2013, SOC [Tatmadaw Strategic Operations Command] #8 Commander Aung Kyaw Kay detained and gave trouble to a villager in Hsaw Mee Loo military camp, who had moved to Toungoo Town, but was coming back to visit his siblings and his villagers. When he came back, the government military [Tatmadaw soldier] arrested him and gave trouble to him then released him on March 26th 2013.”

Situation Update written by a KHRG researcher, Kyaukkyi Township, Nyaunglebin District/Eastern Bago Division (February to April 2013)⁸⁷

⁸⁶ See Source #90.

⁸⁷ See Source #370.

C. Torture and violent abuse

Torture

Article 1 of the 1984 Convention Against Torture (CAT) defines “torture” as: “severe pain or suffering, whether physical or mental ... intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.”

Since January 2012, KHRG researchers and villagers have reported incidents in which Tatmadaw and BGF soldiers intentionally inflicted severe physical pain on villagers for the purpose of punishment based on evidence or suspicion that the villager supported or gave information to the KNLA. These cases, reported in Hpapun,⁸⁸ Thaton⁸⁹ and Mergui-Tavoy⁹⁰ districts, show that villagers continue to be targeted for their perceived association with EAGs. For example, after a villager’s buffalo detonated a KNLA landmine, Tatmadaw soldiers accused the villager of planting landmines for the KNLA and beat him so severely in his face that he remains unable to leave his home due to the pain more than one year later.⁹¹ In a separate case, after fighting broke out between BGF and KNLA soldiers in August 2012, a civilian in the area was accused of being a spy for the KNLA and violently abused for two days.⁹² In June 2012, two villagers were accused of being KNLA soldiers and violently abused, resulting in the death of one of the villagers.⁹³

“When they [BGF soldiers] started constructing their base on August 5th 2012, [KNLA] Officer Saw Hpa Mee’s troops and Border Guard Battalion #1014 Saw Maung Chit’s⁹⁴ troops attacked each other. A number of Saw Maung Chit’s soldiers got injuries and died during the attack, which was why Saw Maung Chit’s troops got really angry with Saw Hpa Mee. ... [Officer Saw Way Luh of BGF Battalion #1014 and his soldiers] tied him [villager Saw A---] up on the base of the tree, punched him, beat him and led Saw A--- to the forest [Saw A--- was forced to patrol in the forest with the soldiers]. Two days later, Saw A--- was released. Saw A--- does not know what mistake he had made. One or two days after he was released, he heard that Saw Way Luh said, “Saw A--- is a KNLA spy, so we tortured him”; this is what he said.”

Situation Update written by a KHRG researcher, Bu Tho Township, Hpapun District/Northeastern Kayin State (August to September 2012)⁹⁵

⁸⁸ For the full reports of the four incidents of torture reported in Hpapun District since January 2012, see Sources #16, #88, #90 and #312.

⁸⁹ For the one incident of torture reported in Thaton District, see Source #16.

⁹⁰ See Source #374.

⁹¹ For additional information regarding the torture of a villager in December 2012 by Tatmadaw LID #44, IB #9 Company Commander Ko Ko Win and Platoon Commander Kyaw Thu, see Source #88.

⁹² See Source #312.

⁹³ See Source #16.

⁹⁴ Commander Maung Chit, also referred to as Maw Hsee, is the commander for Tatmadaw Border Guard Force (BGF) battalion #1014 in Hpapun District. Maung Chit is not to be confused with Maung Chit Thu (typically referred to as Chit Thu), who is a senior level BGF commander overseeing battalions #1017, #1018, #1019 and #1020 in Ko Ko, Hpa-an District.

⁹⁵ See Source #312.

“Saw B--- was accused of being KNU intelligence. While he and his uncle, Saw C---, were going to [Meh K’Neh Hkee village] in order to send [money] to Saw B---’s daughter, who needed 55,000 kyat (US \$55.72)⁹⁶ for giving birth, eight soldiers under the control of Border Guard Battalion #1014, met them in A--- village, and started questioning them. Eventually, [the BGF soldiers] accused them of being KNU intelligence; then, they pummelled, beat and killed [Saw B---] using sticks and guns. Saw C---, was also pummelled and beaten, and he was seriously injured.”

Saw D--- (male, 23), B--- village, Hpa-an Township, Thaton District/Northern Mon State (Interviewed in September 2012)⁹⁷

KHRG documentation shows that village heads suffer from an expectation that they will collaborate with Tatmadaw and EAG troops. This has led to torture of both village heads and villagers. In one incident, a village head was tortured by BGF soldiers for not providing information on KNLA activities when called upon to do so at a meeting.⁹⁸ In a separate case, a villager agreed to deliver a letter from the KNLA to his village head, after which the village head reported the case to Tatmadaw soldiers, who then tortured the villager for six days specifically for delivering the letter.

“The [KNLA] commander asked him [Uncle E---] to bring the letter to the chairman [village head], and the chairman and other people who were in charge gathered and talked. The information in the letter was about help [some kind of assistance for the KNLA]. On that issue, [the village head] did not arrange [help for the KNLA], and reported the information in Uncle⁹⁹ E---’s letter to [Tatmadaw] LID #33, Military Operations Commander Hset Than. On October 10th 2012, the soldiers arrested him [Uncle E---] ... They beat him every time when they checked on him. Every time they beat him, they hooded him with [plastic] and a blanket. He was detained for six days. They fed him once a day. The [portion of] rice that they fed him once a day was as big as an egg and fed him nothing more. They accused him of being a Karen [KNLA] spy. They asked him for his gun and walkie-talkie, and every time they asked him for it, they beat him. And every time they beat him, he answered, ‘I don’t have gun [pistol] and walkie-talkie’.”

Incident Report written by a KHRG researcher, Ler Muh Lah Township, Mergui-Tavoy District/Tanintharyi Region (October 2012)¹⁰⁰

The villager managed to escape from his captors and fled from the area along with his family, until the commander responsible for his torture had moved from that area, one year later.

“Because Burmese [Tatmadaw soldiers] did not release him, he fled when they were drunk. After he fled, he had to go and hide in the jungle every day with his children and wife. After he fled, he had to pay 50,000 kyat (US \$50.66) for medical treatment. Problems followed for his family, including housing, disease, food and [knowing that he] dare not go or work [near the commander responsible for his torture]. So, he sold his two farms and had to move to the source of the river and work [earn money] by carting the canes and manila [the tree that people use to make rope]. He had to live for one year at the

⁹⁶ As of January 13th 2014, all conversion estimates for the Kyat in this report are based on the official market rate of 987 kyat to the US \$1.

⁹⁷ See Source #16.

⁹⁸ In January 2012, BGF #1013 Commander Saw Hpa Dah pointed a 9 mm submachine gun at the chest of Saw F---, and slapped his face and told him that he did not inform the BGF that the KNLA soldiers were in the village and that food was provided to the KNLA; see Source #363.

⁹⁹ *Pa Dtee* or *Dtee* is a familiar S’gaw Karen term of respect attributed to an older man that translates to “uncle,” but it does not necessarily signify any actual familial relationship.

¹⁰⁰ See Source #374.

source of the river. When the LID commander had left, he went back and lived next to C--- village.”

Incident Report written by a KHRG researcher, Ler Muh Lah Township, Mergui-Tavoy District/Tanintharyi Region (October 2012)¹⁰¹



These photos were received by KHRG on September 25th 2012, and show the two villagers from Hpa-an Township, Thaton District who were tortured by BGF Battalion #1014 soldiers on June 25th 2012 on suspicion of being KNU intelligence. The photo on the left shows 52-year-old Saw B--- after his torture led to his death and, on the right, 67-year old Saw C--- who survived the torture.¹⁰² [Photos: KHRG]

Violent abuse

This category is included in order to summarise concerns raised by villagers about incidents which fall short of the international legal definition of torture, but nonetheless constitute serious abuse perpetrated against civilians by military actors.

Since January 2012, villagers in Toungoo, Hpapun, Hpa-an and Dooplaya districts reported incidents of violent abuse of civilians by Tatmadaw, BGF, KNLA and DKBA soldiers. The chart below contains the date, location and details of these incidents, as well as perpetrator information when available.

Incident date	Location	Incident details	Perpetrator
January 15 th 2013	Hpa-an District	Intoxicated soldier fired a grenade inside a home, injuring the calf of the mother and waist of a one-year-old child ¹⁰³	BGF Commander Saw Day Day

¹⁰¹ See Source #374.

¹⁰² See Source #16.

¹⁰³ BGF Commander Saw Day Day first requested gasoline from a woman in her home, and after she said she did not have any, he picked up his M79 grenade launcher, went toward her and cocked it. It fired in a few seconds later. The grenade hit the calf of Ma G--- and her son who is one year and six months years old who was sitting on her calf. Because grenades of this type must travel a substantial distance to arm, the grenade did not explode, but it injured Ma G--- along her calf and injured the waist of her son; see Source #280.

Incident date	Location	Incident details	Perpetrator
June 26 th 2013	Toungoo District	30-year-old villager stopped while traveling on motorbike; forced to drink alcohol at army camp and beaten with the butt of a gun at his village ¹⁰⁴	Tatmadaw
October 18 th 2013	Hpapun District	Intoxicated security guard beat boat driver with 6 foot-long iron bar ¹⁰⁵	Security guard
2013	Hpa-an District	Villager beaten by intoxicated soldier: thrown against a wall, hit three times in the face and twice in the head after refusing to give money earmarked for teachers ¹⁰⁶	DKBA soldier
February 15 th 2012	Doooplaya District	Villager arrested for not having ID and beaten on head and back ¹⁰⁷	KNLA arrested villager, BGF physical assault
September 2012	Doooplaya District	20-year-old tractor driver shot at from a distance after not hearing a demand for food, injuring his leg ¹⁰⁸	DKBA Platoon Commander Neh Raw
October 15 th 2012	Hpapun District	Villager accused of being on a closed road, and punched three times and tied up overnight under a house ¹⁰⁹	KNLA 5 th Brigade Commander Saw Hpah Mee

¹⁰⁴ See Sources #249 and #262.

¹⁰⁵ See Source #364.

¹⁰⁶ See Source #241.

¹⁰⁷ See Source #112.

¹⁰⁸ See Source #138.

¹⁰⁹ See Sources #90 and #276.

Incident date	Location	Incident details	Perpetrator
2012	Hpapun District	65-year-old man hit in the head with 9 mm submachine gun multiple times on both sides of face after a BGF soldier entered village and saw KNLA soldiers ¹¹⁰	BGF #1013 soldier
2012	Hpapun District	46-year-old man physically assaulted for not delivering a letter ¹¹¹	Tatmadaw LIB #218 under command of Officer Aung Thu Ra
July - October 2012	Hpapun District	50-year-old man beaten on hands and face for not delivering a letter ¹¹²	Tatmadaw LIB #102, Column #2, LID #44 soldiers
November 2 nd 2012	Hpapun District	Villager punched several times for not paying a tax ¹¹³	BGF #1014 Commander Saw Maw Nee (Maw Nee Say)

¹¹⁰ See Sources #283 and #357.

¹¹¹ See Source #357.

¹¹² See Source #147.

¹¹³ See Sources #91 and #276.

D. Rape and sexual assault

During the conflict period, KHRG received regular reports of rape and sexual violence perpetrated against women and girls by soldiers in KHRG research areas.¹¹⁴ These cases were typically a consequence of militarisation of the region and a culture of impunity fostered within the ranks of the army, which placed women in situations of heightened vulnerability to such abuse.¹¹⁵ As the Karen Women Organisation (KWO) has documented, women serving as village heads were particularly vulnerable to rape and sexual exploitation by Tatmadaw soldiers.¹¹⁶ In 2008, the UN Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) expressed *“its deep concern at the high prevalence of sexual and other forms of violence, including rape, perpetrated by members of the armed forces against rural ethnic women, including...Karen... women. The Committee is also concerned at the apparent impunity of the perpetrators of such violence — although a few cases have been prosecuted — and at reports of threats against and intimidation and punishment of the victims.”*¹¹⁷

Only a small number of cases of rape and sexual assault were reported to KHRG in the years immediately preceding the ceasefire. Perhaps for cultural reasons, villagers were more likely to discuss the impact of older assaults. Villagers continued to report that because of their past experience of sexual violence, and the threat of such abuses in the future, they were particularly hesitant to take any actions that could bring them to Tatmadaw attention.¹¹⁸

This chapter includes incidents in which military or government actors were involved in rape and sexual assault. During the conflict period, sexual violence in particular communities was often dependent on the prevailing military situation; areas that had seen an influx of troops or changes in military dynamics or were characterised by the presence of a large number of armed soldiers who may feel free to sexually exploit the local population saw an increase in the number of assaults. A similar dynamic is evident in the cases recounted below.

Rape and sexual assault since January 2012

Since January 2012, villagers and KHRG researchers have reported two cases of rape, one each in Hpa-an¹¹⁹ and Hpapun¹²⁰ districts, and three, similar cases of sexual assault in Hpapun,¹²¹ and Thaton¹²² districts in Southeast Myanmar. During the reporting period, two of the sexual assaults reported were attributed to Tatmadaw soldiers,¹²³ and one to a member of a BGF.¹²⁴

¹¹⁴ See *Dignity in the Shadow of Oppression: The abuse and agency of Karen women under militarisation*, KHRG, November 2006, p. 47.

¹¹⁵ Ibid.

¹¹⁶ *Walking Amongst Sharp Knives*, Karen Women's Organization, February 2010, p. 14.

¹¹⁷ *Concluding Observations of the Committee to Eliminate Discrimination Against Women: Myanmar*, CEDAW, November 2008.

¹¹⁸ *All the information I've given you, I faced it myself*, KHRG, December 2011.

¹¹⁹ For the reported rape in Hpa-an District, see Source #144.

¹²⁰ See Source #385.

¹²¹ For the sexual assault case in Hpapun District, see Source #69.

¹²² See Source #68.

¹²³ For example, on June 16th 2012, Tatmadaw LID #44, #3 column's company second-in-command snuck into a woman's room and lifted her clothing in C--- village at 11 pm while he was staying at her house. When the soldier was detected, he ran away; see Source #313.

¹²⁴ For example, on August 21st 2013, BGF Battalion #1014 Sergeant Saw Dah Tu and his soldiers came to D--- village stayed at Ma D---'s house and at night time, Saw Dah Tu went into Ma D---'s room, where he forcefully kissed her without her permission; see Source #69.

One case of rape and killing was also linked to drugs sold by soldiers from a BGF.¹²⁵ KHRG researchers generally reported that cases had decreased in areas where military limited zones have restricted the ability of soldiers to wander freely in populated areas.¹²⁶

KHRG researchers have reported two rape cases tied to local military and civilian authorities. In the first case, a 25-year-old woman was raped by an employee of the Myanmar Government Agriculture Department. The perpetrator was put in jail, and his father paid 300,000 kyat (US \$303.95)¹²⁷ compensation to the victim.¹²⁸

The second rape case began when Naw B---, who lived in B--- village, was raped by Saw G---. In response, Naw B---'s parents agreed with Saw G---'s parents that the two should be married. On October 14th 2012, when Naw B--- was 21-years-old, she was raped and murdered by Saw G---. Villagers associated this act with Saw G---'s use of methamphetamine that had been manufactured by BGF Battalion #1016.¹²⁹

Researchers reported three separate incidents, two in Hpapun District¹³⁰ and one in Thaton District,¹³¹ where a Tatmadaw soldier entered a woman's bedroom surreptitiously, attempted to engage the woman in sexual activity and then fled when she resisted. One such incident, from Hpapun District, began when BGF Battalion #1014 Sergeant Saw Dah Tu and his soldiers came to D--- village on the afternoon of August 21st 2013, with the intent of attacking KNLA soldiers in retaliation for several injuries suffered by BGF soldiers in a skirmish with KNLA forces in Weh Gyi two days prior. When they arrived in D--- village, they stayed at Ma D---'s house. That night, Saw Dah Tu got drunk and went into Ma D---'s room, where he sexually assaulted her. After learning of this, Ma D---'s mother, Ma F---, went to Saw Dah Tu's commander, BGF #1014 Officer Saw Tin Win, and talked to him about what Saw Dah Tu had done to her daughter. Officer Tin Win compensated Ma D--- with 200,000 kyat (US \$202.63) after the meeting.¹³²

The victim's mother reported that her daughter, Ma D---, was hospitalized in Myaing Gyi Ngu Hospital due to trauma from the incident. The local KHRG researcher also explained that Ma D--- is afraid to report the incident to local authorities because she is unsure of the consequences of such action.¹³³

These abuses undermined any trust that the victims and their families had in the local military authorities. The victims or their relatives also reported that these abuses make them feel ashamed and lose confidence to face other people.¹³⁴

¹²⁵ On October 14th 2012, a 21-year-old woman named Naw B---, who was from B--- village, was raped and killed by her boyfriend, a 23-year-old man from B--- village, named Saw Pah Thoo Lay and the perpetrator is reported to have been using methamphetamines distributed by Border Guard Battalion #1016's Commander Mya Khaing; see Source #144.

¹²⁶ This information was provided to KHRG in November 2013 during consultations with KHRG researchers from Thaton and Hpa-an Districts.

¹²⁷ As of January 13th 2014, all conversion estimates for the Kyat in this report are based on the official market rate of 987 kyat to the US \$1.

¹²⁸ See Source #385.

¹²⁹ See Source #144.

¹³⁰ See Sources #67 and #385.

¹³¹ See Source #68.

¹³² See Source #385; for additional details gathered from untranslated notes on this case, see "Rape and sexual harassment Hpapun District, June and August, 2013," KHRG, November 2013.

¹³³ The amount of compensation given to Ma D---'s family by Saw Dah Tu and the trauma she suffered, provide some evidence that the incident may have been more severe than reported by Ma D---.

¹³⁴ According to KHRG researchers, many cases of rape and sexual violence are not reported due the victim's concern for the consequences of reporting. They worry that they might be punished or even killed by the

“When the incident [in which an army officer snuck into the daughter’s bedroom to engage her sexually] happened to my daughter, I was home actually, but I didn’t know it was happening. When I found out about it from my daughter, I was very angry, so I went to meet with the commander of the perpetrator. ‘They stayed at our house [as guests], so how could they sexually assault my daughter?’ [I asked]. The commander also promised me that he would not let something like this happen again in the future.”

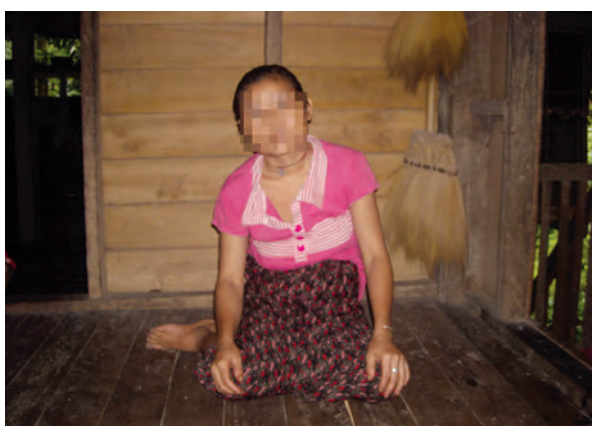
F--- (female, 50), D--- village, Meh P’Lee village tract, Bu Tho Township, Hpapun District/Northeastern Kayin State (August 2013)¹³⁵



This photo was taken on September 23rd 2013 in A--- village, Meh K’Law village tract, Bu Tho Township, Hpapun District. It shows the A--- village head, who described the rape of one of his villagers, Naw E---, by a Myanmar Government Hpapun Agriculture Department staff member, Ko Ah Ei.¹³⁶ [Photo: KHRG]



This photo was taken on October 7th 2013 in D--- village, Meh P’Lee village tract, Bu Tho Township, Hpapun District. It shows F---, who discussed the sexual assault of her daughter, D---, by the BGF Battalion #1014 Sergeant Saw Dah Tu.¹³⁷ [Photo: KHRG]



These photos were taken on September 9th 2012 in Dwe Lo Township, Hpapun District. The left photo shows C--- who was the victim of a sexual assault perpetrated by Tatmadaw LID #44, Column #3 Commander Moe Win. The left photo shows C---’s husband, who is the village head appointed by the Tatmadaw, and expressed his suffering at the harm to his wife and the disrespect shown by the Tatmadaw, for whom he is working.¹³⁸ [Photos: KHRG]



perpetrator after reporting the case. They also worry that the news might spread and that might lead to them not being able to get married because many men will not marry women who were raped by the armed groups. In addition, women may be less willing to talk to KHRG’s researchers, who are almost all male. For these reasons, it is likely that many more rape cases occurred in the Karen districts, but were not reported to KHRG.

¹³⁵ See Source #69.

¹³⁶ See Source #385.

¹³⁷ See Source #385.

¹³⁸ See Source #351.

KHRG has also received unconfirmed reports of multiple rape and sexual assault cases perpetrated by motorbike-taxi drivers on female labour migrants using their services to get to Thailand from Thaton and Hpa-an districts. These reports illustrate how the poor economic prospects of villagers may leave them vulnerable to sexual exploitation.¹³⁹ A KHRG researcher in Nyaunglebin District also reported that, due to the lack of economic opportunities in the district, many local women have migrated to Yangon in order to do sex work.¹⁴⁰

Recommendations

The Myanmar armed forces should take all necessary measures to realize their obligation to ensure that their soldiers do not commit rape or sexual assault. The military limited areas designated by the Tatmadaw and the KNLA should be maintained, as they confine soldiers to their camps; this has reportedly led to a decrease in sexual violence cases. Safe, anonymous reporting practices for incidents of rape and sexual assault should be developed or strengthened and made more accessible. Local organisations should play a role in ensuring the safety of women and girls as they migrate to other countries for work. Protections for female migrants within existing Thailand-Myanmar migration programs should be strengthened and expanded to cover more migrants by making the program more accessible and affordable for labour migrants.

¹³⁹ This information was provided to KHRG in November 2013 during consultations with KHRG researchers from Thaton and Hpa-an Districts.

¹⁴⁰ See Source #48.

E. Forced labour

Under the preliminary ceasefire agreement signed in January 2012, the Myanmar government and the KNU agreed to “*immediately end forced labour, arbitrary taxation and extorted villagers [sic]*” as a matter of principle.¹⁴¹ One month later, in February, the Government adopted the Ward or Village Tract Administration Act, repealing the Village Act and the Towns Act of 1907 and providing for the punishment of individuals who exact forced labour as a civilian penal offence, rather than under martial law.¹⁴²

In March of that year, the Government committed itself to a joint strategy with the International Labour Organization (ILO) for the complete elimination of forced labour by 2015. The plan includes ending forced labour imposed through land confiscation or resulting from the absence of necessary funding for authorities at the local level for infrastructure requirements, as well as forced labour associated with public works, construction or energy projects and in the private sector.¹⁴³

Orders by the Commander-in-Chief of Defence Services were also issued in April 2012 rendering the new law prohibiting forced labour applicable to the military with perpetrators being prosecuted under Section 374 of the Penal Code.¹⁴⁴ Additional commitments to end forced labour came out of the third round of Myanmar government-KNU ceasefire negotiations on September 2nd 2012.¹⁴⁵

In recognition of this progress, delegates at the June 2013 International Labour Conference (ILC) adopted a resolution to lift all remaining ILO sanctions on Myanmar. The Conference initially imposed restrictions on Myanmar in 1999 and 2000 to: pressure the Government to bring its legislation on forced labour in line with ILO Forced Labour Convention No. 29; end forced or compulsory labour imposed by authorities, particularly the military; and to enforce adjudication and prosecution of perpetrators. The resolution adopted by the Conference calls on ILO member states to provide financial support for the elimination of forced labour and invites the ILO's Governing Body to review the situation in Myanmar on issues relating to ILO activities, including freedom of association and the impact of foreign investment on decent working conditions in the country. It also requests that the ILO and the Myanmar government continue their commitments outlined in the 2007 Supplementary Understanding,¹⁴⁶ the 2012 Memorandum of Understanding (MOU)¹⁴⁷ and associated action plans for the elimination of all forms of forced labour by 2015. The ILO Director-General will submit a report to the ILO Governing Body sessions in March of each year until forced labour is determined to have been eliminated from the country.¹⁴⁸

¹⁴¹ See “Statement on initial agreement between KNU and Burmese government,” Karen Nation Union Website, January 13th 2012.

¹⁴² See “Discussions in the Governing Body” in Observation (CEACR) - adopted 2012, published 102nd ILC session, 2013.

¹⁴³ For the full text of the 2012 Memorandum of Understanding between the ILO and the RUM, see ILO Governing Body “Developments concerning the question of the observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No. 29)” Geneva, 313th Session, GB.313/INS/6(Add.), March 2012, Appendix 2.

¹⁴⁴ Disciplinary measures were taken against 166 military personnel and action taken under section 374 of the Penal Code against 170 other government officials and five military personnel; see Observation (CEACR) - adopted 2012, published 102nd ILC session, 2013.

¹⁴⁵ For more information on this third round of ceasefire negotiations, see “KNU and government verbally agree on ceasefire code of conduct,” Karen News, September 4th 2012.

¹⁴⁶ *Supplementary Understanding between the Government of the Union of Myanmar and the International Labour Office*, ILO, 2007.

¹⁴⁷ For the full text of the Joint Strategy between the Republic of the Union of Myanmar and the ILO on a comprehensive, joint, benchmarked strategy on the elimination of all forms of forced labour in Myanmar by 2015, see: http://www.ilo.org/gb/GBSessions/GB313/ins/WCMS_175839/lang--en/index.htm

¹⁴⁸ See “ILO lifts remaining restrictions in Myanmar,” 102nd International Labour Conference, Press Release, June 18th 2013.

Any demand levied on villagers that necessitates work or service against their will, including through production, gathering or delivery of goods, with any explicit or implied penalty for failing to do so, can be categorised as forced labour. In the years leading up to the ceasefire, KHRG documented forced labour in all seven of the locally-defined Karen districts. Demands for forced labour were often issued to village heads by Tatmadaw or EAG actors and were often accompanied by explicit or implicit threats of violence or other punishment.¹⁴⁹ Some of the demands were framed as requests for *loh ah pay*, a Burmese term for a form of voluntary labour to help with communal or religious projects. Describing forced labour this way continues a trend that was reported to KHRG before the ceasefire.¹⁵⁰

In determining whether an incident ought to be categorised as forced labour, KHRG relies upon the definition in Art. 2 (1) of the ILO Forced Labour Convention: “Forced or compulsory labour shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”¹⁵¹

Forced labour since January 2012

Since January 2012, villagers and KHRG researchers have consistently reported an overall decrease in the amount of forced labour in their research areas. Nonetheless, researchers have reported instances of forced labour in Nyaunglebin,¹⁵² Hpapun,¹⁵³ Dooplaya,¹⁵⁴ Toungoo,¹⁵⁵ Thaton,¹⁵⁶ and Hpa-an¹⁵⁷ districts in Southeast Myanmar. During the reporting period, forced labour was reported to have been perpetrated most frequently by the Tatmadaw¹⁵⁸ and BGFs,¹⁵⁹

¹⁴⁹ See *All the information I have given you, I faced it myself*, KHRG, December 2011, pp. 56-60.

¹⁵⁰ See “Living conditions for displaced villagers and ongoing abuses in Tenasserim Division,” KHRG, October 2009.

¹⁵¹ ILO C29 Forced Labour Convention (1930) Art. 2(1).

¹⁵² For example, LIB #599 which is based at Kyauk Pya village in Mone Township, Nyaunglebin District ordered Kyauk Pya villagers to cut bamboos and wood for making a fence; see Source #53.

¹⁵³ For example, in May 2012, the Company Commander Nyu Thein from Border Guard Battalion #1014 demanded that six villagers from three villages in Meh Pree village tract, Bu Tho Township, Hpapun District act as sentries for the battalion; see Source #300.

¹⁵⁴ For example, in March 2012, the Tatmadaw soldiers demanded that villagers from Ka Lee Hkee village, Kyainseikgyi Township, Dooplaya District construct a vehicle road, and then paid them 3,000 kyat (US \$3.04) per day; see Source #317.

¹⁵⁵ For example, in November 2012, the villagers of Kler La, Kaw Thay Der, Kaw Soh Hkoh, Maw Pa Der, Klaw Mee Der, Play Hsa Loh, Shgah Say Boh, Hker Weh, K’Thaw Pweh, and Htaw Hta Saw, which are near a Tatmadaw army camp in Toungoo District, were forced to carry food for the Tatmadaw soldiers, serve as messengers, cut bamboo and clear vegetation from the side of the vehicle road; see Source #32.

¹⁵⁶ For example, starting in April 2012, Tin Win and Thaw Ma from Tatmadaw Border Guard Battalion #1014 forced the villagers from Htee Kyuh village, Meh K’Na Hkee village and Htee Kyaw Hkee village, village, Thaton District, to clear the bushes, clear the fields and plant rubber and teak. The BGF soldiers did not pay any wages for this work; see Source #18.

¹⁵⁷ For example, in May 2013, the LIB # 357 commander ordered villagers from A--- village, Htoh Kaw Koh village tract, T’Nay Hsah Township in Hpa-an District to plough for him and the villagers brought their own tractors; see Source #165.

¹⁵⁸ For example, villagers from Th’Waw Thaw village, Dooplaya District were ordered to do forced labour by Tatmadaw soldiers on June 12th 2012; see Source #136. See also Sources #13, #32, #33, #36, #76, #191, #267, #274, #325 and #370.

¹⁵⁹ For example, six villagers from Meh Pree village tract, Hpapun District, were ordered to do forced labour by Border Guard Force Commander Maung Chit on February 22nd 2012; see Source #61. See also Sources #1, #2, #14, #15, #18, #60, #71, #74, #77, #78, #260 and #278.

and also by the DKBA,¹⁶⁰ Myanmar government officials,¹⁶¹ the KNLA¹⁶² and Monk U Thuzana.¹⁶³

“On June 30th 2012, I put 10 litres of oil in my tractor and I was going to my field. I had to cross Aw May K’La army camp and when I was crossing the camp, the Tatmadaw soldiers ask me to stop. They asked me to transport weapons to Gk’Neh Lay army camp. I had to take big guns, one was an 81 [millimetre mortar] and the other two were 55s [most likely type-55 120 mm mortars]. I had to take a total of three big guns. On that day, three tractors [belonging to villagers] had to go to Gk’Neh Lay army camp [to transport goods for the soldiers]. One [my tractor] transported big guns and another two [tractors belonging to other] villagers’ had to transport bullets. They didn’t give us petrol or pay us anything. We had to buy the petrol ourselves. I had put 10 litres into my tractor already, but it was not enough, so I had to refill it with two more litres in Leh Khaw village”.

Saw A--- (male 40), D--- village, Kawkareik Township, Dooplaya District/Southern Kayin State (Interviewed in June 2012)¹⁶⁴

Since the ceasefire, Tatmadaw, BGFs and affiliated individuals have demanded that villagers engage in agricultural labour¹⁶⁵ and logging¹⁶⁶ for profit making enterprises,¹⁶⁷ produce and deliver bamboo and thatch building supplies to armed forces,¹⁶⁸ act as guides for armed forces,¹⁶⁹ serve as sentries,¹⁷⁰ porter military equipment,¹⁷¹ maintain and build army camps,¹⁷² act as

¹⁶⁰ For example, village heads from A--- village, B--- village, C--- village and D--- village in Dooplaya District were ordered by the DKBA to send villagers’ hand tractors on January 19th 2012; see Source #22. See also Source #10.

¹⁶¹ For example, the E--- village secretary was forced to attend a meeting where sub-township level government officials demanded labour for road construction in Hpapun District on October 14th 2012; see Source #216.

¹⁶² KHRG received one report of forced labour by the KNLA, which was an instance of forced portering and forced sentry duty near Meh Lah village in Hpapun District; see Source #103.

¹⁶³ For example, villagers from Meh Mweh village tract, Day Wah village tract, Kyaw Pah village tract, Meh P’Ree village tract and Htee Th’Daw Hta village tract, Hpapun District were ordered to do work without pay for road construction by the Monk U Thuzana on January 27th 2013; see Source #279. See also Sources #74, #75, #83, #278, #279, #371 and #372.

¹⁶⁴ See Source #132.

¹⁶⁵ On May 6th 2012, villagers in Noh Kay village tract, Hpa-an District, were ordered by the LIB #548 to arrive in Nabu army camp at six o’clock in the morning to plough for them. The villagers also reported that they had to bring their own food and their own equipment for ploughing; see Source #123.

¹⁶⁶ On June 11th 2012, in Hpapun District, the F--- village leader was ordered by BGF Commander Maung Chit to meet with him without fail in Meh Mweh Hta Monastery and bring the villagers who can do logging with him to the meeting; see Source #210.

¹⁶⁷ See Sources #123 and #210.

¹⁶⁸ During April 2012, residents of four village tracts in Bilin Township, Thaton District faced demands from Tatmadaw LID #44 for building materials, including 5,000 bamboo poles and more than 20,000 thatch shingles, as well as for service as messengers; see Source #13.

¹⁶⁹ On November 1st 2012, Tatmadaw soldiers came into G--- village, Hkaw Poo village tract, Bu Tho Township, Hpapun district and ordered a 40-year-old villager to guide them. The government soldiers said that they lost the way and ordered the villager to send them back but we do not know how far they took him and Saw B--- had not returned as of the date of the report to KHRG, November 3rd 2012; see Source #285.

¹⁷⁰ On January 15th 2012, the Tatmadaw ordered a Nyaung Pin villager to go to their base, to cook rice and to bring them firewood while the Tatmadaw gave BGF soldiers training at the bottom of Htee La Neh mountain. The training period is two months and five people from each village such as Tee La Neh, T’Noh Ya, Ma Eh and Yaw Poh, had to go to the army base for five days at a time until the training was finished; see Source #110.

¹⁷¹ On November 22nd 2012, LIB #434 soldiers ordered four Hsaw Bgeh Der villagers to carry their equipment to Hpapun town and then back to Hsaw Bgeh Der village; see Source #274.

¹⁷² On April 15th and 16th 2012, in Hpa-an District, LIB# 599 forced villagers from Ta Kaw Bpwa village tract, Ta Gone sub-tract to repair military barracks and build three layers of fence around the camp; see Source #46.

messengers for battalions,¹⁷³ drive their own vehicles on errands for the soldiers,¹⁷⁴ and engage in “religious labour” for the benefit of individuals affiliated with the armed actors.¹⁷⁵ Villagers were also forced to make payments in lieu of providing labour.¹⁷⁶ These abuses represent a continuation of long-established patterns of forced labour and other demands.¹⁷⁷

“On November 1st 2012 at 7:30 am, the [Tatmadaw] Light Infantry Division #44 came into G--- village and left the village at 9:00 am and took my husband, Saw B--- with them to be a guide. I was harvesting the paddy on that day and on my way back to the village, before I arrived at my house, I was informed by my friend that my husband was arrested by the Burmese government army and I was very upset. I came home and saw my youngest child was alone in the house. Other people told me that the Burmese government army ordered my husband to be a guide, but that they were actually just making trouble. If they had strayed, they would have asked my husband to show them the way and then let him come back. But now, one and half days have passed and my husband has not come back yet.”

Naw C--- (female, 40), G--- village, Hkaw Poo tract, Bu Tho Township, Hpapun District/Northeastern Kayin State (Interviewed in November 2012)¹⁷⁸

During the reporting period, forced labour was demanded by soldiers who arrived at villagers’ homes.¹⁷⁹ At other times, villagers received letters from Tatmadaw commanders requiring them to attend meetings.¹⁸⁰ At these meetings, forced labour was often requested.¹⁸¹ In addition, “volunteer labour” was sometimes requested in letters, which was accompanied or followed up with an explicit or implicit threat, revealing that what was presented as a request was truly a demand for forced labour.¹⁸²

There were also some positive trends during the reporting period, as forced labour is reported to occur in a less threatening way, with Tatmadaw and BGF soldiers asking for labour politely or for shorter periods of time.¹⁸³ Moreover, the Tatmadaw battalions that demand labour have begun to pay wages to some of the villagers who are forced to work.¹⁸⁴ Despite these

¹⁷³ On December 12th 2012, in Hpapun District, Tatmadaw IB #96 Commander Yaing Ko Ko ordered a Waw Muh villager to send one packet of letters to MOC #44’s camp commander; see Source #314.

¹⁷⁴ On May 6th 2012, in Hpa-an District, the LIB #548 battalion commander ordered the Naung Kaing village head to send five tractors including one plough to LIB #548; see Source #205.

¹⁷⁵ Beginning in January and ongoing as of July 2013, monk U Thuzana, backed by BGF soldiers, ordered villagers in Bu Tho Township, Hpapun District to construct a bridge without payment, requiring ten people from each village to work seven days a week in shifts; see Sources #87 and #279.

¹⁷⁶ In Kyo Gyi army camp, in Nyaunglebin District, Tatmadaw LIB #264 met with village heads and demanded that two villagers serve as sentries each day and, if they could not serve as a sentry, each person would have to pay 2,000 kyat (US \$2.29) each day; see Source #48.

¹⁷⁷ For an account of different forms of forced labour documented by KHRG in 2011, see *All the information I’ve given you, I’ve faced it myself*, KHRG, December 2011, pp. 56-63.

¹⁷⁸ See Source #284.

¹⁷⁹ See Source #284.

¹⁸⁰ See Source #372.

¹⁸¹ See Source #373.

¹⁸² See Source #75.

¹⁸³ For example, the village tract leader of Htee Tha Bluh Hta village tract, Hpa-an District reported that when the local Tatmadaw commander asked villagers to come and repair his camp, he only demanded that they come for short periods, asked politely, and sometimes sent food; see Source #213. Multiple KHRG researchers mentioned that they had seen similar shifts in their areas.

¹⁸⁴ In March 2012, the Tatmadaw soldiers demanded that villagers from Ka Lee Hkee village, Kyainseikgyi Township, Doooplaya District to construct a vehicle road, and paid them 3,000 kyat (US \$3.04) per day; see Source #317.

improvements, these demands still constitute forced labour, and villagers perceive them as such.¹⁸⁵

In a discussion held in November 2013 with KHRG field researchers from Thaton, Toungoo, Nyaunglebin, Hpapun and Hpa-an Districts, the researchers uniformly reported a decrease in forced labour in their areas in the preceding months.¹⁸⁶ This is supported by trends in the documentation they have submitted to KHRG. KHRG has not received reports of forced labour since, at the latest, March 2013, in three of these districts.¹⁸⁷

In April 2013, KHRG received information regarding a forced labour incident in the Lay Kay area, Bilin Township, Thaton District that had stopped in September 2012.¹⁸⁸ The KHRG researcher who reported this change cited three reasons that this forced labour project had ceased: (1) The deterrent effect of KHRG's reporting to the International Labour Organisation; (2) the KNU-Government ceasefire agreement; and, relatedly, (3) the freedom of movement available to Tatmadaw soldiers during the ceasefire period meant that they no longer relied on villagers to collect goods for them to protect themselves from the risk of attack while traveling to procure supplies, but instead collected goods themselves.¹⁸⁹

Despite the reports from researchers regarding a decrease in forced labour, KHRG continued to receive reports of forced labour from Hpapun and Hpa-an districts throughout the reporting period. In Hpapun District, BGF Battalions #1013 and #1014, which had been the primary reported perpetrators of forced labour in 2012,¹⁹⁰ continued to make demands for villagers' labour throughout 2013.¹⁹¹ Villagers also reported that a villager in Bu Tho Township, Hpapun District, was forced to porter and to serve as a sentry for the KNLA in January 2013. While doing so, the soldiers the villager was working for engaged in combat with BGF Battalion #1014, and the villager was injured.¹⁹² This marks the continuation of a longstanding pattern of villagers

¹⁸⁵ In March 2012, the Tatmadaw soldiers demanded that villagers from Ka Lee Hkee village, Kyainseikgyi Township, Dooplaya District to construct a vehicle road, and paid them 3,000 kyat (US \$3.04) per day; see Source #317.

¹⁸⁶ While researchers from Dooplaya District, were not part of this discussion, it is worth noting that the most recent detailed report of an incident of forced labour cited events which took place in July 2012, though KHRG has received unconfirmed reports of continuing forced labour in Kawkareik Township as late as mid-2013; see Source #133.

¹⁸⁷ The most recent incident of forced labour reported in Thaton District was an incident of agricultural forced labour perpetrated by BGF #1014 in March 2013; see Source #260. Even more recently, in September 2013, BGF #1014 demanded logs and bamboo poles from Noh Kwa village, Hpa-an Township. It remains unclear whether fulfilling this demand required villagers to engage in labour producing or delivering these goods. If they did so, this would represent the most recent demand for forced labour in Thaton District reported to KHRG; see Source #361. In Thandaunggyi and Htantabin townships, Toungoo District, where villagers had previously been subject to regular demands for labour, villagers reported that, despite regular patrols of Tatmadaw troops, the Tatmadaw was no longer demanding forced labour at the end of 2012. See below for a photo of Tatmadaw LID #66 soldiers carrying their own rations in Htantabin Township, Toungoo District, in December 2012. In Nyaunglebin District, the most recent reported incident of forced labour took place on February 11th 2013, when Tatmadaw LIB #30 ordered villagers from Myaw Oo and Htee Toh Loh village, Mone Township to transport rations, weapons, and other supplies during a troop rotation; see Source #76.

¹⁸⁸ See Source #257.

¹⁸⁹ See Source #257.

¹⁹⁰ For accounts of forced labour by BGF Battalion #1014 in 2012, see Sources #300, #310 and #383.

¹⁹¹ For accounts of forced labour perpetrated by BGF #1014 in 2013, see Sources #278, #289, #379, #380, #381 and #382; by BGF Battalion #1013, see Sources #71, #278, #379, #380, #381 and #382. Source #71 describes the most recent incident of any kind of forced labour contained in this report, which took place on October 28th 2013.

¹⁹² See Source #103.

suffering injuries as a result of forced labour for armed actors.¹⁹³



These photos show villagers from Lay Kay village, Bilin Township, Thaton District, who were forced to make and deliver thatch shingles for Tatmadaw LIB #207 at Lay Kay army camp. The photo on the left shows villagers carrying the shingles from the village to the army camp. The photo on the right shows village leaders discussing the demand for shingles.¹⁹⁴ [Photos: KHRG]



These photos show soldiers from Tatmadaw LID #66 as they stopped in Kaw Thay Der village, Htantabin Township, Toungoo District, while carrying rations with them to Bu Hsa Hkee and Th'Aye Hta army camps in December 2012. The KHRG researcher took these photos of the soldiers performing their own labour because, in the past, Tatmadaw soldiers from these camps forced local villagers to porter rations to army camps for them.¹⁹⁵ [Photos: KHRG]

¹⁹³ For accounts of incidents where villagers were injured during forced labour before the ceasefire, see *All the information I told you, I faced it myself*, KHRG, December, 2011 pp. 58-59.

¹⁹⁴ See Source #154.

¹⁹⁵ See Source #163.

Villagers in Hpapun District also reported on forced labour for a large bridge-building project, demanded by a powerful BGF-affiliated monk, U Thuzana.¹⁹⁶ A KHRG researcher reported that, as of May 2013, the project was ongoing and being supervised by the commanding officer of BGF #1014, Maung Chit,¹⁹⁷ together with a monk who was one of U Thuzana's deputies.¹⁹⁸ At this point, the bridge project, and accompanying forced labour, had been ongoing for four months, and villagers estimated that the current phase of construction would last through the end of 2013, with more construction to follow.¹⁹⁹

“On January 27th 2013, there was an incident of forced labour mixed with religion that happened in Bu Tho Township, Noh Ta village, which is close to Yunzalin River. In order to be able to cross the river, they [workers under U Thuzana] started constructing the Htee Lah Eh Hta Bridge on January 27th 2013. To construct the bridge, five to ten people from each village will have to go and work seven days a week in shifts. In order to complete this bridge project in three years, they [villagers] will have to go on forced labour duty everyday, whether they are free or not. The villagers that have to do forced labour are from Meh Mweh village tract, Day Wah village tract, Kyaw Pah village tract, Meh P'Ree village tract and Htee Th'Daw Hta village tract. Every villager including men, women and children from those village tracts will have to go for forced labour. Until now, February 16th 2013, the villagers still have to go for forced labour in shifts.”

Situation Update written by a KHRG researcher, Bu Tho Township, Hpapun District/Northeastern Kayin State (January to February 2013)²⁰⁰

Likewise, villagers in Naw Ter Hkee village, Pee T'Hka village tract, Paingkyon Township, Hpa-an District, reported that they were subjected to forced labour for religious purposes in October 2013.²⁰¹ In addition, in both Hpa-an and Hpapun districts, Tatmadaw soldiers forced villagers to engage in agricultural labour without pay in 2013.²⁰² In Nabu Township, Hpa-an District, Tatmadaw LIBs #547, #548 and #549 forced villagers to engage in agricultural forced labour in both April 2012²⁰³ and May 2013.²⁰⁴ This marked a continuation of a trend from previous years.²⁰⁵

¹⁹⁶ For accounts of U Thuzana ordering villagers to construct a bridge without pay between January and June 2013, see Sources #74, #75, #83, #278 and #371. There is one account of this incident in which a KHRG researcher alleges that this forced labour project was not ordered by U Thuzana, but rather by Tatmadaw soldiers using the monk's name without his permission; see Source #81. U Thuzana is an influential Buddhist monk based in Myaing Gyi Ngu who was instrumental in the formation of the DKBA in 1994; see "Inside the DKBA," KHRG, March 1996. In 1995, KHRG reported that U Thuzana had collaborated with the Tatmadaw and met with then-Southeastern Commander Major General Maung Hla to obtain weapons and supplies for 4,000 soldiers in his monastery. As a result of the agreement, U Thuzana's monastery in Myaing Gyi Ngu, in northern Hpa-an District, reportedly developed a reputation as a mystical safe haven for villagers avoiding Tatmadaw abuses. See "Karen Human Rights Group commentary," KHRG, February 1995.

¹⁹⁷ Commander Maung Chit, also referred to as Maw Hsee, is the commander for Tatmadaw Border Guard Force battalion #1014 in Hpapun District. Maung Chit is not to be confused with Maung Chit Thu (typically referred to as Chit Thu), who is a senior level BGF commander overseeing battalions #1017, #1018, #1019 and #1020 in Ko Ko, Hpa-an District.

¹⁹⁸ See Source #81.

¹⁹⁹ See Source #81.

²⁰⁰ See Source #278.

²⁰¹ See Source #362.

²⁰² For forced labour in Hpa-an District, see Source #164. For forced labour in Hpapun District, see Source #384.

²⁰³ See Source #126.

²⁰⁴ See Source #165.

²⁰⁵ Agricultural forced labour was ordered by the DKBA Battalion #216 Commander Mya Hkaing shortly before he became the commander of BGF Battalion #1016 in 2011. Though Mya Hkaing was technically not a government actor at the time of this incident, it is relevant that he was moved into a command position in the Tatmadaw so soon after perpetrating this abuse. See "Pa'an Situation Update: T'Nay Hsah Township,

“On May 9th 2012, the armed actor of T’Nay Hsah [Nabu], the [Tatmadaw] LIB #548 wrote one letter to me about ploughing [farmland] for them. We have to do forced labour every year. We have to work for them by ploughing, sowing rice, reaping the paddy and then collecting the [cut] paddy in the [storage] place. Therefore, if you [the KHRG researcher] can help me, I want you to report this for me, to spread it to the international [media and community]. Every village tract and every village in T’Nay Hsah Township has to do forced labour every year. Therefore, if you can do one thing, please help us.”

Saw D--- (male), H--- village head, H--- village, Nabu Township, Hpa-an District/Central Kayin State (Interviewed in May 2012)²⁰⁶

Local response

Villagers responded to demands for forced labour by refusing requests for forced labour or only doing a portion of the forced labour demanded.²⁰⁷ Villagers demanded payment for goods they had been forced to provide,²⁰⁸ and negotiated to have their expenses paid as they engaged in unpaid forced labour.²⁰⁹

Recommendations

The ILO, in cooperation with the Myanmar government, local organisations and villagers, should continue its efforts in monitoring and taking action on specific forced labour cases, paying special attention to rural areas and places where the media and international attention typically does not reach. To support these efforts, the Government should allow the ILO safe and free access to non-government controlled, rural areas. The ILO and other organisations should continue to give training to local communities to ensure they understand their rights and the different forms of forced labour. All actors interested in monitoring forced labour should pay attention to trends toward more discreet demands for forced labour and of voluntary labour being exploited for ‘cultural’ or ‘religious’ purposes or for EAGs, which may still amount to forced labour. The Government should provide adequate salary and supplies for soldiers so they do not have to rely on villagers for labour or money; this applies to both Tatmadaw and BGF soldiers. The leaders of the Tatmadaw and BGFs should take responsibility to give additional training to their soldiers, to prevent them from perpetrating forced labour. Villagers should be paid for all labour they undertake or have undertaken on behalf of any Tatmadaw, BGF, Government, EAG, or private actor, though payment alone is insufficient—all labour must be undertaken voluntarily.

September 2011 to April 2012,” KHRG, July 2012. For KHRG documentation of Tatmadaw LIBs #547, #548 and #549 demanding villagers do agricultural labour without pay in both 2011 and 2012, see Source #109.

²⁰⁶ See Source #122.

²⁰⁷ For example, a villager in T’ Weh Dah, Htooth Kaw Koh village tract, Nabu Township, Hpa-an District, initially refused to do farmwork demanded by the commander of Tatmadaw Battalion #357, and then agreed to do only one of the four days demanded; see Source #165.

²⁰⁸ I--- village head Daw E--- requested payment from LIB #44 soldiers who had demanded that her village provide them with thatch shingles and bamboo poles, but the soldiers refused; see Source #13.

²⁰⁹ For example, in On October 26th 2013, Naw Ter Kee village, Pee T’Hka village tract, Paingkyon Township, Hpa-an district, villagers negotiated the cost of petrol from BGF #1015 Commander Kya Aye, who had demanded that they transport a performer to an event hosted by BGF #1015; see Source #362.



These photos were taken in April 2012 in Nabu Township, Hpa-an District. The photos show local villagers from Htee Hpoh Kyaw, Mya P'Deh and Noh Ta Pweh village tracts using their own hand tractors to plough a flat field in preparation for planting paddy, as ordered by Tatmadaw LIBs #547, #548 and #549. Villagers from each village tract were forced to plough ten acres of land with the use of their own hand tractors.²¹⁰ [Photos: KHRG]



The photos were taken on April 7th 2012 in Kyaik Khaw and Kyaikto towns, Bilin Township, Thaton District. The first photo shows many stacks of thatch shingles piled along the road for the Tatmadaw LID #44. The photo on the right shows the thatch shingles loaded in the truck and transported in the direction of where the LID #44 base is located. Five days before, on April 2nd, villagers in this area had been forced to deliver a total of 21,000 thatch shingles and 5,000 bamboo poles to LID #44.²¹¹ KHRG believes that these are the materials shown.²¹² [Photos: KHRG]



The above photos were taken on September 5th 2012, in Boh Hta village, Meh Klaw village tract, Bu Tho Township, Hpapun District. These photos show villagers transporting bamboo to a Tatmadaw camp. The villagers were forced to do this by Tatmadaw LIB #340 without payment.²¹³ [Photos: KHRG]

²¹⁰ See Source #126.

²¹¹ See Source #325.

²¹² See Source #13.

²¹³ See Source #356.

F. Forced recruitment

This chapter includes incidents in which villagers were forced to register or serve in government armed forces (Tatmadaw or BGFs), militias and EAGs.

International law prohibits the conscription of minors into state or non-state armed forces.²¹⁴ Furthermore, the Forced Labour Convention of 1930 prohibits conscription of adults unless it is carried out in accordance with national legislation providing for compulsory military service.²¹⁵ As a party to this Convention, Myanmar is bound by its provisions.²¹⁶

A conscription law was passed by the Myanmar government in 1959, and was replaced by a 2010 law.²¹⁷ Both laws contain a provision that they only come into force when notification is issued by the president, thus reserving a future possibility for conscription. No notification was ever issued under the 1959 or 2010 laws, meaning its provisions are not currently in force and recruitment into the Tatmadaw amounts to forced labour.

Since 2003, the KNLA has maintained a recruitment policy, requiring each family in areas under KNU influence with two or more sons to send one over-18 male to serve for at least two years without official pay.²¹⁸ However, it is not possible to obtain a written copy of this policy.²¹⁹ While many Karen villagers living in Southeast Myanmar describe a sense of allegiance to the KNU/KNLA and are willing to join the army, this is not necessarily the case for all civilians in KNU areas.

The issue of conscription presents additional problems for individuals living in mixed control areas, as young men may be subject to compulsory service in multiple armies.

The transformation of much of the DKBA into BGFs has meant that recruits who voluntarily or forcibly joined the DKBA, then became members of the national armed forces after the formal integration.²²⁰ Akin to those implored to join the KNLA, some DKBA conscripts are likely to feel

²¹⁴ The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OPAC), adopted by the UN General Assembly on May 25th 2000, sets 18 as the minimum age for direct participation in hostilities and for compulsory recruitment by state armed forces and also prohibits the recruitment or use in hostilities of under-18s by non-state armed groups. For a comprehensive list of international legal standards protecting children from military recruitment or use in hostilities, see “International Standards,” Child Soldiers International Website, accessed March 31st 2014.

²¹⁵ Article 2 (a): “forced labour shall not include any work or service exacted in virtue of compulsory military service laws for work of a purely military character, Forced Labour Convention, 1930 (No. 29), Adopted in Geneva, 14th ILC session, June 28th 1930.

²¹⁶ Myanmar ratified the 1930 Forced Labour Convention No. 29 on March 4th 1955.

²¹⁷ For the official translation of the full text of Myanmar’s conscription law, see “SPDC Military Conscription Law-english-burmese,” Democracy for Burma, January 12th 2011.

²¹⁸ Beginning in 1949, the KNLA recruited males at least 16 years of age into the army, but shifted to at least 18 years as of 2003. KNLA soldiers do not receive a salary, but are provided with food rations by the KNU and their families receive some monetary support via KNU taxes on the local community. The eldest son typically does not serve in the army and instead remains at home to care for the family and land. Furthermore, while KNLA soldiers may be recruited for two or three years, soldiers are encouraged to remain in the army for much longer periods of time. This information was provided to KHRG during a meeting with KNLA leadership in March 2014.

²¹⁹ When contacted, KNLA leadership acknowledged that there has been no written policy since 1995, when a fire in Manerplaw destroyed documents and hard drives containing the KNLA’s recruitment policy.

²²⁰ DKBA battalions were officially transformed into Border Guard Force battalions under the control of the Tatmadaw in September 2010, containing a fixed quota of Tatmadaw officers in each battalion. DKBA battalions in Hpapun District (5th Brigade) refused this transformation and began fighting Tatmadaw forces

an allegiance to the group that they are less likely to feel for the Government. As is described in testimony below, some of the DKBA soldiers who had finished their initial 1.5 or 3 year service commitment were ordered to extend their period of service as BGF soldiers, leading to desertions and attempts by high-ranking BGF commanders to forcibly recruit the deserters back into the army.

Pyithu Sit, which translates to ‘people’s militia’, refers to different types of armed formations in Myanmar. Traditionally, the term refers to village-level paramilitary groups formed and controlled by the Tatmadaw, into which civilians are conscripted.²²¹ However, some small, relatively autonomous, ethnic armed groups working in cooperation with local Tatmadaw battalions have also taken this label.²²²

The International Labour Organisation (ILO) has been cooperating with the Myanmar government under a formal agreement since 2002 to implement strategies to end forced labour, including strategies to address forced recruitment of adults and children into the Tatmadaw.²²³ In June 2012, the Myanmar government made an additional commitment to end the recruitment and use of children under 18 years of age in its armed forces. This commitment was signed with the UN Country Task Force on Monitoring and Reporting (CTFMR) under the framework of UN Security Council Resolution 1612.²²⁴ In July 2013, the KNLA signed an agreement with Geneva Call, committing to measures designed to ensure that recruitment is only for individuals over 18 years of age.²²⁵

Forced recruitment since January 2012

Throughout the past 20 years, KHRG documentation has provided evidence that villagers have been conscripted into the Tatmadaw and EAGs against their will.²²⁶ Since the January 2012 ceasefire, KHRG researchers and villagers have raised the issue of forced recruitment in five

in September 2010. In early November 2011, 5th Brigade signed a ceasefire agreement with the Myanmar government in which demands for its forces to transform into BGFs were removed, and the brigade has moved to re-establish its headquarters at Waw Lay, Kawkareik Township, Dooplaya District.

²²¹ This is the most common use of the term in Karen areas of Southeast Myanmar for village militias of conscripted civilians, though some small splinter factions from EAGs also appear to use the term. For example, in 2010, some of the DKBA battalions that did not initially transform to Border Guard battalions established *Pyithu Sit*’s (local militia groups). Initially, disaffected former DKBA officers forcibly recruited villagers (five people from each village in the area had to serve, on a rotating basis, for one month) to join *Pyithu Sit*’s, but these were eventually incorporated into Border Guard battalions.

²²² At least eight local militia groups in other parts of Myanmar were officially brought into the Tatmadaw under the same programme that formed BGFs, but take the name ‘*Pyithu Sit*’. See *Ethnic Politics in Burma: The Time for Solutions*, Transnational Institute, February 2011, p. 10.

²²³ The ILO monitors the issue of forced recruitment through its “Joint Action Plan” with the Myanmar government. Between 2007 and October 2013, the ILO has operated a nationwide forced labour complaints mechanism, receiving 962 complaints of under-age recruitment and 124 complaints of forced adult recruitment in Myanmar during that time; see “Update on the operation of the complaint mechanism in Myanmar,” ILO, October 2013.

²²⁴ The CTFMR, composed of members from UNICEF, UNHCR, ILO, UNOCHA, UNDP, WFP, UNFPA, Save the Children and World Vision, is working with the Tatmadaw to facilitate the release of individuals recruited under the age of 18 years; see Ye Lwin Oo, “Government of Myanmar and the United Nations sign landmark Plan of Action to release children from armed forces,” UNICEF, June 27th 2012.

²²⁵ See “The KNU/KNLA commits to the protection of children and the prohibition of conflict-related sexual and gender-based violence,” Geneva Call, July 24th 2013.

²²⁶ For KHRG documentation on forced recruitment in 2011, see ‘*All the information I’ve given you, I faced it myself*,’ KHRG, December 2011, pp. 68-69; see also “Forced recruitment of child soldiers: An Interview with two DKBA deserters,” KHRG, August 2009; “Forced recruitment, child soldiers in the Burma Army: Interviews with SPDC deserters,” KHRG, June 2009; *Growing up under militarisation: Abuse and agency of children in Karen State*, KHRG, April 2008, pp. 140-158.

out of the seven Karen districts: Hpa-an,²²⁷ Hpapun,²²⁸ Thaton,²²⁹ Nyaunglebin²³⁰ and Dooplaya.²³¹ Villagers reported the forced recruitment of men into BGFs,²³² Tatmadaw people's militias²³³ and an independent militia controlled by a BGF commander.²³⁴

Villagers reported that they were forced to join an army against their will²³⁵ or remain as a soldier for longer than the original enlistment period.²³⁶ Villagers also reported that taxes were levied in lieu of recruitment on either the would-be-conscripts themselves or on their village heads.²³⁷

"The Thaung Kyan Thu Hsan Kyin Yin A Pwe [anti-insurgency militia] is led by Moe Nyo,²³⁸ [who] is still ordering villagers to serve as soldiers in his organisation. Two people from different villages have to serve as soldiers [for one month shifts, on a] monthly [rotating basis].²³⁹ If they do not go, they have to pay 50,000 kyat (US \$50.66)²⁴⁰ per person. Regarding this issue, villagers have complained, but they dare not prevent it."

Situation Update submitted by a KHRG researcher, Hpa-an Township, Thaton District/Northern Mon State (July to November 2013)²⁴¹

²²⁷ In March 2012, BGF soldiers demanded a village head in Nabu Township, Hpa-an District to find deserters and re-enlist them in the BGF; see Source #160.

²²⁸ After BGF soldiers pressured a village head in Bu Tho Township, Hpapun District, to provide soldiers in January 2012, one villager joined a BGF; see Source #286.

²²⁹ In separate instances in 2012 and 2013, an anti-insurgency group, founded and led by BGF #1014 commander Moe Nyo, demanded that villagers from Hpa-an Township, Thaton District serve as soldiers on a monthly basis or pay 50,000 (US \$50.66) per month in lieu; in 2013, see Source #361; in 2012, see Sources #3, #4, #15 and #18.

²³⁰ The Tatmadaw demanded villagers to submit militia registration lists to the Kyaukkyi operations command in Nyaunglebin District in August 2013; see Source #270.

²³¹ A BGF Battalion (formerly DKBA #999 and led by Major K'Toh in Taung Thon Lo army camp) demanded villagers to serve as soldiers in July 2012 in Kawkareik Township, Dooplaya District, but the villagers refused and provided money for soldiers' salaries instead; see Source #130.

²³² For example, BGF Battalion #1014 Commander Maung Chit attempted to recruit soldiers without payment in September 2012 in Bu Tho Township, Hpapun District; see Source #312. In Nabu Township, Hpa-an District, BGF battalions #1016, #1018 and #1019 held a meeting in October 2012 informing villagers that 22 soldiers who had completed their one and a half year service would not go on reserve status, but would continue to serve on active duty; see Source #145.

²³³ For example, see Source document #256 for a report detailing Kyaukto Township villagers efforts to leave the local militia by returning their weapons to the Tatmadaw in September 2013, and Tatmadaw IB #8's refusal to accept all guns.

²³⁴ For example, KHRG received reports of ongoing forced recruitment (as of November 2013) into BGF Battalion #1014 Commander Mo Nyo's militia, requiring two villagers from five villages in Hpa-an Township, Thaton District to service as soldiers on a monthly basis; see Source #361.

²³⁵ Between 2010 and June 2012, G--- village in Thaton District was forced to send four villagers every month to serve in a BGF militia; a villager explained that, "Even if we don't want to, we can't do anything because they have guns;" see Source #6.

²³⁶ In April 2012 a soldier from A--- village, Bu Tho Township, Hpapun District requested to leave the BGF after he had served his initial enlistment period of three years, but was forced to remain in the army; see Source #56.

²³⁷ Between July and November 2013, villagers in Thaton District were ordered to serve in an anti-insurgency militia led by a BGF commander; if they could not serve they were required to pay 50,000 kyat (US \$50.66) per villager, see Source #361.

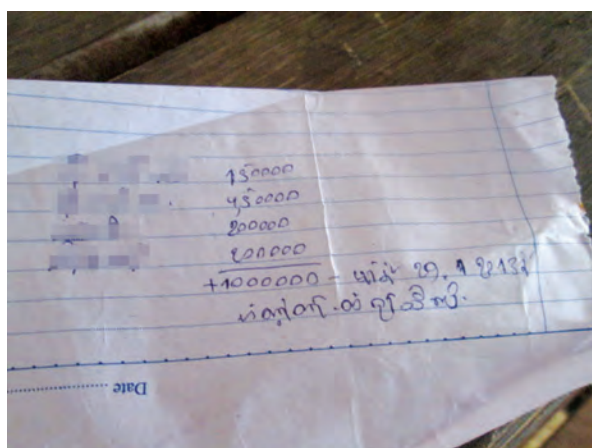
²³⁸ According to a KHRG researcher, Moe Nyo was a former DKBA commander who, in 2010, refused the DKBA-BGF transformation and instead formed an independent anti-insurgency militia along with approximately six of his subordinate DKBA soldiers. However, in 2012 he joined the BGF as commander of Battalion #1014, based at Noh Hpoh Moh in Hpa-an Township, Thaton District; see Source #3.

²³⁹ This monthly service was reported as ongoing between July and November 2013; see Source #361.

²⁴⁰ As of January 13th 2014, all conversion estimates for the Kyat in this report are based on the official market rate of 987 kyat to the US \$1.

²⁴¹ See Source #361.

Villagers explain that conscription demands are very difficult to refuse, as they are backed with explicit or implicit threats of violence. Since the ceasefire, KHRG has documented different tactics used by commanders to intimidate families and the larger community into providing soldiers or money in lieu. Villagers fear that they will be killed or imprisoned if they do not join an army,²⁴² or face movement and livelihood restrictions by that armed actor.²⁴³ Following the desertion of soldiers, commanders have visited village heads and demanded that they find those who left, force them to re-join or pay money in lieu of doing so.²⁴⁴



This photo was taken by a KHRG researcher on May 5th 2013 in B--- village, Htee Tha Daw Hta village tract, Hpapun District. It shows the names of the four villages and an amount of money that was required by a BGF to avoid recruitment. According to the KHRG researcher, in previous years, the DKBA would forcibly recruit one villager from each village for three-years. The year one villager was supposed to be discharged, BGFs were established and he was forced to serve one more year. In 2013, Commander Maung Chit²⁴⁵ demanded that the soldier be replaced, stating that if the villagers failed to do so, they would have to pay 2,000,000 kyat (US \$2,026.34). The photo above shows a tally of the combined money raised by the four villages.²⁴⁶ [Photo: KHRG]



This photo was taken by a KHRG researcher on October 8th 2012 of Saw A--- in C--- village, Kyaw Hpa village tract, Hpapun District. Saw A--- reported that a BGF attempted to forcibly recruit soldiers in 2012, and that they demanded money when the villagers did not provide them with men. KNLA soldiers told the villagers not to serve in the BGF or provide money in lieu of recruitment. According to the researcher who took this photo, the villagers followed these directions and the BGF could not do anything in response.²⁴⁷ [Photo: KHRG]

²⁴² For an interview with a village leader in Thaton District, who expresses such fear if villagers do not join a BGF militia, see Source #6; see Source #7 for an interview with a villager who fears imprisonment or death if he does not join a BGF militia.

²⁴³ A villager in Bu Tho Township, Hpapun District explains that the village head is forced to send villagers or money to BGF soldiers if they want villagers to be able to travel freely in their village tract areas; see Source #286.

²⁴⁴ On March 29th 2012, a BGF commander demanded that a village head in Nabu Township, Hpa-an District find deserters living in his village. When the village head met with the deserted villagers, he found they had already completed their 1.5-year service; see Source #160.

²⁴⁵ Commander Maung Chit, also referred to as Maw Hsee, is the commander for Tatmadaw Border Guard Force (BGF) battalion #1014 in Hpapun District. Maung Chit is not to be confused with Maung Chit Thu (typically referred to as Chit Thu), who is a senior level BGF commander overseeing battalions #1017, #1018, #1019 and #1020 in Ko Ko, Hpa-an District.

²⁴⁶ See Source #245.

²⁴⁷ See Source #357.

KHRG has also documented cases in which commanders have pressured soldiers' parents to send other siblings to replace them. In one such case, a man was required to serve in a BGF after his brother deserted and joined a monastery.²⁴⁸ KHRG documentation illuminates how such demands put pressure on village heads and create tension between village heads and villagers. The fees required in lieu of recruitment also place financial burdens on families who are often struggling with their livelihood activities or are already in debt.

"If the villagers don't want to do [serve in a BGF militia], we can't do anything [to resist] because they have guns. In my village, we have to provide four people per month and if they can't go, we have to hire someone to replace them. D--- village has to provide four people every month since October 2010."

U B--- (male, 44), E--- village, Hpa-an Township, Thaton District/Northern Mon State
(Interviewed in June 2012)²⁴⁹

"They have guns and we were afraid, so we just obeyed month after month and eventually it just became a regular order that we followed. We will always pay because the village head already promised them that we will; if we don't, they will kill us. If we don't give them [recruits or money], they will put us in jail."

Saw C--- (male, 50), F--- village, Hpa-an Township, Thaton District/Northern Mon State
(Interviewed in June 2012)²⁵⁰

"On March 29th 2012, BGF soldiers came into our village and tried to find some deserters.²⁵¹ They began calling on people who had already served in the military for one year and six months, went back to the deserters' homes and ordered the village heads to arrest the deserters for them. When the village head went to the deserters and told them that the BGF had ordered them to go back to the military camp, one deserter replied that he did not want to be a soldier of the BGF anymore and that he had already served the military for one year and six months, and [that he was] very happy to be back at home. 'You [the village head] are a spy of the BGF because you are telling me to go back to the military camp. Give me 5,000,000 kyat (US \$5,065.86) if you want me to serve in the military again. At first you told me that I had to serve one year and six months and I already did it. You must [now] pay [me] the amount of money I ask [from you] if you want me to be a soldier again', he said."

Situation Update written by a KHRG researcher, Nabu Township,
Hpa-an District/Central Kayin State (May 2012)²⁵²

"In the past, we could live comfortably with enough income, but now we have to live in a very crowded way and deal with the government [Tatmadaw] militia recruiting soldiers who are poor and have to borrow money to pay someone else [to serve in their place]. After they pay back their debt, they are left with nothing. Some can't afford to pay, so they have to flee to other places."

Saw C--- (male, 50), F--- village, Hpa-an Township, Thaton District/Northern Mon State
(Interviewed in June 2012)²⁵³

²⁴⁸ In May 2012, after two men (aged 17 and 20) deserted from the BGF Battalion #1014, Commander Kyaw Beh demanded the family of one of the former soldiers to re-enlist the deserter or to provide a different son to serve in his place; see Source #288. While word 'deserter' is used in testimony, the soldiers had actually completed their one and a half year enlistment period.

²⁴⁹ For interview with U B---, see Source #6.

²⁵⁰ For interview with Saw C---, see Source #7.

²⁵¹ While the KHRG researcher uses the word 'deserter', the soldiers had actually completed their one and a half year enlistment period.

²⁵² See Source #160.

²⁵³ For the full interview with Saw C---, see Source #7.

Local response

Since January 2012, villagers have reported several methods to avoid recruitment into armies and militia. KHRG documentation describes how villagers often avoid recruitment by paying money directly to the armed actor in lieu of serving or hire other villagers to serve in their place.²⁵⁴ Villagers also describe how village heads and villagers negotiate with commanders to reduce the number of soldiers demanded for service,²⁵⁵ or negotiate with commanders to convince them not to force villagers to remain in the army for longer than the original conscription period.²⁵⁶

Three cases in particular exemplify the great lengths to which villagers will go to avoid recruitment, and the difficulties they face in avoiding such demands. In April 2012, two BGF Battalion #1013 soldiers, aged 17 and 20, were informed that they could not leave the army despite completing their three years of service, and subsequently deserted to a monastery and became monks.²⁵⁷ In a separate case, five families fled from their villages to other areas in Myanmar and to Mae La Refugee Camp in Thailand to avoid recruitment.²⁵⁸ In a third case, villagers attempted to give up their guns to indicate that they no longer want to serve in a Tatmadaw militia in the ceasefire period, offering up to 50,000 kyat (US \$50.66) per gun, but were only allowed to return eight out of 16 guns.²⁵⁹

“In April 2012, [a young male] from H--- village was forcibly recruited [re-enlisted] by a BGF and told that he could not quit after [he had served in the DKBA] for three years, even though his enlistment was complete. [He] fled to the [nearby] village and became a monk. The BGF battalion commander who committed the abuse, Kyaw Beh Law La, asked the village leader to make arrangements and send him [the soldier] back. The parents of the soldier who fled also had to go to the BGF base, accompanied by the village leader. The village leader told them [BGF soldiers] that he couldn’t arrange [the return], that the soldier had become a monk and he [the village leader] didn’t know where he [the soldier] had gone. So, the village leader told them to find him and call him back themselves. After this, the villagers met with the village leader who suggested sending him away so that they [the BGF soldiers] would be unable see him anymore. They were full of worry and they tried to live under those worries, while thinking about what to tell the BGF.”

Incident Report written by a KHRG researcher, Bu Tho Township, Hpatun District/Northeastern Kayin State (April 2012)²⁶⁰

²⁵⁴ For examples of villagers paying money in lieu of recruitment, see Sources #145, #245 and #361.

²⁵⁵ In June 2012, villagers from five villages in Hpa-an Township, Thaton District negotiated with BGF militia Commander Maung Nyun to decrease his demand for five villagers from each village to serve as soldiers; see Source #6.

²⁵⁶ For example, in March 2012, a village head in Nabu Township, Hpa-an District negotiated with BGF soldiers by informing them that the villager the BGF soldiers had sought to conscript had already served his 1.5 year commitment; see Source #160.

²⁵⁷ See Source #288.

²⁵⁸ See Source #7.

²⁵⁹ See Source #256.

²⁶⁰ For the full incident report, see Source #56.

“Because of militia recruitment, some households have fled from the village. We negotiated with them to reduce the number of people for recruitment. There is no problem [for people] who are rich, but it is really difficult for those who don’t have much money and they have to borrow it from someone else. For some, it is not easy to pay back their debt. Some fled to Mae La Refugee Camp, some fled to [other places in Myanmar, such as] Myawaddy, Ko Ko and T’Raw Pa Doh.”

Saw C--- (male, 50), F--- village, Hpa-an Township, Thaton District/Northern Mon State
(Interviewed in June 2012)²⁶¹

“People from Kyauk Lon Kyi village tract, were given 16 guns in order to serve in the Pyithu Sit. They tried to give the guns back to the Tatmadaw IB [Infantry Battalion] #8 but the Tatmadaw did not accept all of the guns. This means that there will always be militia in the area. Villagers paid the Tatmadaw IB #8 25,000 kyat (US \$25.34) per gun in order for them to return them and the IB #8 accepted eight guns. Villagers are trying to think of ways to give back the other eight guns and they have offered to pay 50,000 kyat (US \$51.39) for each, but the Tatmadaw has not accepted them.”²⁶²

Short Update written by a KHRG researcher, Bilin Township,
Thaton District/Northern Mon State (September 2013)²⁶³

Recommendations

No conscription should occur into the Myanmar state armed forces or militias, including of former EAG soldiers who were integrated into the Tatmadaw as Border Guard soldiers unless in accordance with properly enacted national laws. The Myanmar government should uphold its commitment under international law and coordinate effectively with international monitors to end illegal recruitment of adults and all recruitment of children into its armed forces. This must include taking responsibility for ongoing forced recruitment into the BGFs and into Tatmadaw militias, as well as monitoring and ending ongoing demands for money in lieu of recruitment.

The KNU must make its conscription policy public and clarify to whom it applies and in which geographic areas. EAGs should sign agreements with local or international organisations, such as the *Deed of Commitment* signed between Geneva Call and the KNU/KNLA, with clear commitments to end the use of child soldiers in armies, and should be monitored closely for compliance.

Any conscription law or policy should include clear limitations on required time of service and provisions for salary and benefits for conscripted soldiers.

²⁶¹ For the full interview with Saw C---, see Source #7.

²⁶² According to unpublished information received by KHRG, Tatmadaw IB #96 was also based in Kyaikto Township as of August 2011. LIB #9, under LID #44, and IB #8 were active in Thaton Township, cooperating with a combined special force of Tatmadaw soldiers from different units, known as Htot Not In Ah [‘take out power’] in Burmese language, to take responsibility for security along the main coastal vehicle road. LIB #3, under the command of LID #44, and IB #8 were also reported to be cooperating with *Pyithu Sit* forces active in the eastern areas of locally-defined Kyaikto and Hpa-an Townships.

²⁶³ See Source #256.

G. Anti-personnel and other mines

Throughout the two decades leading up to 2012, KHRG documented the extensive use of anti-personnel and other mines by a wide range of actors in the seven Karen districts in Southeast Myanmar. Tatmadaw forces have planted anti-personnel mines around forward military outposts to maim or kill EAG combatants and civilians deemed to support them, and to stop people returning to villages from which they have been forcibly relocated.²⁶⁴ Outnumbered, EAGs have employed the heavy use of mines in order to hold territory when in conflict with the Tatmadaw.²⁶⁵ Mine use by both groups has led to civilian casualties, particularly among displaced people. Civilians in a small number of IDP areas, hiding sites and some established villages have also used mines to provide protection of their settlements, by impeding Tatmadaw incursions and providing early warnings, allowing them time to flee. They have also used mines to protect food stores, or to guard agricultural land to allow them to work without fear of government troops.²⁶⁶

Mine contamination in Southeast Myanmar has for decades presented threats to human security, through exposure to physical harm and significant restrictions on movement and livelihoods. In response, villagers have employed a range of methods, documented throughout the past 20 years by KHRG, to avoid physical harm and maintain steady access to food and income.²⁶⁷ Despite government restrictions on humanitarian interventions and security impediments, local organisations have provided limited support to these efforts through Mine Risk Education (MRE), with some assistance from international actors.²⁶⁸

Since January 2012, the ceasefire process has enabled the discussion of systematic mine removal among armed actors and by the Government. The Myanmar Peace Centre (MPC), together with international humanitarian mine actors, has formed the Myanmar Mine Action Center (MMAC). The entity aims to coordinate mine removal activities throughout the country, but has made little progress thus far.²⁶⁹ At the same time, Tatmadaw, BGFs and EAGs have made attempts in some areas to coordinate their own efforts to decrease contamination.²⁷⁰ As

²⁶⁴ For background information and examples of Tatmadaw forces laying mines, see *Self-protection under strain: Targeting of civilians and local responses in northern Karen State*, KHRG, August 2010, pp. 32-45; see also *Uncertain Ground: Landmines in eastern Burma*, KHRG, May 2012, pp. 18-21.

²⁶⁵ For background information and examples of EAGs laying mines, see *Self-protection under strain: Targeting of civilians and local responses in northern Karen State*, KHRG, August 2010, pp. 37-38; see also ‘*All the information I’ve given you, I faced it myself*’: *Rural testimony on abuse in eastern Burma since November 2010*, KHRG, December 2011, pp. 34-37; see also *Uncertain Ground: Landmines in eastern Burma*, KHRG, May 2012, pp. 22-25.

²⁶⁶ For background information and examples of civilians using mines for self-protection, see *Uncertain Ground: Landmines in eastern Burma*, KHRG, May 2012, pp. 81-87; see also *Self-protection under strain: Targeting of civilians and local responses in northern Karen State*, KHRG, August 2010, pp. 90-91.

²⁶⁷ Local communities have shared information about mined areas, identified areas deemed safe to travel, used alternative travel routes, maintained relationships with armed actors that enabled them to gain warnings about mined areas, and requesting the marking or removal of mines, see *Uncertain Ground: Landmines in eastern Burma*, KHRG, May 2012, pp. 30-31 and 42-43.

²⁶⁸ The Committee for Internally Displaced Karen Persons (CIDKP) has undertaken mine risk education activities with assistance from Danish Church Aid (DCA) in Kayin State, while KDHW has conducted MRE activities in Tanintharyi Region; see *Landmine Monitor Report 2009: Toward a Mine-Free World*, International Campaign to Ban Landmines, Myanmar Country Report, pp. 1029 - 1040.

²⁶⁹ See “Mine Action Program” in the *Landmine Monitor Report 2013: Toward a Mine-Free World*, International Campaign to Ban Landmines, Myanmar Country Report, Myanmar Country Profile, last updated October 30th 2013.

²⁷⁰ In February 2012, in Hpa-an District, KNLA Battalion #101 and BGFs agreed to jointly remove mines where they had both previously planted them, as villagers in the area had repeatedly requested their removal. An estimated 30 mines were removed until a BGF soldier accidentally detonated, and was injured, by one of

is evidenced below, these armed actors currently lack the technical skills to safely remove mines and to guarantee that areas have been comprehensively cleared.

A mine is defined by the 1997 Mine Ban Treaty (MBT) as “a munition designed to be placed under, on or near the ground or other surface area and to be exploded by the presence, proximity or contact of a person or a vehicle.” The MBT bans the use of anti-personnel mines, defined as “a mine designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons.”²⁷¹ While the Tatmadaw have produced or imported fragmentation and blast anti-personnel mines,²⁷² EAGs have typically used victim activated improvised explosive devices (VAIEDs),²⁷³ both of which are anti-personnel mines banned under the MBT.²⁷⁴ Furthermore, both the Tatmadaw and EAGs use anti-vehicle mines, which are defined as mines “designed to be detonated by the presence, proximity or contact of a vehicle as opposed to a person, that are equipped with anti-handling devices.”²⁷⁵ The MBT does not ban anti-vehicle mines, however customary international humanitarian law requires that “when they are used, particular care must be taken to minimise their indiscriminate effects.”²⁷⁶

While Myanmar is not currently a signatory of the MBT, in July 2012, the Minister of Foreign Affairs stated that Myanmar was considering accession to the MBT as part of its reforms. It was also reported that the Minister said that the Tatmadaw is no longer using mines and is pursuing a peace pact with EAGs, which would include banning the weapon.²⁷⁷

their own mines. Clearance efforts then halted and did not resume; see “Pa’an Situation Update: T’Nay Hsah Township, September 2011 to April 2012,” KHRG, July 2012. In June 2012, the BGF, DKBA and KNLA joined efforts to remove mines in Myaing Gyi Ngu, reportedly removing at least 50 mines during the process; see “Landmine clearance in Myaing Gyi Ngu nearing completion: Karen groups,” Mizzima, August 21st 2013.

²⁷¹ *Mine Ban Treaty*; see Article 2 (1).

²⁷² Myanmar produces the MM1, which is modeled on the Chinese Type-59 stake-mounted fragmentation mine; the MM2, which is similar to the Chinese Type-58 blast mine; a Claymore-type directional fragmentation mine; and a copy of the United States (US) M14 plastic mine. For additional information on the types of mines produced in Myanmar, see the *Landmine Monitor 2012: Myanmar/Burma Country Profile*, Production, stockpiling and transfer section, updated October 30th 2012; see also *Landmine Monitor 2004*, Production, stockpiling and transfer, International Campaign to Ban Landmines, 2004.

²⁷³ The KNLA and KNDO typically make VAIEDs from glass bottles, metal pipes or cans, wooden blocks or sections of bamboo. Unlike factory manufactured mines, these homemade devices typically become inactive only six months after they are deployed, but can last for longer periods of time.

²⁷⁴ The MBT uses a designed-based definition to ban anti-personnel mines and both stake-mounted fragmentation mines as well as VAIEDs are weapons that meet this definition.

²⁷⁵ An anti-handling device is “a device intended to protect a mine and which is part of, linked to, attached to or placed under the mine and which activates when an attempt is made to tamper with or otherwise intentionally disturb the mine”; see *Mine Ban Treaty*; see Article 2 (1).

²⁷⁶ See ICRC Customary IHL Database, Rule 81: Restrictions on the Use of Landmines.

²⁷⁷ U Wunna Maung Lwin made these statements to the President of the Eleventh Meeting of States Parties, Prak Sokhonn of Cambodia, at the time of the ASEAN Foreign Ministers Meeting in Phnom Penh in July 2012; see “Myanmar seriously considering landmine treaty as part of its state reforms,” Press Release, Anti-Personnel Mine Ban Convention Implementation Support Unit, July 12th 2012. For a detailed summary of the Myanmar government’s commitments to end the use of mines, see the *Landmine & Cluster Munition Monitor: Myanmar/Burma Country Profile*, Mine Ban Policy, updated October 30th 2012.

New planting of mines by Tatmadaw and EAGs since January 2012

KHRG has received reports of mines planted by the Tatmadaw or EAGs in only two districts since January 2012. This is a sharp contrast to the period immediately before the ceasefire. During 2011, KHRG documented the planting of new mines by Tatmadaw soldiers in six out of seven districts,²⁷⁸ and in four districts by EAGs.²⁷⁹

"If we look back [at the period of time] since the ceasefire agreement between the KNU and the Myanmar government, we can be sure that no new mines have been planted. We only have old mines from the past which have not been removed."

Situation Update written by a KHRG researcher, Thandaunggyi and Htantabin townships, Toungoo District/Northern Kayin State (February to July 2013)²⁸⁰

KHRG researchers reported that, as of November 2013, the KNLA and villagers continue to plant anti-personnel mines around IDP sites in Lu Thaw Township, Hpapun District due to ongoing fear of attack by Tatmadaw troops.²⁸¹ Also in Hpapun District, KHRG documentation provides evidence that the KNLA planted an anti-vehicle mine on a road specifically to deter the continuation of a BGF-backed development project in February 2013, which exploded shortly after it was planted killing five civilians.²⁸² In Nabu Township, Hpa-an District, a KHRG researcher reported that the local BGF and DKBA soldiers continued to plant new mines in 2012.²⁸³

"In 2012, BGF soldiers planted mines. The armed actors are still planting new mines. Saw A--- stepped on a mine on January 20th 2013 in A--- [village]. The mine was new and it was a DKBA mine."

Situation Update written by a KHRG researcher, Nabu Township, Hpa-an District/Central Kayin State (June 2012 to February 2013)²⁸⁴

Areas known to be mined

Since January 2012, KHRG field documentation described ongoing mine contamination in Toungoo, Nyaunglebin, Hpapun, Dooplaya and Hpa-an districts.

Toungoo District

KHRG researchers reported that mines remain in the ground in both of the townships in Toungoo District.²⁸⁵ In Htantabin Township, KNLA mines remain along the Naw Soh - Bu Hsa Hkee road²⁸⁶

²⁷⁸ Thaton, Toungoo, Mergui-Tavoy, Hpapun, Dooplaya and Hpa-an; see *Uncertain Ground: Landmines in eastern Burma*, KHRG, May 2012, pp. 18-21.

²⁷⁹ Toungoo, Hpapun, Dooplaya and Hpa-an; see *Uncertain Ground: Landmines in eastern Burma*, KHRG, May 2012, pp. 22-24.

²⁸⁰ See Source #262.

²⁸¹ This information was provided to KHRG by Hpapun District researchers during a consultation in November 2013.

²⁸² See Source #307, in which explains that the KNLA planted the anti-vehicle mine after instructing the Green Hill Company to stop their activities multiple times. For additional reports on this incident, see Sources #84, #279 and #295.

²⁸³ See Source #155.

²⁸⁴ See Source #155.

²⁸⁵ A Toungoo District researcher explained that the KNLA in the area do not feel it is time to remove the mines. Furthermore, the researcher explained that while the KNLA informs villagers about the locations of the mines, the Tatmadaw do not; see Source #32.

²⁸⁶ See Source #358.

and around the Tatmadaw's Bu Hsa Hkee army camp,²⁸⁷ while Tatmadaw mines remain near Wa Soh village/army camp.²⁸⁸ Further north in Thandaunggyi Township, KHRG reports describe mine contamination around K'Thwee Dee village, which is near an abandoned Tatmadaw base,²⁸⁹ and around Kaw Thay Der and May Thay Der Mountain where *"the Tatmadaw planted an unknown number of mines after a KNLA ambush"* in the mid-2000s.²⁹⁰

Nyaunglebin District

KHRG has documented anti-personnel mine contamination in Mone Township, Nyaunglebin District, where six villagers were seriously injured in mine accidents between February and June 2013.²⁹¹ Additionally, an anti-vehicle mine which was planted by the KNLA in 2011 reportedly remains between the Tatmadaw's Kat Pe base camp and Mu Theh village.²⁹²

Hpapun District

Mines remain near abandoned army bases or camps²⁹³ and around operational bases housing BGF Battalions #1013 and #1014 in Meh Seik²⁹⁴ and a BGF Battalion #1015 base in Meh Pree²⁹⁵ in Bu Tho Township.²⁹⁶ Mines also remain underground in Lu Thaw Township,²⁹⁷ including near the Tatmadaw's See Day base²⁹⁸ and around IDP villages,²⁹⁹ as well as in Dwe Lo Township.³⁰⁰

Doooplaya District

Kawkareik Township in Doooplaya District remains contaminated with DKBA, KNLA and Tatmadaw mines planted in 2010 and 2011. The mines remain around abandoned army camps, on the grounds of a church,³⁰¹ in and around villages,³⁰² in villagers' plantations, at the source of water channels and on mountains.³⁰³ In Kyainseikgyi Township, some mines remain near the Tatmadaw base outside U Kray Htar village.³⁰⁴

²⁸⁷ The report also explains that the KNLA are not certain where the mines remain, making removal difficult; see Source #261.

²⁸⁸ See Source #331.

²⁸⁹ See Source #27.

²⁹⁰ See Source #324.

²⁹¹ See Source #370 for documentation of villagers injured by mines on January 2nd 2013 in Nga Lauk Tet village; on February 13th at a logging site near Kyun Pin Seik village; on March 2nd while looking for vegetables in Meh Pok old village; and on April 20th one mile from Kyaung Su Kyi in the La Myaing Region; see Source #370. On February 2nd a villager stepped on a mine in the Maw Lay forest, between KNLA #8 and Tatmadaw LIB #599 army camps. On June 1st, a villager stepped on a mine at Chauk Kway, between two Tatmadaw army camps (Ket Pa and Pa Dah); see Source #263.

²⁹² See Source #51.

²⁹³ See Source #304.

²⁹⁴ BGF #1013 and #1014 have a joint base at Meh Seik and use mines for their security around the camps; see Source #81.

²⁹⁵ Mines remain planted around the BGF #1015 base at Meh Pree; see Sources #77 and #308.

²⁹⁶ For other reports of mine contamination in Bu Tho Township, see Sources #79 and #357.

²⁹⁷ In April 2013, Tatmadaw soldiers began scattering salt to attract buffalos to detonate mines in Ler Muh Plaw, Say Poo, Naw Yuh Htah and Kaw Lu Der village tracts, killing an estimated 20-30 buffalos; see Source #281.

²⁹⁸ A Tatmadaw soldier was killed after stepping on a mine near See Day base; see Source #369.

²⁹⁹ During a November 2013 meeting, Hpapun District researchers reported that mines remain around villages in Lu Thaw Township, Hpapun District.

³⁰⁰ A cow was killed after stepping on a mine in Hkoo Thoo Hta village tract, Dwe Lo Township; see Source document #88.

³⁰¹ A KNLA mine remains beside a Christian church, which was planted during DKBA and Tatmadaw fighting in 2011 to prevent soldiers from entering the vicinity; see Sources #137 and #327.

³⁰² DKBA mines also remain near Aoh Nee and Waw Lay villages; see Sources #221 and #223.

³⁰³ According to KHRG reports, hundreds of DKBA mines remain on the mountain near K'Law Ghaw village and a DKBA army camp, as well as in villagers' farms; see Sources #111 and #327.

³⁰⁴ See Source #317.

"I saw that DKBA soldiers had stuck two red warning signs to two trees along the way to signal that mines had been placed there. I [also] saw two signs along the path from Htee Ther Leh to K'Law Ghaw village ... Mines also exist at the source of the water channel on the Wah Hsguh Poo Mountain as well. Between Htee Ther Leh and Waw Lay, and Waw Lay and U Kray Hta, there are smaller amounts of mines. This is due to the fact that these places are situated close to the Tatmadaw Phyu Ha Kon army camp. DKBA Battalion #907 and Kaw Thoo Lei [KNLA] planted those mines, whereas Burmese soldiers [Tatmadaw] just plant mines around their camp. There are more mines between U Kray Hta village and Wa Mee Hta village. Since 2010, villagers have dared not go there to gather leaves due to DKBA Battalion #907 mines. ... Mines exist in the KNLA Battalion #18-held area, situated to the east of the Dawna mountain range and the KNLA's Battalion #103-held area, which stretches from Kya K'Wa village to Per Kler village."

Situation Update written by a KHRG researcher, Kawkareik Township, Dooplaya District/ Southern Kayin State (April to June 2012)³⁰⁵

Hpa-an District

Nabu Township, Hpa-an District remains a heavily mine contaminated area due to planting of mines by the DKBA, BGFs, Tatmadaw and KNLA in 2010 and 2011. After portions of the DKBA refused to transform into BGF battalions in 2010, tensions quickly rose between those who refused and those who accepted. Both sides then began strategically planting anti-personnel mines to protect their own bases and limit the other from leaving theirs. Each side also planted mines in villagers' plantations and gardens where the opposition was thought to be operating.³⁰⁶ In September 2011, a (former-DKBA) BGF battalion and Tatmadaw forces attacked a KNLA base in Htee Wa Plaw village tract in Nabu Township and subsequently planted mines beside villages and in their farms.³⁰⁷ According to KHRG documentation, Noh Kay, Htee Klay and Htee Kyah Rah village tracts, all in Nabu Township, remain highly contaminated with anti-personnel mines.³⁰⁸

Mine-related death or injury

Since January 2012, KHRG researchers in three districts³⁰⁹ documented specific incidents in which civilian death or injury resulted from mine accidents. Between February and June 2013, six villagers were injured in anti-personnel mine accidents in Mone Township, Nyaunglebin District. These incidents occurred while villagers were collecting firewood, conducting logging activities, searching for vegetables or traveling by road. Three of these villagers sustained such severe injuries to their legs that they required amputation.³¹⁰ Also in Nyaunglebin, a Tatmadaw road construction vehicle detonated an anti-vehicle mine in October 2012 in Kyaukkyi Township,

³⁰⁵ See Source #128.

³⁰⁶ See Source #159.

³⁰⁷ See Source #127.

³⁰⁸ Reports provide evidence of mine contamination in Htee Klay village tract, where a cow was injured in 2012; in Wah Kaw Lee village in Htee Kyah Rah village tract, where a Tatmadaw soldier was injured in October 2012; and in Noh Kyaw village in Noh Kay village tract, where a villager was injured in September 2012; see Sources #125, #141, #143 and #360. KNLA and BGF mines remain around Taung Thone Lone army camp in Noh Kay; see Source #115. An estimated 40-50 mines have already detonated in the T'Waw Thaw village area; see Source #153. An estimated 300 mines were originally planted and an unknown number remain near Thee Wah, Waw Thaw and Noh Kyaw villages beside villagers' farms and along the Htee Klay-Gho Tho road; see Sources #117 and #124. Mines also remain in the forest near Htee Hpo Kyaw village; see Source #227.

³⁰⁹ Mine deaths or injury occurred in Hpapun, Hpa-an and Nyaunglebin districts between January 2012 and November 2013.

³¹⁰ For documentation of the six mine incidents in Mone Township, Nyaunglebin District between February and June 2013, see Sources #263 and #370.

although no one was injured.³¹¹

“On April 20th 2013, a villager from Mone Township, B---, 23-years-old, was hit by an [anti-personnel] mine at 7:00 am while he went and looked for firewood. He was sent to Mone Hospital and his left leg was amputated. He detonated a mine [by stepping on it] at a place one mile from Kyuang Su, which is in Kyi La Myaung region. Both the KNLA and the Burmese military [Tatmadaw] are active in that place.”

Situation Update written by a KHRG researcher, Mone Township, Nyaunglebin District/Eastern Bago Region (February to April 2013)³¹²



The photo above was taken on December 1st 2012 in B--- village, Nabu Township, Hpa-an District. This photo shows C---, who stepped on a KNLA anti-personnel mine while looking for yams in the forested area near his village on September 20th 2012, requiring the amputation of the lower half of his left leg.³¹³ [Photo: KHRG]



The above photo was taken on February 1st 2013 in Nabu Township, Hpa-an District, and shows a 36-year old man recovering from the amputation of his right leg after stepping on a DKBA anti-personnel mine in Yaw Kuh Hkee.³¹⁴ [Photo: KHRG]



The left photo was taken on March 4th 2013 in Dwe Lo Township, Hpapun District, and shows the remains of a truck that detonated a KNLA anti-vehicle mine in a sand bank beside Yunzalin River, between Shan village and Taung Thu village, killing five civilians.³¹⁵ [Photo: KHRG]

³¹¹ The Tatmadaw D7 road construction vehicle detonated a KNLA mine on the border of Meh Theh village, Kyaukkyi Township, in the Day Law Plaw area; see Source #52.

³¹² See Source #370.

³¹³ See Source #360.

³¹⁴ See Source #227.

³¹⁵ See Source #230.

In Hpapun District, KHRG documented an anti-vehicle mine incident on February 11th 2013, when a Green Hill Company truck, carrying five workers who were collecting sand and stones to construct a road, detonated the mine, killing all five workers, including the driver and three workers who were under 18 years old (remains of truck pictured in photo). According to KHRG documentation, KNLA soldiers planted the mine after making several requests for the development project to be stopped.³¹⁶ In Hpa-an District, five civilians were reported injured in anti-personnel mine incidents, all in Nabu Township, while collecting food or working in their plantations between January and March 2012.³¹⁷

“The KNLA [planted the mine]. ... It started when [Ko Myo of Green Hill Company] took some sand for [building] a school, having gotten the permission [from local KNU officials and a village tract leader]. They allowed it [at first] because it was for a school. But later he [Ko Myo] did it for the company [began collected sand for a separate Green Hill Company construction project]; the construction was [backed by] a BGF. They [KNU] do not like it, so they banned it. So the problem began there. Because Ko Myo went there [to collect sand] many times and people [in the KNU] told him to stop and not to take it [the sand].”

D--- (male), Dwe Lo Township, Hpapun District/Northeastern Kayin State
(Interviewed in March 2013)³¹⁸

Movement and livelihood restrictions

The most commonly reported concern by villagers across Toungoo, Nyaunglebin, Hpapun, Dooplaya and Hpa-an districts regarding mines, is that current mine contamination severely restricts their ability to travel freely and conduct their livelihood activities. Villagers in these districts reported that they are unable to cultivate their plantations, gather food or other materials from forests due to fear of mines.³¹⁹ One villager reported that a mine in the sole shaded spot near villagers' plantations also prevents workers from using the only area suitable for rest during the workday.³²⁰ Furthermore, KHRG has documented dozens of deaths of villagers' livestock, in particular cows and buffalos, which stepped on mines while grazing.³²¹ Villagers also report that armed actors inform local communities of the locations of only some mines, which also serves to restrict villagers' freedom of movement, as they cannot trust that a given area is safe.³²²

“As a result, the villagers from Thi Wah, Tha Waw Thaw, and Noh Kyaw villages said that they do not even dare to think about going into the forest or into the gardens, as some of the villagers have stepped on mines there before, and also their domestic animals were hit by [stepped on] mines.”

Situation Update written by a KHRG researcher, Nabu Township,
Hpa-an District/Southern Kayin State (April 2013)³²³

³¹⁶ For a full description of this incident, see Sources #84, #95, #279, #295 and #307.

³¹⁷ On January 20th 2012, a villager stepped on a mine in Yu Ku Hkee village, while the injuries he sustained are unknown; see Source #155. On January 28th a villager stepped on a mine while working in a flat field and two villagers stepped on mines on March 12th by a river and at the bottom of a hill; see Source #121. On September 20th 2012, a villager stepped on a mine in Noh Kay village tract, suffering major damage to the side of his leg; see Source #141.

³¹⁸ See Source #84.

³¹⁹ For examples of livelihood restrictions due to mine contamination in Hpa-an District, see Sources #117 and #125; in Dooplaya District, see Sources #106 and #221; in Hpapun District, see Sources #79, #292, and #308; in Nyaunglebin District, see Sources #270 and #370; and in Toungoo District, see Source #331.

³²⁰ A villager in Dooplaya District explains that a mine planted in a shaded area six minutes on foot from a plantation has meant that villagers no longer have a suitable place to rest; see Source #327.

³²¹ For example, approximately 15 cows, buffalos and oxen were killed or severely injured in mine incidents in Nabu Township, Hpa-an District between January and March 2012; see Source #121.

³²² See Source #159 for an example in which KNLA informed villagers of most of the mine locations.

³²³ See Source #159.

"There are mines which haven't been taken out yet. I bought a betel nut orchard, but now I dare not go there. I dare not take the direct route. If we take the direct route, there are still mines left."

Saw E--- (male), Bu Tho Township, Hpapun District/Northeastern Kayin State
(Interviewed in February 2013)³²⁴

Local response

Villagers have responded to these livelihood restrictions by taking alternative routes to their plantations and informing each other of safe routes;³²⁵ tying up their livestock;³²⁶ renting other villagers' livestock after theirs had been killed in mine incidents;³²⁷ and renting portions of other villagers' non-contaminated farms to cultivate.³²⁸ Villagers living near mine contaminated farms have also transitioned to livelihood activities that can be undertaken within the geographic confines of their village, such as producing charcoal or alcohol, breeding livestock or using materials from trees within their village site.³²⁹ These strategies have economic costs too, as villagers are unable to make as much money by producing goods in their village as they are by cultivating large plantations.

"A village head explained that, 'Following [fighting between DKBA and Tatmadaw], no one knew how many mines [were planted around] these two villages [Ta Auh Hta and Kwee Ler Hsgu], so it presents big difficulties for villagers who go out to search food.' To protect themselves, villagers advise each other to be vigilant when they go out to find food or work."

Incident Report written by a KHRG researcher, Kawkareik Township,
Dooplaya District/Southern Kayin State (February 2012)³³⁰

"Villagers do not dare to travel and find firewood outside of their village or near their farm, so they mostly find firewood in their village. Their buffalos, cows and goats are tethered with rope. As long as the mines remain in the ground, the villagers have to protect themselves by renting other people's farms that have no mines and they have to buy people's rice to be able to survive. As they have no other way [to maintain] their livelihood, they have to make charcoal, produce alcohol and breed buffalos, cows, goats, pigs and chickens but not in large numbers, just for their daily survival. Moreover, they send their children to Bangkok and ask them to send money back to their parents."

Incident Report written by a KHRG researcher, Nabu Township,
Hpa-an District/Central Kayin State (April 2012)³³¹

"Because there were mines in the forest and around villages, villagers had to cut down trees from orchards in their villages, such as mango trees, jackfruit trees and other plants. The villagers built their houses using trees that belong to them."

Photo Notes written by a KHRG researcher, Nabu Township,
Hpa-an District/ Central Kayin State (February 2013)³³²

³²⁴ See Source #79.

³²⁵ For example villagers in Dooplaya District often advise each other of safe routes to travel, without mines, before they go out in search of food, see Source #111.

³²⁶ For an example of villagers who have tied up their livestock to prevent mine injuries, see Source #115.

³²⁷ See Source #281.

³²⁸ See Source #125.

³²⁹ In Nabu Township, a villager reported that villagers do logging inside their village as the nearby forest is contaminated with mines; see Source #326.

³³⁰ See Source #111.

³³¹ See Source #125.

³³² See Source #227.

Marking and removal

KHRG began to receive reports of mine removal by Tatmadaw and EAGs in 2010,³³³ with more coordinated efforts reported in 2012. Villagers have described benefits to mine removal, but have mainly reported challenges faced by armed actors in removing the mines, as well as negative consequences of partial mine removal.

Local communities explain that freedom of movement is significantly increased when mines are properly marked. In one community, villagers coordinated with the local authorities to identify the location of mines and mark them themselves.

“Travelling by land [in Paingkyon Township] to larger cities has now become more comfortable, easier and quicker. Also [it is easier to access] trees for building houses because there has been no new planting of mines near the area. ... Villagers have marked KNU mines, BGF mines and Burmese military regime [Tatmadaw] mines in a specific area, or have asked the KNU, BGF and Burmese government military, who explain and direct the villagers to where mines are located, so villagers can mark and notify [others of] the location.”

Situation Update written by a KHRG researcher, Paingkyon Township, Doooplaya District/Southern Kayin State (September 2013)³³⁴

In other areas, however, persistent requests have also been made by villagers for the removal of mines from their plantations,³³⁵ and in one case from beside a church Sunday school,³³⁶ but remain unmet.

Villagers also reported serious obstacles to systematic mine removal, such as the inability of KNLA soldiers to remember where mines were planted³³⁷ and a lack of requisite training or equipment to remove mines from a particular area.³³⁸

“...KNU/KNLA [officials] said that they do not have the skills to carry out demining and are afraid to do so. Neither the people from that area nor the KNU know the places where mines have been planted by the Tatmadaw and the Tatmadaw has not informed them.”

Situation Update written by a KHRG researcher, Htantabin and Thandaunggyi townships, Toungoo District/Northern Kayin State (February to July 2013)³³⁹

While Tatmadaw forces have undertaken mine removal, this appeared to be motivated by a desire to facilitate military operations rather than to ensure civilian protection. In February 2012, the Tatmadaw used bulldozers to clear some landmines from a vehicle road and U Kray Hta

³³³ For KHRG documentation of the marking and removal of mines in 2010 and 2011, see *Uncertain Ground: Landmines in eastern Burma*, KHRG, May 2012, pp. 42-51.

³³⁴ See Source #362.

³³⁵ For examples of villagers' requests for mines to be removed from their plantations in Hpa-an District, see Sources #116 and #153.

³³⁶ Villagers in Kawkareik Township, Doooplaya District have requested that the KNLA remove a mine planted near a Sunday School church, but it had not been removed at the time of the report; see Source #327.

³³⁷ For examples of areas in which KNLA soldiers are unable to remember where mines were originally planted, which presents serious problems for removal, see Sources #159 and #262.

³³⁸ For example, in Toungoo District, the KNU explained that they do not have the technical skills to do demining; see Source #262. In Kyaukkyi, the KNLA is unable to remove an anti-vehicle mine as it would damage a road; see Source #51.

³³⁹ See Source #262.

village near an army base; however, villagers complained that the U Kray Hta School compound, the village and agricultural areas surrounding the village remained contaminated by mines.³⁴⁰

In another instance in Lu Thaw Township, Hpapun District, Tatmadaw soldiers scattered salt to attract buffalo owned by villagers to detonate mines, killing 20 to 30 privately-owned animals.³⁴¹ Mine removal must be systematic to be effective. While the Tatmadaw's approach demonstrates little potential to improve local safety, it has instead damaged villagers' livelihood security, as the deaths of livestock impaired their ability to cultivate their plantations and transport materials.

"The buffalos smelled [salt that had been scattered by Tatmadaw soldiers], went to the areas where it was and stepped on the mines. 20 or 30 of the civilians' buffalos died by stepping on the mines. Because many buffalos have died from mines, people whose buffalos were killed have no other buffalos for cultivation and that causes problems for them because they have to hire other people's buffalos for cultivation. Our work no longer goes smoothly because there are no buffalos left [to use] for work."

Situation Update written by a KHRG researcher, Lu Thaw Township, Hpapun District/Northeastern Kayin State (April to July 2013)³⁴²

At the request of villagers in Noh Kay and Htee Klay village tracts in Nabu Township, Hpa-an District, a party of KNLA and BGF soldiers, as well as local residents, attempted to remove landmines that had been planted by both armed actors during 2011, whose location had never been marked and which were resulting in landmine casualties.³⁴³ Underscoring the dangers of mine removal without sufficient technical skills, nascent removal efforts were stopped when a BGF soldier was killed after stepping on a mine.³⁴⁴

"In February 2012, KNLA Battalion #101 and Border Guard [Column] #3³⁴⁵ worked together following an order [stemming from the January 2012 ceasefire agreement] to remove the mines. Those who came and removed the mines were BGF Company Commander Hpah Maw Hkoh, with Sergeant Kee Kyaw, Private Htwee Heh Kay and Battalion Deputy Commander Maung Ngway Heh, and they managed it with 20 of their soldiers. With regards the KNLA, 2nd Lieutenant K'Loo Koo and Hpah Htwee Maw managed it with about 15 soldiers. Some of the village heads accompanied them. They were able to remove 30 mines. At 3:00 pm on that same day, February 11th, a BGF soldier named Htwee Heh Kay was hit by one of their own mines. Because of that, the removal of mines was stopped."

Situation Update written by a KHRG researcher, Nabu Township, Hpa-an District/Central Kayin State (January to April 2012)³⁴⁶

In May 2012, 37 residents in the same area submitted their names and requested that KHRG make known the fact that mines are preventing them from accessing a total of 13 flat paddy fields and 23 cash-crop plantations. These villagers requested that KHRG share publicly their names and that of their village in order to encourage urgent de-mining of this area.³⁴⁷

³⁴⁰ See Sources #108 and #317.

³⁴¹ See Source #281.

³⁴² See Source #281.

³⁴³ See Source #124.

³⁴⁴ On February 11th 2012, a BGF soldier was killed while removing mines in a coordinated effort with the KNLA; see Source #127.

³⁴⁵ This is referring to a column under BGF Battalion #1016.

³⁴⁶ See Source #127.

³⁴⁷ For more information about these Thaw Waw Thaw villagers, see *Uncertain Ground: Landmines in eastern Burma*, KHRG May 2011, Section III: Source Documents: 2012/May/Pa'an/1.

"We want to ask them to remove [their mines]. Do they dare to remove them? If they dare to remove them, we really want to ask them to do so in order for us to travel freely. ... We absolutely must go on that one path [where mines have been planted] because it is the way to our farm."

F--- (male), Nabu Township, Hpa-an District/Central Kayin State
(Interviewed in May 2012)³⁴⁸



The above photo was taken on May 17th 2012 in Kawkareik Township, Dooplaya district. This photo shows a sign written in Burmese, Karen and English explaining that there is a mine under those two trees. The mine was planted by the DKBA because, in the past, Tatmadaw soldiers would rest under those trees while travelling. The owners of nearby farms are particularly concerned about this mine because their children pasture their buffalo and their cows near it.³⁴⁹ [Photo: KHRG]



The above photo shows a KNLA Battalion #102 soldier removing a mine on October 10th 2012. According to the soldier, the mine was planted by the Tatmadaw in a farm beside C--- village, Meh Klaw village tract, Bu Tho Township, Hpapun District. According to the KHRG researcher, the Tatmadaw did not inform the villagers where they had planted the mine. Birds unearthed it while searching for food, after which villagers saw the mine and asked the KNLA to remove it.³⁵⁰ [Photo: KHRG]



The above two photos were taken on March 24th 2012 and show two villagers from D--- village, Nabu Township, Hpa-an District, an area in which villagers' have repeatedly requested the removal of mines (see above in this chapter). The photo on the left shows Saw G---, whose right leg required amputation after stepping on a BGF mine while attending to his farm in February.³⁵¹ The photo on the right shows Saw H---, who sustained serious injuries to his leg after stepping on KNLA mine by a stream where he was fishing.³⁵² [Photos: KHRG]

³⁴⁸ See Source #153.

³⁴⁹ See Source #327.

³⁵⁰ See Source #356.

³⁵¹ See Source #326.

³⁵² See Source #326.

Recommendations

All armed actors should agree to and enforce a comprehensive ban on the new use of mines. Before such a ban is agreed to, commanders should take responsibility for prohibiting the planting of new mines in civilians' farmlands and pathways and must consistently inform the local community about the location of existing and new mines. Systematic removal of mines throughout Karen areas will not be possible until there is a final peace agreement. This is particularly applicable to KNU-controlled areas, IDP areas and heavily militarised areas, where Tatmadaw, EAGs and villagers were reported to still be using mines for defence and self-protection as of the end of 2013.

As part of any non-technical surveys,³⁵³ international and local actors must conduct inclusive and fully participatory consultations and assessments to determine villagers' opinions and perspectives on mine action and removal. In communities where villagers have determined that mines should be removed, fully trained and equipped national and/or international actors should begin mine removal.

The systematic removal of mines will require proper coordination between different EAGs and the Government, which has not been achieved yet. In all areas where possible, mine risk education experts should work with local communities to support self-protection strategies against mine accidents. Where armed actors intend to begin removal, personnel should be first provided with sufficient expertise and equipment. International mine action actors and the Government will need to ensure not just that necessary support is available to all armed actors, but also that those actors are fully aware of its availability and are able to gain access to it.

The Myanmar government and EAGs should ensure that mine victims have access to free medical care when accidents occur. International humanitarian actors should assist in building the capacity of state and non-state healthcare providers to ensure free access to healthcare for all mine victims.

³⁵³ A non-technical survey is typically the starting point for the assessment of land, its categorisation as a suspected or confirmed hazardous area (SHA/CHA) and the associated processes of cancelling, reducing or clearing land for productive use. It involves a thorough investigation of new information about possible mine/explosive remnant of war (ERW) contamination or a previously recorded hazardous area, generally without the use of mine action assets inside the suspected area; see *Non-technical survey*, International Mine Action Standard (IMAS), June 2009, Amended March 1st 2013.

Map 3: Mine accidents and contamination, 2012 - 2013



Karen Human Rights Group (KHRG)

This map includes incidents reported to KHRG between January 2012 and November 2013, and does not show all of the locations which mines may exist nor all of the mine accidents which may have occurred during that period.

H. Restrictions on freedom of movement or trade

This chapter includes orders, requirements and conflict-related physical impediments that result in restrictions on villagers' freedom to travel or ability to transport goods along roads, rivers or footpaths, to leave their own villages, to access other villages or larger towns, or to access agricultural areas.

KHRG researchers across all seven districts have described the increased ability to travel and work without impediments as a positive trend resulting from the January 2012 ceasefire.³⁵⁴ Researchers explain that villagers can travel and work more freely because the ceasefire has meant an end to armed conflict and a decrease in harassment of villagers by Tatmadaw troops. Villagers in KNU areas have begun to follow the example of KNLA soldiers, who now feel free to travel.

"Most of the villagers' said that the situation is a bit better than in the past as they have not faced as many violations or human rights abuses, and they are free to go and to travel around many areas, even crossing the roads that the Tatmadaw usually travels on."

Situation Update written by a KHRG researcher, Dwe Lo Township, Hpapun District/Northeastern Kayin State (January to February 2013)³⁵⁵

"When we look at [the situation] during this year, regarding the civilians' livelihood, travelling and living places has changed. In previous years, the civilians who had to go and work outside of the village had to be afraid and needed to write [acquire] recommendation letters [from local authorities] in order to get permission to work. But, this year, the villagers who work outside of the village did not need to get recommendation letters and did not need to be afraid, and occasionally they even come back to the village [villagers are now able to sleep in their farms, which was previously prohibited by Tatmadaw-area authorities according to the recommendation letters]."

Situation Update written by a KHRG researcher, Ta Naw Th'Ree Township, Mergui-Tavoy District/Tanintharyi Region (August 2012 to March 2013)³⁵⁶

While the ability to travel freely is the most commonly reported positive outcome of the ceasefire, villagers and KHRG researchers continue to describe restrictions on civilians' freedom of movement or trade across six of the seven Karen districts during the ceasefire period: Toungoo,³⁵⁷ Dooplaya,³⁵⁸ Hpa-an,³⁵⁹ Hpapun,³⁶⁰ Nyaunglebin³⁶¹ and Mergui-Tavoy.³⁶² During the reporting

³⁵⁴ For situation updates that describe improvements in freedom of movement in Thaton, see Source #258; in Toungoo, see #262; in Nyaunglebin, see #50; in Mergui-Tavoy, see #272; and in Hpapun, see #23.

³⁵⁵ See Source #73.

³⁵⁶ See Source #272.

³⁵⁷ For example, villagers in Toungoo District are unable to trade bamboo shoots easily without obtaining permission letters and taxes by the Myanmar government Kayin State Environment Department; see Source #250.

³⁵⁸ For example, DKBA and KNU require villagers to obtain permission letters from each organisation to operate hand tractors in Dooplaya District; see Source #128.

³⁵⁹ For example, villagers and their children are restricted to their village area and cannot travel to their farms due to fear of BGF mines, see Source #117. For additional documentation of movement restrictions resulting from mines, see 'Antipersonnel and other mines' in this report.

³⁶⁰ For example, cow and buffalo traders struggle to conduct their livelihoods on the Thai-Myanmar border because Commander Saw Hpah Mee arbitrarily closes the road used by traders and commits violent abuse against those who violate the closure, even if they were unaware of it; see Source #276.

³⁶¹ For example, villagers are prohibited from travelling and working freely if they do not obtain a travel permission letter from Tatmadaw LIB #590 based in their area; see Source #52.

³⁶² For example, police officers set up a checkpoint at Ma Noh Roh camp, where they checked not only cars but bicycles as well; see Source #340.

period, several authorities issued orders or conducted activities that restricted villagers' ability to move freely, including Myanmar government officials,³⁶³ the KNU/KNLA,³⁶⁴ and Tatmadaw³⁶⁵ and BGF soldiers.³⁶⁶

Movement restrictions resulting from military checkpoints and camps

Since the ceasefire, villagers have reported restrictions on their freedom of movement resulting from different types of military checkpoints. Villagers describe being forced to stop and pay taxes while transporting goods or food past a military camp,³⁶⁷ as well as while traveling by boat at military checkpoints beside rivers³⁶⁸ and while traveling by car or truck at roadside checkpoints.³⁶⁹ Villagers have reported adjusting their movement patterns to avoid harassment or violent abuse, including not traveling or conducting their livelihood activities near army camps.³⁷⁰

"Since the Tatmadaw came and based their camp close to the villagers' fields, they [villagers] have not dared to go to their fields. They worry that if the Tatmadaw [soldiers] see them while they are going to their fields, the Tatmadaw will shoot them with a gun or arrest and torture them. This is a big problem for the villagers."

Situation Update written by a KHRG researcher, Bu Tho Township, Hpapun District/
Northeastern Kayin State (November 2011 to February 2012)³⁷¹

Identification cards and travel permission letters

Since the ceasefire, the Myanmar government's plans to issue identification cards have confused some villagers, leaving them unsure of where they are permitted to travel and causing them to restrict their own movements. Villagers living in IDP areas in Bu Tho Township, Hpapun District report that they are unable to work or travel to Hpapun town because they have not yet been issued with the necessary identity cards.³⁷² In Kyaukkyi Township, Nyaunglebin District, Myanmar government officials issued identification cards to 30 villagers, explaining that the cards would allow villagers to travel throughout Myanmar; villagers reported that they are not likely to use the ID cards as they do not trust that the cards will provide them with the ability to travel without harassment.³⁷³

³⁶³ For example, villagers in Toungoo District are unable to trade bamboo shoots easily without obtaining permission letters and taxes by the Myanmar government Kayin State Environment Department; see Source #250.

³⁶⁴ Villagers describe how KNLA continues to plant mines, restricting villager's movements in Mone Township, Nyaunglebin; see Source #53.

³⁶⁵ For example, motorbike drivers complain of arbitrary taxation and random road closures by Tatmadaw soldiers on the Kler La vehicle road in Toungoo District; see Source #32.

³⁶⁶ Villagers describe how the BGF soldiers from Th'Ree Hta camp implement arbitrary curfew on villagers in Kyaw Pah village tract, Hpapun District; see Source #298.

³⁶⁷ Villagers in Bu Tho Township, Hpapun District describe being forced to pay between 500 and 15,000 kyat to Tatmadaw military camp checkpoints in 2011 and 2012; see Source #303.

³⁶⁸ For example, villagers are forced to pay taxes each time they travel past each of multiple Tatmadaw army camps, which are based near the Shwegyin Dam, when traveling by boat along the Salween River in Kyaukkyi Township, Nyaunglebin District; see Source #269.

³⁶⁹ Villagers report having to pay taxes to several different authorities along the Hpa-an to Myawaddy Road; see Source #355.

³⁷⁰ In November 2012, villagers in Mone Township, Nyaunglebin District reported that they still cannot return to their homes or cultivate their plantations due to a Tatmadaw army camp remaining in their areas; see Source #53.

³⁷¹ See Source #303.

³⁷² See Source #274.

³⁷³ See Source #40.

In addition to ID cards, KHRG has documented how the requirement that villagers acquire travel permission letters has restricted the movement of local communities. These letters have been issued by the Tatmadaw,³⁷⁴ Myanmar government officials,³⁷⁵ the KNU and the DKBA.³⁷⁶ Villagers in different areas reported needing permission letters to travel,³⁷⁷ conduct different types of livelihood activities³⁷⁸ and have overnight guests.³⁷⁹ Villagers living under multiple authorities face additional challenges, as they are required to obtain permission letters from each armed actor.

“The DKBA and Kaw Thoo Lei [KNLA] provide permission letters for hand tractors and each hand tractor must have two permission letters; one from the DKBA and one from the Kaw Thoo Lei. Each villager must have a permission letter for each hand tractor. People who do logging have to obtain a permission letter as well, so they have to pay money to both the KNLA soldiers and the DKBA. For those who use their hand tractors to transport logs, they must also pay tax at Tatmadaw and DKBA checkpoints. Therefore, this is harmful for people who work as loggers. As for setting up the logging mills, a tax needs to be paid once a month, plus soldiers often demand money at will from each logging mill.”

Situation Update written by a KHRG researcher, Kawkareik and Kyainseikgyi townships, Dooplaya District/Southern Kayin State (April to June 2012)³⁸⁰

Landmine contamination

Villagers across Hpapun, Dooplaya, Hpa-an and Nyaunglebin districts have reported to KHRG how landmine contamination restricts their ability to cultivate their plantations;³⁸¹ collect firewood, food and other materials from the forest;³⁸² travel along footpaths;³⁸³ and travel with livestock to areas for grazing.³⁸⁴ For additional analysis of KHRG information on mines during the reporting period, see the ‘Anti-personnel and other mines’ chapter in this report.

³⁷⁴ For examples of Tatmadaw soldiers requiring permission letters; see Sources #52 and #262.

³⁷⁵ For English translations of two Myanmar government issued permission letters for trading, see Sources #219 and #220.

³⁷⁶ For an example of the KNU and DKBA requiring permission letters for villagers to operate tractors, see Source #128.

³⁷⁷ Tatmadaw require villagers to obtain and carry permission letters to travel for work around Kyaukkyi Township; see Source #52.

³⁷⁸ For example, loggers are required to obtain permission letters in Dooplaya District; see Source #128.

³⁷⁹ For example, in October 2012, the Tatmadaw LIB #590 Company #4 Commander Aung Ko Ko announced that local villagers are required to have carry travel recommendation letters with them and submit overnight guest lists to authorities; see Source #52.

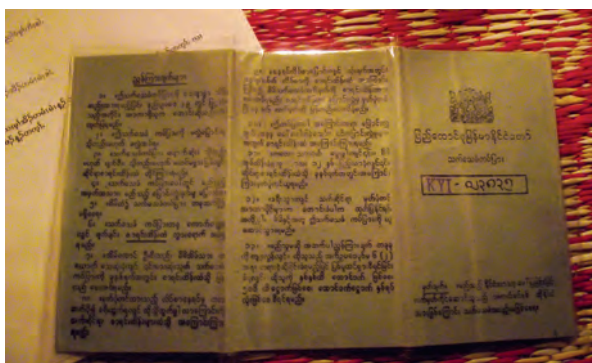
³⁸⁰ See Source #128.

³⁸¹ In Hpapun District, mines planted by BGF soldiers prevent villagers from cultivating their farms; see Source #119. In Kawkareik Township, Dooplaya District, BGF and KNLA mines prevent villagers from traveling to their plantation fields; see Source #125.

³⁸² In Nabu Township, Hpa-an district, villagers are unable to collect firewood and travel in the forest due to fear of mines; see Sources #116 and #153.

³⁸³ In Dooplaya District, mines prevent villagers from walking along existing walking paths and beside paths; see Source #128.

³⁸⁴ Because of BGF and KNLA mines prevent villagers from traveling to the bottom of the mountain where the villagers allow their farm animals to graze; see Source #199.



The above left photo was taken on July 6th 2012 by a KHRG researcher in Kyaukkyi Township, Nyaunglebin District, and shows a photograph of Saw A---'s travel permission letter, which he is required to obtain to travel freely. The photo above right shows a photo of Saw A--- himself on July 9th 2012 in A--- village, Kheh Der village tract in Kyaukkyi Township, while he explained to the KHRG researcher that, in order to attend a meeting about development projects in his area, he was first required to first obtain a travel permission letter from the Myanmar government authorities.³⁸⁵ [Photos: KHRG]



The above two photos depict how landmine contamination restricts the ability of civilians to travel freely; both photos were taken by a KHRG researcher on May 17th 2012. The left photograph shows a red sign marking the location of a landmine planted between two paths by the DKBA during the conflict period in Dooplaya District. Before the mine was planted, villagers were able to rest beside this tree and children graze livestock in this area, so this remaining mine is a great concern for the local community. The photo on the right shows poles of wood and pieces of bamboo that mark the location of a KNLA mine beside the toilet of a Christian church in U Kray Hkee village, Kawkareik Township, Dooplaya District. Villagers in the area are concerned for the physical security of the Sunday school children who use church facilities and play in this general area.³⁸⁶ [Photos: KHRG]



The above photos were taken on September 27th 2012 on the Hpa-an to Myawaddy road, and show one of the many Myanmar government civilian and military checkpoints along this road, including Tatmadaw, police, immigration, BGF, a Myanmar government development committee and traffic police check points. Villagers are required to pay between 500 and 1,000 kyat (US \$0.50 and \$1.00) at each checkpoint. According to the KHRG researcher who spoke to villagers who travel along this road, the level of taxation puts a great strain on the finances of traveling villagers and makes travel prohibitively expensive for some poorer villagers.³⁸⁷ [Photos: KHRG]

³⁸⁵ See Source #338.

³⁸⁶ See Source #327.

³⁸⁷ See Source #355.

"We have to stay only in the hut or on the road, so it is a big problem. It is not easy anymore. We don't dare to go even beside the farm and the road. We could not find any firewood along the only road [that is not contaminated by mines]. ... Many difficulties, travelling, our careers and livestock, are all affected. We never let children go [into mined areas]. I have to go alone sometimes. You don't know where they are planted."

B--- (male, 56), Thee Wah village, Noh Kay village tract, Nabu Township, Hpa-an District/Central Kayin State (May 2012)³⁸⁸

"The landmines exist in the path, beside the path and on the mountain. People have not dared travelling back and forth because of dangerous landmines."

Situation Update written by a KHRG researcher, Kawkareik Township, Doooplaya District/Southern Kayin State (April to June 2012)³⁸⁹

The combination between fear of ongoing attacks on villagers by government troops and landmine contamination serves to severely restrict villagers' lives and livelihoods.

"If you travel in the forest, the NPT [Nay Pyi Taw, referring to Tatmadaw] soldiers see you and shoot at you. If they see you in the forest, they will really shoot at you. Not only those problems cause the movement of villagers to be restricted; they can't travel out of the village very much because there are always mines outside of Meh Th'Ree village and Meh K'Naw village."

Situation Update written by a KHRG researcher, Bu Tho Township, Hpapun District/Northeastern Kayin State (November 2011 to July 2012)³⁹⁰

Movement restrictions and violent abuse

Villagers report the sudden imposition of movement restrictions and incidents of harassment and violence when those restrictions are not followed. After a truck transporting sand for a BGF-backed development project detonated a mine and killed five people, the Tatmadaw and BGF soldiers imposed a curfew requiring villagers not leave their village; two villagers were violently abused for traveling during this time.³⁹¹ In a different incident, a villager was grazing his cow along a road when he was arbitrarily detained, violently abused and extorted by a KNLA commander in Hpapun District because, unbeknownst to the villager, the road was closed.³⁹²

"When [KNLA 5th Brigade Commander] Saw Pah Mee saw Saw C---, he asked him [what he was doing] and Saw C--- told him that he did not know anything about the road being closed. He also said that if he had known, he would not have come. But Saw Pah Mee did not like his answer and kept scolding him. While scolding him, Saw Pah Mee also asked for money from him. Saw C--- said that if he has to pay 100,000 kyat (US \$114), that it is fine, and that he is willing to give it. But he kept scolding him and, at 12:00 am, Saw Pah Mee blindfolded him, tied him up under a house and punched him three times."

Incident Report written by a KHRG researcher, Bu Tho Township, Hpapun District/Northeastern Kayin State (October 2012)³⁹³

³⁸⁸ See Source #117.

³⁸⁹ See Source #128.

³⁹⁰ See Source #311.

³⁹¹ See Source #54.

³⁹² For the incident report documenting a KNLA 5th Brigade Commander Saw Pah Mee violently abusing a villager, see Source #90.

³⁹³ For the full incident report, see Source #90.

The improved sense of freedom in the ceasefire period described in the beginning of this chapter has also caused some villagers to let down their guard prematurely. One villager was killed by Tatmadaw troops while he was collecting food in the forest with other villagers.

“The civilians were not paying attention, as they had faith in the ceasefire, and therefore they did not notice the soldiers. The villagers were not expecting this kind of attitude from the Myanmar military, so they went and collected truffles happily and they talked loudly... In this incident, they [Tatmadaw] waited and they shot and killed a villager... If they don’t respect the ceasefire, then it causes great difficulties for us civilians and we can’t trust the ceasefire, which is bad for the future of our country.”

Saw D--- (male), Bu Tho Township, Hpapun District/Northeastern Kayin State
(June 2012)³⁹⁴

Recommendations

The number of Tatmadaw, police and EAG checkpoints should be decreased, as this restricts villagers’ movement and are hotspots for arbitrary taxation and other demands. The Government and EAGs should inform local communities about the reasons for any official measures that restrict civilians’ movements and develop policies for taxation and transparent identity cards systems.

³⁹⁴ See Source #292.

I. Arbitrary taxation and demands

This chapter includes oral and written demands issued by civilian or military authorities on an *ad hoc*, irregular and unpredictable basis for the provision of villagers' money, food or possessions. Such demands are conceptually distinct from those that necessitate work or action on the part of villager(s) that they have not yet completed; acts of this latter type have been included in the chapter 'Forced labour' in this report.

Since January 2012, villagers and KHRG researchers raised issues of arbitrary taxation and demands in Hpapun,³⁹⁵ Hpa-an,³⁹⁶ Dooplaya,³⁹⁷ Toungoo,³⁹⁸ Thaton,³⁹⁹ and Nyaunglebin⁴⁰⁰ districts in Southeast Myanmar. Villagers faced arbitrary taxes and demands by Tatmadaw,⁴⁰¹ BGFs,⁴⁰² Myanmar government officials,⁴⁰³ KNU/KNLA,⁴⁰⁴ DKBA,⁴⁰⁵ KPF⁴⁰⁶ and KNDO.⁴⁰⁷

Arbitrary taxes were collected by EAGs, Tatmadaw and government officials from people passing by military bases by foot,⁴⁰⁸ as passengers in truck⁴⁰⁹ or on motorbike drivers.⁴¹⁰ River checkpoints were also used to extract taxes from boat drivers.⁴¹¹ Taxes were also levied on rubber and corn

³⁹⁵ In Hpapun District, arbitrary taxes were levied by the BGF on villagers to pay soldiers' salaries and on cardamom traders; see Source #186. Also in Hpapun, villagers were ordered to provide chickens for a government land surveyor; see Source #218.

³⁹⁶ In Hpa-an District, people who trade buffalo and cows have to pay taxes to different armed groups; see Source #213.

³⁹⁷ In Dooplaya District, multiple armed groups levy taxes on villagers' cars and logging machines; see Source #113.

³⁹⁸ In Toungoo District, Tatmadaw demanded villagers to provide trucks; see Source #30. Also in Toungoo, arbitrary taxes are levied on motorbike drivers; see Source #331.

³⁹⁹ In Thaton District, villagers reported paying taxes to BGF soldiers in lieu of labour; see Source #260.

⁴⁰⁰ In Nyaunglebin District, Tatmadaw demand arbitrary taxes on gold miners; see Source #51. Also in Nyaunglebin, a villager reported that villagers are forced to pay money to continue to work in their own plantations; see Source #365.

⁴⁰¹ Tatmadaw soldiers levied arbitrary taxes and demands on villagers most commonly to fund militias (see Source #47); on farmland (see Sources #128, #135 and #365); on livestock (see Source #194); and at checkpoints while villagers are traveling (see Source #32).

⁴⁰² Tatmadaw Border Guard soldiers levied taxes on villagers most commonly for soldiers' salaries (see Sources #145, #186 and #245) and on cow traders (see Sources #217, #293, #361 and #362).

⁴⁰³ For example, a Myanmar government officer (from the land registration department) demanded each villager to bring along with chicken so as they order villager have to fulfill; see Source #218.

⁴⁰⁴ The KNU and KNLA levied arbitrary taxes on villagers to mine gold (see Sources #73 and #306); to provide security in the area (see Source #269); for education, health and religious purposes (see Source #377); for KNU and KNLA official's salaries and on cardamom, which are described as unaffordable (see the last item in Source #163).

⁴⁰⁵ DKBA levied arbitrary taxes on villagers at checkpoints to travel (see Source #245) and for soldiers' salaries (see Source #187).

⁴⁰⁶ KPF levied taxes on boat drivers, see Source #347.

⁴⁰⁷ For example, the KNDO required villagers to obtain a recommendation letter and pay a tax amounting to 10,000 kyat (US \$11.49) to mine gold; see Source #306.

⁴⁰⁸ For example, villagers have to pay taxes at Tatmadaw military checkpoints in Toungoo District; see Source #32.

⁴⁰⁹ For examples of reports detailing arbitrary taxes levied on car and truck drivers, see Sources #31, #112 and #355.

⁴¹⁰ For examples of arbitrary taxes levied on motorbike drivers in Hpapun District, see Source #208; in Toungoo, see Source #331; and in Dooplaya, see Source #140.

⁴¹¹ For examples of reports detailing arbitrary taxes levied on boat drivers by BGF and KPF (see Source #347) and by security guards (see Source #364).

plantation owners;⁴¹² on gold mining activities;⁴¹³ logging activities;⁴¹⁴ and on cardamom,⁴¹⁵ buffalo and cow traders.⁴¹⁶ Furthermore, villagers reported various types of tax on land use, including taxes on farmers using land that had been previously confiscated from them,⁴¹⁷ for the cultivation of farmland and on the purchase of grain.⁴¹⁸ In addition to the direct effects on villagers, these demands put pressure on village heads who are asked by armed actors to collect funds or goods from their villages.⁴¹⁹

"The officer under Na Kha Mway⁴²⁰ demands 4,000 baht and 1,500 planks of wood per month from every villager who sets up a sawmill. The KNU Forestry [Department] demands 2,000 baht (US \$62.50)⁴²¹ per month. For all trucks coming back [from Thailand], the DKBA demands 200 baht (US \$6.25) at every checkpoint. For passenger cars, they demand 500 kyat (US \$0.50);⁴²² this was reported by the drivers. The BGF also demands taxes along the P'Lu to Myawaddy [road]; at every checkpoint, they demand 500 kyat from each vehicle, and they demand 500 kyat from every passenger. For the livelihood situation, the Burmese army [Tatmadaw] also makes demands whenever they need anything. There are four DKBA checkpoints between P'Lu and Waw Lay. And there are six checkpoints between P'Lu and Myawaddy."

Situation Update written by a KHRG researcher, Kawkareik Township, Doooplaya District/Southern Kayin State (March 2012)⁴²³

"On October 9th 2012, A---, 32 years old, from A--- village, who is a cow and buffalo trader, had to pay taxes on his cows and buffalos to the Myanmar military [Tatmadaw], the DKBA and the KNU. He owns 42 cows and buffalos altogether. For each pair of cows or buffalos, he had to pay 10,000 kyat (US \$10.13) to the BGF, 5,000 kyat (US \$5.07) to the Myanmar

⁴¹² For examples of arbitrary taxes levied on rubber plantation owners, see Sources #152, #260 and #377; on corn plantation owners, see Source #128.

⁴¹³ For example, the KNLA set up a checkpoint to tax gold miners in Hpapun District, see Source #73; for KNDO taxation on gold miners, see Source #306; and for Tatmadaw taxes on villagers to operate gold sluices, see Source #73.

⁴¹⁴ For an example of taxes levies on a logger in possession of a logging machine, see Source #113.

⁴¹⁵ For an example of arbitrary taxation on a cardamom trader by BGF soldiers, see Source #186.

⁴¹⁶ For examples KNU, BGF and DKBA taxation on cow and buffalo traders, see Source #213; for additional examples of BGF levying taxes on livestock traders, see Sources #276, #283 and #361.

⁴¹⁷ Villagers also have to pay taxes to work on land they previously owned; see Source #365.

⁴¹⁸ For example, villagers have to pay taxes on the plantation, to harvest the plantation and on the seeds; see Source #128.

⁴¹⁹ Typically, if the Tatmadaw wants something, they go through the village head or village tract administrator (see Sources #234 and #367); asking for money and demanding goods directly to village head during their meeting (see Source #191); during a meeting, a BGF asked for money and other goods and to fulfill their needs (see Source #378); and BGF #1014 Commander Maung Chit asked a village head to collect money from business people to give money (see Source #208).

⁴²⁰ Na Khan Mway, whose real name is Saw Lah Pwe, is the leader of the Democratic Karen Benevolent Army (DKBA). He left the KNU/KNLA in 1997 and became the commander of DKBA Battalion #907. In 2007 he was promoted to head four DKBA battalions (#s 901, 906, 907 and a security battalion) as the commander of the Klo Htoo Baw (Golden Drum) Tactical Command. In May 2009 this unit was reconfigured as DKBA Brigade #5, with Na Kha Mway commanding battalions #901, 905, 906, 907 and 909; Brigade #5 was active in the Kya-In Seik Kyi, Kawkareik and Myawaddy areas of Doooplaya and Hpa-an Districts. Na Khan Mway is wanted in Thailand on drug trafficking allegations.

⁴²¹ As of March 18th 2014, all conversion estimates for the Baht in this report are based on the official market rate of 32 baht to US \$1.

⁴²² As of January 13th 2014, all conversion estimates for the Kyat in this report are based on the official market rate of 987 kyat to the US \$1.

⁴²³ See Source #113.

government or 1,000 kyat (US \$1.01) to the KNU, [dependent on which checkpoint he drives through].”

Order Notes written by a KHRG researcher, Hpapun District/Northeastern Kayin State (October 2012)⁴²⁴

“The goldmines in Dwe Lo Township are controlled or secured by KNLA intelligence; this means they tax [the gold miners who are extracting from] each of the mines. They told the villagers that they are raising funds to buy weapons and ammunition.”

Situation Update written by a KHRG researcher, Dwe Lo Township, Hpapun District/Northeastern Kayin State (January to February 2013)⁴²⁵



The above photos were taken on May 24th 2012, and show a Tatmadaw army checkpoint in ‘20-mile’ village/army camp in Toungoo District run by LIB #11. At the checkpoint, soldiers collect money from each vehicle; they are not allowed to continue if they do not pay money or provide other goods.⁴²⁶ [Photos: KHRG]



The above photos were taken on September 27th 2012 on the Hpa-an-Myawaddy vehicle road in Hpa-an District. They show one of the Myanmar government checkpoints that vehicles traveling between Hpa-an and Myawaddy must go through. According to the KHRG researcher who took these photos, the drivers and passengers are forced to pay taxes to the Tatmadaw, police, immigration officials, BGF soldiers, development committee members and traffic police along this road. Each driver is taxed between 500 and 1,000 kyat (US \$0.50 and \$1.00) at each checkpoint and each passenger is taxed approximately the same amount, and the researcher estimated that approximately 400 vehicles travel along this road each day.⁴²⁷ [Photos: KHRG]

⁴²⁴ See Source #213; see also Source #217 for a receipt of payment issued to a villager by BGF Battalion #1011 for taxes on cows and buffalos.

⁴²⁵ See Source #73.

⁴²⁶ See Source #331.

⁴²⁷ See Source #355.



The above photo was taken on July 14th 2012, and shows villagers from B--- village, Nyaunglebin District, transporting wood for the construction of their homes. According to the KHRG researcher who took this photo, the loggers are required to pay 5,000 kyat (US \$5.07) in taxes to Tatmadaw soldiers each time they pass by Than Seik army camp.⁴²⁸ [Photo: KHRG]



The above photo was taken on April 4th 2013, and shows a sign at a DKBA checkpoint in M'Pree River, Bu Tho Township, Hpapun District, which lists the taxes villagers are required to pay to transport different types of materials. In Burmese, the sign states: "Please stop in order to be checked. Transporting one ton of wood from Meh P'Ree is 5,000 kyat. Each raft that transports logs from the Yunzalin River has to pay 3,500 kyat. Bamboo from the Yunzalin River is 1,000 kyat. Each engine boat that crosses has to pay 500 kyat." According to the KHRG researcher who took this photo, the checkpoint was removed one year previous, but villagers in the area still face taxation at numerous similar checkpoints.⁴²⁹ [Photo: KHRG]



The above photos were taken on July 15th 2012 and show gold miners working below the Shwegyin Dam in Nyaunglebin District. Each miner conducts his activities from one of the rafts shown in the picture above. According to the KHRG researcher who took these photos, the gold miners are required to pay 800,000 kyat (US \$810.54) to Tatmadaw LIB #572 every month.⁴³⁰ [Photos: KHRG]

⁴²⁸ See Source #343.

⁴²⁹ See Source #245.

⁴³⁰ See Source #343.

Villagers explained how arbitrary taxation is particularly difficult for communities living under multiple authorities. In some areas under mixed control, such as Hpa-an and Dooplaya districts, villagers may be taxed by four or more local authorities for various social services or religious purposes, or via multiple authorities along one vehicle road.

"In my area, [DKBA] Company Commander Lieutenant Aung Yin's army is based in C--- village and, even though they do not conduct military activities, they yearly collect rubber and phone taxes from some. There are many groups active in our area, such as the KNU, U Thein Sein's group [Tatmadaw], BGF, DKBA, KPC and KPF. Civilians are confused about which armed actor to rely on. Every group asks for donations and taxes [for] celebrating days of significance, education, healthcare or religion, and villagers have to collect [the money] and give to them."

Situation Update written by a KHRG researcher, Kyonedoe Township, Dooplaya District/Southern Kayin State (July to November 2012)⁴³¹

Arbitrary taxation and other demands drain villagers' income and household resources, and are particularly destructive for both villagers who rely on daily wage labour and farmers who subsist on the products of their own labour or rely on profits from the sale of agricultural produce.

"To raise our family we have to try to get work in order to get food to eat. There are several problems with maintaining a livelihood; we, villagers of D--- village, cannot do other work, so we just grow corn, ground nut, grow paddy and engage in logging. In order to make our living [through any of the above activities], we also have to pay a tax for a permission letter once per month [to the DKBA, KNLA and/or Tatmadaw]. Sometimes, we take the permission letter with us but they still disturb us; this is a big problem we have been facing."

Situation Update written by a KHRG researcher, Kawkareik and Kyainseikgyi Townships, Dooplaya District/Southern Kayin State (April to June 2012)⁴³²

Villagers have responded with attempts to decrease the amounts of taxes and demands they face. As shown below, these have included requests for religious leaders to appeal to soldiers to reduce taxes; limit the number of livestock which are taxed; and efforts to negotiate with commanders directly to decrease demands for soldiers' salaries.

"They demand 10,000 kyat (US \$10.13) [in taxes per year] per paddy tractor. This is one type of BGF #1015's business system, which they practice once a year. Villagers try to [work] against it in many ways. ... Villagers requested to the BGF to reduce the tax, for example, if they have 10 cows, three of the cows could not be taxed, and later they approved the villager's request. They also asked a monk to speak up for them, and the same [reduction in taxes was permitted] for boat trips; they do not tax [some boat trips] or make it free. At the end, I know that some villagers do not have to pay any tax on boats and tractors since the start of 2013."

Situation Update written by a KHRG researcher, Paingkyon Township, Hpa-an District/Central Kayin State (June to November 2013)⁴³³

⁴³¹ See Source #152.

⁴³² See Source #128.

⁴³³ See Source #362.

Arbitrary taxation for military activities

While KHRG has documented a decrease in forced labour since the ceasefire,⁴³⁴ villagers continue to report regular demands for money and other materials to support military activities. These demands included calls for money for military base construction or rations re-supply, typically presented as an option for villagers in lieu of providing labour;⁴³⁵ orders for the use of villagers' tractors, cars or trucks to transport military rations;⁴³⁶ and the extraction of food for soldiers, including chickens, pigs, rice and other crops that villagers grow and sell for their livelihoods.⁴³⁷

"The village leaders who control villagers are not elected by the villagers, but by the BGF. If the BGF orders them to pay 100,000 kyat (US \$114.29), the village head collects 200,000 kyat (US \$228.57) and the villagers have to deal with this. For the one-month village heads, the villagers help them for the month [provide materials for BGF soldiers]; they give three baskets of rice (96 kg. / 211.2 lb.)⁴³⁸ and 30,000 kyat (US \$30.34). Each village household has to take responsibility and be a one-month village head. The one-month village heads stay under the control of a supervising village head, who is elected [and under control] of the BGF."

Situation Update written by a KHRG researcher, Nabu Township, Hpa-an District/
Central Kayin State (May to June 2012)⁴³⁹

"Koh Nee village tract villagers have to pay 35,000 kyat (US \$35.46) and [provide] eight baskets of rice (256 kg. / 563.2 lb.) to the sentry [soldiers]. E--- villagers have to pay 14,000 kyat (US \$14.18) [as a general tax], 10,000 kyat (US \$10.13) for the sentry's monthly service [for the Tatmadaw militia] and eight bowls of rice. There are 450 households in Ta Hkaw Pghah village tract, 301 households in Koh Nee village tract and 30 households in Kaw Thaw village. The villagers from these three places have to send the goods described above on a monthly basis to the militia."

Situation Update written by a KHRG researcher, Kyaukkyi Township,
Nyaunglebin District/Eastern Bago Region (June 2012)⁴⁴⁰

"The Tatmadaw demands coconuts and vegetables from the villages of F--- and G---. They do not demand money, porters or villagers for sentry duty or to serve as soldiers, and they do not order villagers to serve as guides for them anymore. However, they still order thatched shingles."

Situation Update written by a KHRG researcher, Bu Tho Township,
Hpapun District/ Northeastern Kayin State (March to April 2012)⁴⁴¹

⁴³⁴ See 'Forced labour' chapter in this report.

⁴³⁵ See Source #191 for a Tatmadaw commander ordering villagers to perform forced labour or send money if they cannot work on an army camp in Htantabin Township in August 2012. See Source #378 for an example of a BGF soldier ordering villagers to provide money if they cannot provide thatch in Hpapun District.

⁴³⁶ On June 23rd 2012, Tatmadaw LID #66 soldiers demanded villagers' trucks to transport their food supply; see Source #30. See Source #221 for Tatmadaw demands for villager' hand tractors to transport their supplies, and Source #264 for demands for a certain numbers of villagers' carts depending on the size of the village.

⁴³⁷ For examples of Tatmadaw and BGF soldiers demanding durian, chickens, rice and other food from villagers, see Sources #47, #199 and #214.

⁴³⁸ A basket is a unit of volume used to measure paddy, milled rice and seeds. One basket is equivalent to 20.9 kg. or 46.08 lb. of paddy, and 32 kg. or 70.4 lb. of milled rice. A basket is twice the volume of a big tin.

⁴³⁹ See Source #199.

⁴⁴⁰ See Source #47.

⁴⁴¹ See Source #304.

Arbitrary taxation for soldier's salaries

Since the ceasefire, many reported attempts to recruit villagers into a BGF or a government-initiated militia have been refused, leading to demands for “compensation”,⁴⁴² or for funds to pay alternative soldiers' salaries.⁴⁴³ Money has also been extracted from conscripted soldiers in order to secure their discharge following the completion of the period of initial conscription, which commanders have justified as funding for the salaries of the soldiers' replacements.⁴⁴⁴ Arbitrary taxes were also imposed on communities by a BGF commander to finance a plan to extend soldiers' time in service.⁴⁴⁵ BGF commanders made demands for soldiers' salaries by holding official meetings in villages, releasing letters to village heads for dissemination or requesting that villagers or village heads sign letters pledging their services. During meetings or in letters, commanders explain that they do not have enough money to recruit soldiers and that there are problems retaining soldiers. Villagers speculate that commanders are profiting personally from these demands.

“BGF Commander Maung Chit⁴⁴⁶ ordered that the soldier should be replaced. If there is no one to replace him, they have to pay 2,000,000 kyat (US \$2,026). So, in fear, the villagers collected the money from the villagers, including listing the village name.”

Photo Notes written by a KHRG researcher, Bu Tho Township,
Hpapun District/Northeastern Kayin State (May 2013)⁴⁴⁷

“Border Guard Battalion #1014 Battalion Commander Saw Maung Chit tried to recruit more soldiers from villages without payment. As Commander Saw Maung Chit did not have enough money to hire more soldiers, he released an order letter and distributed it among villagers. This letter demanded money from villagers. [He] demanded: two million kyat (US \$2,266) from H--- village; one million kyat (US \$1,133) from I--- village; three million kyat (US \$3,400) from J--- village and 12 million kyat (US \$13,597) from T--- village by using this letter.”

Situation Update written by a KHRG researcher, Bu Tho Township,
Hpapun District/Northeastern Kayin State (August to September 2012)⁴⁴⁸

⁴⁴² For example, see Source #208 for BGF soldiers demanding money from villagers if they refuse to join the army.

⁴⁴³ For examples of DKBA and BGF forces demanding money for soldiers' salaries, see Sources #130, #145, #187 and #189.

⁴⁴⁴ For example, a BGF demanded 2,000,000 kyat (US \$2,026) from soldiers who are not replaced by another soldier (villager) if they are being discharged; see Source #245.

⁴⁴⁵ See Source #145.

⁴⁴⁶ Commander Maung Chit, also referred to as Maw Hsee, is the commander for Tatmadaw Border Guard Force (BGF) battalion #1014 in Hpapun District. Maung Chit is not to be confused with Maung Chit Thu (typically referred to as Chit Thu), who is a senior level BGF commander overseeing battalions #1017, #1018, #1019 and #1020 in Ko Ko, Hpa-an District.

⁴⁴⁷ See Source #245.

⁴⁴⁸ See Source #312.

“Border Guard battalions #1016, #1018 and #1019 are instituting a new retention policy in order to curb recent losses of active duty members, where 22 local soldiers who have completed their year-and-a-half service will no longer go on reserve status. Instead, these soldiers will be required to extend their service tenure. In total, 1,000 villagers [from five village tracts] were present at the meeting, where the subject of ‘soldier recruitment’ was discussed. Villagers attending a meeting [held by the BGFs regarding the policy] were required to provide money to the battalions in order to cover costs of the new salaries. For each of these soldiers, villagers had to provide them with 3,000,000 kyat (US \$3,525.26). ... All households will have to pay at least 50,000 kyat (US \$58.75), irrespective of ability to pay.”

Short Update written by a KHRG researcher, Nabu Township, Hpa-an District/Central Kayin State (October 2012)⁴⁴⁹

“It [arbitrary taxation] is because of the recruitment [efforts of] of BGFs. They are just finding ways to get money because ...they use the money for themselves. And they said your villagers also have to join too. ... My villager Bo Kin joined it. ... I heard they [BGF soldiers] are living in K’Ter Tee. ... I heard that they get 120,000 kyat (US \$121.58) per month [from the Myanmar government]. The Government gives them money too and they are eager to work with them and bully us.”

B--- (male, 48), Bu Tho Township, Hpapun District/Northeastern Kayin State
(Interviewed in May 2012)⁴⁵⁰

Villagers have attempted to refuse demands for BGF salaries by stating that those payments are the responsibility of the Myanmar government and not the local community. Villagers have also given money for soldiers’ salaries directly to soldiers, instead of providing it to the BGF commanders.

“[A village head speaking to a BGF commander:] We hired the soldiers for you [when you were the DKBA], but now you have become the BGF and the Burmese army [Tatmadaw] feeds you and pays your salary. So it is wrong to come back and do such things to the villagers.”

Village head, Nabu Township, Hpa-an District/Central Kayin State
(Interviewed in March 2012)⁴⁵¹

“[A KHRG researcher asked Saw Hs---:] I heard that Boh K’Doh [a BGF Officer] recruits many soldiers and has now become a rich man. Is it true? I don’t think he has become rich because we give the recruitment fees to the soldiers who are being recruited. We don’t give it to him.”

Saw C--- (male, 63), Nabu Township, Hpa-an District/ Central Kayin State
(Interviewed in April 2012)⁴⁵²

⁴⁴⁹ See Source #145.

⁴⁵⁰ See Source #286.

⁴⁵¹ See Source #160.

⁴⁵² See Source #115.



This above photo was taken on September 14th 2012, and shows the Kyeik Don Boat Checkpoint on the Haung Th'Yaw River, in Kawkareik Township, Dooplaya District. At this checkpoint, each boat has to pay 15,000 kyat (US \$15.20) separately to the BGF, Myanmar government police and the KPF.⁴⁵³ [Photo: KHRG]



This photo was taken on December 17th 2012, in the K--- village, Htantabin Township, Toungoo District, and shows Saw C---, who reported to KHRG that the KNU began to demand higher taxes in 2013, explaining that the taxes on cardamom and taxes for KNLA soldiers' salaries are unaffordable for the local community.⁴⁵⁴ [Photo: KHRG]

Recommendations

Taxes at checkpoints, taxes on traders and entrepreneurs and taxes on goods and services must be clearly defined in transparent laws, which stipulate which authority has the right to tax in different locations. Villagers should be provided with proof of payment, such as receipts, and a fixed taxation rate should be visibly posted at checkpoints. The number of government and EAG checkpoints should be reduced, in order to reduce the opportunities to charge villagers arbitrary taxes. Additionally, the Government and EAGs should closely monitor the local authorities responsible for tax collection in order to stem corruption. Finally, the media and local and international organisations should publicise ongoing arbitrary taxation and demands, particularly in rural areas, to the Government and EAGs, to deter such demands.

⁴⁵³ See Source #347.

⁴⁵⁴ See Source #163.

III. Emerging issues: Resource management

A. Land confiscation

Since the ceasefire, the pace of land acquisitions, by a wide variety of local and foreign actors, has intensified. In March 2013, KHRG published *Losing Ground: Land conflicts and collective action in eastern Myanmar*, which contained a detailed analysis of trends in land confiscation through November 2012. *Losing Ground* demonstrated that land acquisition in KHRG research areas was often exploitative.⁴⁵⁵ This chapter builds on that analysis.⁴⁵⁶

Myanmar's land is currently governed by a patchwork of overlapping, and sometimes contradictory, laws. Land laws passed by the Myanmar government in 2012 provide some clarity in the law relating to individual land and property rights, while nonetheless retaining substantial government authority to expropriate land.⁴⁵⁷ As the Food Security Working Group (FSWG) explains, this ability to expropriate land was implemented through the Wasteland Instructions law in 1991, which enabled both domestic and foreign investment in large-scale agricultural enterprises. This was achieved through transfer of use rights⁴⁵⁸ to designated "wasteland" (or "vacant, fallow and virgin land") to private individuals or companies for large-scale export-oriented plantations, with no recognition of customary law. This was reaffirmed in the March 2012 Vacant, Fallow and Virgin Land Law, which has the potential to increase land confiscation across the country.⁴⁵⁹

The new framework also lacks laws or regulations that take traditional land tenure systems into account. In some KHRG research areas, the KNU is making efforts to register villagers' land by implementing a system that they claim incorporates traditional land tenure practices into a regional registration system.⁴⁶⁰

In this context of multiple authorities and competing land protection praxes, individuals and communities face uncertainty as to how they can claim and protect their land in a way that will be recognised vis-à-vis external actors. Villagers who do attempt to register a land title within one of the systems face institutional corruption, insurmountable expense and a complicated system that fails to reflect accurately the local realities of land use.⁴⁶¹ These factors conspire to deny villagers' land and livelihood rights, while facilitating land confiscation, rural displacement and investment that frequently has no benefit for the local community.

⁴⁵⁵ See *Losing Ground: Land conflicts and collective action in eastern Myanmar*, KHRG, March 2013.

⁴⁵⁶ KHRG continues to monitor the development projects and forms of confiscation documented in *Losing Ground*, and plans to publish a second comprehensive report on the same issues.

⁴⁵⁷ See the Vacant, Fallow and Virgin Lands (Myey Lut Myey Let Nint Myey Yaing Mya) Management Law, Pyidaungsu Hluttaw, November 10th 2012; Farmland (Leya Myey) Law, Pyidaungsu Hluttaw, November 11th 2012.

⁴⁵⁸ "Use rights" is a technical term in land law, meaning that one does not own the land, but can use it for certain, agreed purposes, usually for a designated time period.

⁴⁵⁹ For a thorough description of Myanmar's land laws and analysis, see *Legal Review of Recently Enacted Farmland Law and Vacant, Fallow and Virgin Lands Management Law: Improving the Legal & Policy Frameworks Relating to Land Management in Myanmar*, Food Security Working Group - Land Core Group, November 2012.

⁴⁶⁰ For example, the Karen National Union developed a Land Policy (2009) and attempts to implement it in areas under its influence; this document is available on the Karen Environmental and Social Action Network (KESAN) Website in S'gaw Karen and Burmese languages.

⁴⁶¹ Obstacles to land registration, including cost, changes to land classification, and a lack of community-level awareness of registration processes, are detailed in the report: *Land tenure security in Myanmar's uplands*, Food Security Working Group (FSWG), 2012.

The preliminary ceasefire agreement between the Myanmar government and the KNU acknowledges the need “to provide solutions to settle the land rights issue.” Under this agreement, signed in January 2012, the Myanmar government and the KNU agreed, as a matter of principle, to end many common abuses, including issues related to land.⁴⁶² The parties also agreed to “support the basic needs of the people and ensure that development projects have the full participation and support of local villagers.”⁴⁶³

The ongoing process of political negotiation presents opportunities to establish land use systems that would support locally-determined interests and be consistent with international human rights norms.⁴⁶⁴ At the same time, the current vacuum allows private entities, acting in concert with state officials or non-state actors, to pursue their operations without regard for the consequences on local communities,⁴⁶⁵ and with impunity for acts of coercion or other human rights abuses.⁴⁶⁶ Institutions associated with centralised governance remain weak and subordinate to the executive and the military,⁴⁶⁷ and do not provide a functioning mechanism to prevent exploitative land expropriation.

However, in addition to the ongoing peace process, the Myanmar government has begun to address land complaints. Recent developments include the creation of a Land Investigation Commission by the *Pyidaungsu Hluttaw* (Lower House of Parliament) to investigate land disputes in cases of confiscated land.⁴⁶⁸ In this context, the commission came to Hpa-an and Thandaunggyi townships at the end of September and early October 2012. Members of parliament have expressed encouragement and willingness to receive complaints.⁴⁶⁹

The Rule of Law and Stabilisation Committee has also received hundreds of complaints, most of which deal with land disputes.⁴⁷⁰ The Land Allotment Scrutiny Committee provides information to Parliament on the social and environmental impact of investment sites, and is tasked to review

⁴⁶² See “Govt, KNU sign ceasefire,” *Myanmar Times*, January 16th-22nd 2012; “KNU, Govt Reach Historic Agreement,” *The Irrawaddy*, January 12th 2012.

⁴⁶³ See Paul Keenan, “Burma’s Ethnic Ceasefire Agreements,” *Burma Centre for Ethnic Studies, Peace and Reconciliation*, January 2012, p. 5.

⁴⁶⁴ Such as the establishment of Government of Myanmar-KNU working groups to discuss relationships between KNU “para state structures” related to, inter alia, land registration and government structures; See Ashley South, “Prospects for Peace in Myanmar,” *Peace Research Institute Oslo*, No. 31, 2012.

⁴⁶⁵ For documentation of negative impacts on livelihoods, physical security threats, migration and other consequences of natural resource extraction and business development projects, received by KHRG in 2011 and 2012, see *Section V: Consequences, Losing Ground: Land conflicts and collective action in eastern Myanmar*, KHRG, March 2013.

⁴⁶⁶ While the 2008 Constitution stipulates that the Union, “*Shall enact necessary laws to supervise extraction and utilisation of State-owned natural resources*”, no legislation establishing specific state duties to protect against human rights abuses during project implementation has been passed.

⁴⁶⁷ Under the current legal structure, the President nominates the Chief Justice of the Supreme Court and regularly consults with this office-holder to propose the remaining Supreme Court judges; the Chief Justice has been U Tun Tun Ooo, a retired Lieutenant-Colonel since February 2012; for analysis of the current legal structure in Myanmar, see *The Rule of Law in Myanmar: Challenges and Prospects*, International Bar Association’s Human Rights Institute (IBAHRI), December 2012, specifically Chapter 8: The Judicial Sphere (I): Courts and Judges, pp. 56-60.

⁴⁶⁸ Soe Than Lynn “Reps Ignore Ministry on Land Grab Committee” *The Myanmar Times*, vol 32 no. 637, July 30th - August 5th 2012.

⁴⁶⁹ Complaints are filed against abuses related to forced labour, arbitrary taxation and extortion imposed on villagers. MP Phyto Min Thein said, “*The political situation has changed and people should not be afraid. We will be the first persons who go to prison if the authorities make problems so do not be afraid to complain*”; see Lawi Weng, “Land Grab Probe Travels Across Burma,” *The Irrawaddy*, September 26th 2012.

⁴⁷⁰ See “Rule of Law committee receiving complaints,” *Mizzima News*, October 22nd 2012.

the national land-use policy and make recommendations to the central government.⁴⁷¹ These initiatives demonstrate, at a minimum, the desire by powerful government actors to appear to be addressing land complaints; this itself can create an opportunity for meaningful reform.

Land confiscation is narrowly defined for the purposes of this chapter as incidents in which villagers' access to or use of land was forcibly supplanted by another actor without their consent or without (adequate) compensation. Incidents in this category are conceptually distinct from instances in which villagers are prevented from accessing their land due to restrictions on freedom of movement, armed conflict or generalised fears related to activity by the Tatmadaw, BGFs or EAGs.

Land confiscation since January 2012

As KHRG documented extensively in *Losing Ground*,⁴⁷² land was confiscated by the Tatmadaw, Myanmar government or an EAG, often in partnership with a domestic or foreign company or with wealthy individuals.⁴⁷³

Since January 2012, villagers and KHRG researchers raised the issue of land confiscation across all seven Karen districts in Southeast Myanmar.⁴⁷⁴ Land confiscation was perpetrated by or with the cooperation of Tatmadaw,⁴⁷⁵ BGFs,⁴⁷⁶ domestic⁴⁷⁷ and international⁴⁷⁸ companies, Myanmar government officials,⁴⁷⁹ KPF,⁴⁸⁰ Karen State Democracy and Development Party

⁴⁷¹ See "Third day session of the second Planning Commission," The Republic of the Union of Myanmar, President's Office, August 15th 2012.

⁴⁷² See *Losing Ground: Land conflicts and collective action in eastern Myanmar*, KHRG, March 2013.

⁴⁷³ In Bilin Township, Thaton District, rich businessmen from outside places went to Nay Pyi Taw, made permission letters and returned to confiscate lands for plantations; see Source #203.

⁴⁷⁴ For an example of land confiscation between January 2012 and November 2013 in Thaton District (see Source #203); in Toungoo District (see Source #261); in Nyaunglebin District (Source #270); in Mergui-Tavoy District (see Source #272); in Hpapun District (see Source #245); in Doolaya District (see Source #105); and in Hpa-an District (see Source #162).

⁴⁷⁵ In September 2012, Tatmadaw LIBs #84, #124 and #546 confiscated villagers' land in Thandaunggyi Township, Toungoo District to expand their base at Ba Yint Naung; see Source #261.

⁴⁷⁶ Between March 2012 and March 2013, BGF Battalions #1013 and #1014 expanded their base camp on over 2,000 acres confiscated land in Hpapun District; see Sources #48 and #314. Between March and May 2013, BGF Veteran Officers Poh Kyaw Hay and Poh Kya Aye confiscated six acres of land from a woman in Paingkyon Township, Hpa-an District; see Sources #164 and #241. In April 2013, BGF Officer Poh Kya Aye began using land belonging to a displaced person; see Source #162.

⁴⁷⁷ In 2012, 100 households' lands were confiscated and the villagers relocated for the construction of the Toh Boh Dam project of Asia World Company; see #23 and #163. Between January and June 2012, the Burmese companies Shwe Than Lwin Company, Hein Naing Win Company and Thein Lay Myaing Company obtained rights to plant rubber and teak after land belonging to villagers was deemed uncultivated by Myanmar government officials in Thaton District; see Source #18.

⁴⁷⁸ In February 2013, a Korean Company called Ngway K'Ba was reportedly involved in the confiscation of villagers' plantations in Ta Naw Th'Ree Township, Mergui-Tavoy District; see Source #272. Between February 2010 and October 2013, a Chinese Company referred to as 'GSM' implemented a mining project, necessitating the confiscation and destruction of a villager's rice and betelnut plantations; see Source #105.

⁴⁷⁹ For example, during 2013, the Myanmar government reportedly leased land belonging to villagers to Burmese businesspeople for large-scale rubber plantations and mining projects along the Shwegyin-Kyaukkyi highway; see Source #270.

⁴⁸⁰ KPF were implicated in land confiscation for a gold mining project; see Source #105.

(KSDDP),⁴⁸¹ the KNU⁴⁸² and wealthy business people.⁴⁸³

According to reports, thousands of acres of villagers' lands were confiscated by the above actors for the purpose of large-scale agriculture projects,⁴⁸⁴ in particular to cultivate rubber plantations;⁴⁸⁵ for mining;⁴⁸⁶ dam construction;⁴⁸⁷ and to build or repair army camps.⁴⁸⁸

In such cases, land is usually confiscated by demarcating the land as owned by the military or the Government, sometimes by referring to the Land Nationalisation Act.⁴⁸⁹ The confiscation usually occurs unilaterally with minimal or no consultation of project-affected communities. In some instances, local authorities or private actors hold meetings with communities to inform them of the project that will be implemented in their area, while in other instances projects on confiscated land begin without prior notification. Local communities report that land is generally confiscated with inadequate or no compensation, or that they are promised compensation or other remedy for land that is never provided.⁴⁹⁰

"Before they [the KPF and a Chinese mining company] started [the mining project], they told the villagers that they would compensate each person with half the price of the land if the land were to be destroyed. The villagers agreed because they were afraid. They started mining in February 2010 and, as of 2013, the villagers whose lands were destroyed have not received any compensation yet."

Incident Report written by a KHRG researcher, Kawkareik Township, Doooplaya District/Southern Kayin State (Received in September 2013)⁴⁹¹

⁴⁸¹ Beginning in April 2012, KSDDP members and Burmese companies confiscated 500 acres of Htee Kyuh, Meh K'Na Hkee and Htee Kyaw Hkee villagers in Hpa-an Township, Thaton District; see Source #18.

⁴⁸² The KNU's Dwe Lo Township Agriculture Department forbid villagers from mining gold in an area which was previously used collectively by them, and instead gave permission to Burmese businesspeople for gold mining purposes; see Source #314.

⁴⁸³ In March 2013, a rubber plantations businessperson from Bilin Township, Thaton District was implicated in the confiscation of Hseh Koo villagers' lands; see Source #237.

⁴⁸⁴ For an example of land confiscation by the BGF Battalion #1014 for the establishment of a rubber plantation and a teak plantation; see Source #15.

⁴⁸⁵ For examples of land confiscation in 2013 for the purpose of cultivating rubber plantations in Nyaunglebin District (see Source #270); in Mergui-Tavoy District (see Source #272); and in Hpapun District (see Source #245).

⁴⁸⁶ For an example of land confiscation for the purpose of gold mining, see Source #313.

⁴⁸⁷ On villager reports the confiscation of 250 acres of Toh Boh villagers' land for the construction of Toh Boh Dam in Toungoo District; see Source #23.

⁴⁸⁸ In June 2012, BGF and Tatmadaw forces informed villagers around Noh Hpaw Htee and K'Ter Tee that they had to sell their land, which would be used for houses for soldiers' families; see Source #66. For additional examples of land confiscation for army camp construction, see Sources #275 and #314.

⁴⁸⁹ In Saw Ti village, Kyaukkyi Township, Nyaunglebin District, the Government confiscated land according to Article 39 of the Assembly of the Union of Myanmar, Land Nationalisation Act (La Na 39), the law that dominates the jurisdiction of farming fields. Villagers were informed that citizens will not get their land back if it was initially confiscated under La Na 39.

⁴⁹⁰ According to Saw A---, a village head of A--- village, Htantabin Township, Taungoo District, no villager dares to believe that the company will build houses for the villagers as compensation because nothing has happened yet; see Source #23.

⁴⁹¹ See Source #105.

“Nowadays, mostly the wealthy people report [areas of] land as uncultivated land [to the Myanmar government] and the Government gives many of them permission [to implement various development projects]. This tendency started in 2005 and is increasingly happening nowadays.”

Situation Update written by a KHRG researcher, Hpa-an, Thaton and Bilin townships, Thaton District (January to July 2013)⁴⁹²

Local response

According to KHRG reports, land confiscation is a serious concern for local communities, as their living conditions are heavily affected by it. Local testimonies suggest that many people were too afraid to report concerns related to land confiscation during the conflict period, but there is strong indication that the ceasefire and change in the security context has provided a space for reporting their concerns. The most prevalent trend in reports from villagers is the lack of means to reclaim land which was confiscated in the past by the Tatmadaw.⁴⁹³ Reclaiming ownership over this land is particularly important to local communities because they have witnessed the regular sale of such previously confiscated land to companies and individuals.⁴⁹⁴

Villagers respond to land confiscation in many ways, including negotiating with companies,⁴⁹⁵ writing complaint letters to Myanmar government or KNU officials⁴⁹⁶ and organising protests.⁴⁹⁷ Villagers have also attempted to register their land with the Myanmar government or the KNU to prevent it from being confiscated.⁴⁹⁸

Alongside these new attempts, villagers have begun to report progress and challenges faced. KHRG previously reported the confiscation of land from 100 households for the construction of the Toh Boh Dam.⁴⁹⁹ Subsequently, the aggrieved villagers' reported complaints to the KNU. In April 2013, a meeting was held between the Shwe Swun In Company - responsible for the

⁴⁹² See Source #260.

⁴⁹³ For reports describing incidents of land confiscation by Tatmadaw for military camps that remain unresolved, see Source #262 (land confiscated by the Tatmadaw in 2005 in Toungoo District); see Source #261 (land confiscated by the Tatmadaw 20 years ago in Toungoo District); see Source #271 (land confiscated by the Tatmadaw in 1974 and 1975 in Nyaunglebin District); see Source #265 (land confiscated by the Tatmadaw in between 1996 and 2006 in Nyaunglebin District); and see Source #314 (land confiscated by a BGF in 2011 in Hpapun District).

⁴⁹⁴ For example, land that was confiscated by the Tatmadaw in 2006 was leased to various companies in Thaton District; see Source #12. Some of the land that was confiscated by the Tatmadaw in 2005 from villagers in Toungoo District was leased to other individuals in 2013; see Source #262. Land confiscated by the Tatmadaw 20 years ago from villagers in Nabu Township, Hpa-an District, was leased to a company called Phyu in 2013; see Source #157.

⁴⁹⁵ On March 13th 2013, Saw Htee Wah, the Secretary of Ta Naw Th'Ree, Mergui-Tavoy District negotiated with U Than Htay, a rich man who confiscated villagers' land and the assured that he would arrange compensation within a few days; see Source #272.

⁴⁹⁶ Villagers from Yay Shah village, Shaa Zi Bo village, Zee Phyu Gone village and Pyin Gaa village in Htantabin Township, Taungoo District met with the responsible people of the government and submitted letters to the KNU and the government to reclaim their land; see Source #262.

⁴⁹⁷ On March 12th 2012, over 400 villagers from Ler Wah, Kwee Lah, Ler Paw Tha, Htee Ler Klay Hee and Leh Hta Kwee villages gathered and protested against the Kyauk Na Ka Dam at the Shwegyin River in Leh Hta Kwee area, Shwegyin and Kyaukkyi townships, Nyaunglebin District; see Source #48.

⁴⁹⁸ In Htantabin Township, Toungoo District, the KNU's agricultural department developed a plan to create new land titles for the villagers by measuring the land with a Global Position System (GPS). This plan is intended to protect villager's land from being confiscated; see Source #262.

⁴⁹⁹ “Photo Set: More than 100 households displaced from Toh Boh Dam construction site in Toungoo,” KHRG, August 2012.

construction of Toh Boh Dam - and local villagers who had lost their land due to the construction of the dam to discuss compensation and other remedy. To aid the compensation process, the KNU collected a list of villagers who lost their land, and the amount of acres they lost. In addition, they began to demarcate new farmland for villagers and determined an amount of seeds needed.⁵⁰⁰

In a separate case, Tatmadaw land confiscation led to a dispute among villagers regarding land title. In 2005, the Tatmadaw confiscated land belonging to Sha Se Bo, Yay Sha, Zee Phyu Gone and Pyin Ga villages by defining the land as military-owned land and subsequently leased the land to Burmese villagers. In 2013, one of the original landowners explained that, *"Now, because the situation is getting better, the owners of the land want their land back to work on."* Villagers from the four villages submitted complaint letters to both the Myanmar government and the KNU, as well as directly negotiating with Myanmar government officials in charge of land registration. However, when the KNU came to demarcate the land for the purpose of making titles for villagers from the four villages, the Burmese villagers who had been working on the land since approximately 2005 also submitted complaint letters to the Myanmar government township administrator.⁵⁰¹

A Tatmadaw affiliate confiscated 2,600 acres of land for rubber plantations in Moe Baw village, Kyaikto Township, Thaton District, and in 2013 the KNU negotiated the return of 600 of the 2,600 acres of land through use of titles.⁵⁰²

In 2005, Max Myanmar Company, in collaboration with a Tatmadaw battalion, confiscated villagers' land in Thaton District. The land is now used for large-scale rubber plantations and for the Tatmadaw army camp. In 2013, some of the villagers whose land was confiscated for Max Myanmar Company projects were to receive 200,000 kyat (US \$202.63)⁵⁰³ for one acre of land. However, none of the villagers whose land was confiscated for the army camp in 2005 were to receive any compensation.⁵⁰⁴

Land registration

As mentioned above, beginning in 2012, the KNU, Myanmar government and other authorities have been demarcating land and issuing land titles,⁵⁰⁵ and informing the local community that land titles are necessary to secure land tenure and prevent confiscation.⁵⁰⁶ However, this development has also led to disputes between authorities over the legitimacy of certain land titles or permission to use land for a certain project.⁵⁰⁷

⁵⁰⁰ See Source #248.

⁵⁰¹ See Source #262.

⁵⁰² See Source #203.

⁵⁰³ As January 13th 2014, all conversion estimates for the Kyat in this report are based on the official market rate of 987 kyat to the US \$1.

⁵⁰⁴ See Source #368.

⁵⁰⁵ For examples of land registration by the KNU, see Sources #203 and #262. For example of land registration by the Myanmar government, see Sources #164, #218 and #346. For example of land registration by local police authorities, see Source #166.

⁵⁰⁶ For example, the KNU Agriculture Department measured villagers' land in Toungoo District, informing villagers that the purpose is to create land titles so that the land cannot be confiscated; see Source #262. NLD officials have encouraged villagers to gain titles to the land from the KNU as a way to protect a certain area of forest; see Source #249. The Myanmar government has promised to return land confiscated over 20 years ago to villagers from Nyaung Lay Bin Kwin if they obtain a land title from the KNU; see Sources #248 and #262.

⁵⁰⁷ In Hpa-an District, the KNU/KNLA-PC refused to recognise a land title issued by the Myanmar government; see Source #229. In February 2013, in Hpapun District, the BGF continued to support a company's activities

Many villagers are either attempting to register their land or file various complaints about previously confiscated land, but have already reported a range of problems to KHRG regarding land registration and the filing of complaints. For example, one community successfully obtained titles to their land at a Myanmar government land registration office, but were told by the Tatmadaw battalion that their land was still military land.⁵⁰⁸

"In May 2013, they [villagers] went to get [land] documents at the Kawkareik [Myanmar government] office. After that, they brought the land grants back to work on their farms again. When they showed them to [Tatmadaw Light Infantry] Battalion #548's Battalion commander, the army [commander] told them that, 'Your documents are illegal so you cannot work on these farms. They belong to the military.'"

Situation Update written by a KHRG researcher, Nabu Township, Hpa-an District
(March to May 2013)⁵⁰⁹

In another instance, a villager obtained a title to his land through the local police, but was told by the KPF that the police were not a legitimate authority from which to obtain a title.⁵¹⁰ In a third case, one community filed a complaint with the Myanmar government official complaints mechanism, but were ultimately informed that the land had been confiscated under an old law and therefore belonged to the State.⁵¹¹

"After that we, the farmers, did not dare to say anything about [the confiscation] because it was the era of the military government. But after the [2010] elections, President Thein Sein established a farmland law and after that U Nyan Shwe Win, Members of Parliament told us that we could submit our case to the government if we have land that was confiscated by the army in our area. So we gathered the farmers ... and they said that they wanted to complain about it. I organised the submission and submitted the case to the President, the Defense Minister, the Farming and Irrigation Department, the Southern Command Headquarters, the Land Registration Department and then all together to the eleven other government departments. ... The authorities will decide according to this document. For the confiscated lands, the Township Administrator said that the Government confiscated it according to La Na 39. La Na 39 is Ler Naing 580 law [the law that dominates the jurisdiction of farming fields]. La Na 39 means the farming lands are confiscated by the order of the Government. So, you will not get back your lands if it was confiscated by the law of La Na 39."

Saw B---, (male, 63), Kyaukkyi Township, Nyaunglebin District
(Interviewed in December 2012)⁵¹²

Villagers reported additional problems with land management that further complicate the process. Such problems include a lack of recognition of older land titles; the loss of titles while fleeing during the conflict period;⁵¹³ EAGs misinforming communities regarding the allocation of

despite several demands by the KNU to halt the project. The KNU had first given permission to the company to take sand for the construction of a school, but they then began to use the sand for other purposes; see Source #307.

⁵⁰⁸ See Sources #164, #165 and #166.

⁵⁰⁹ See Source #164.

⁵¹⁰ See Source #166.

⁵¹¹ See Source #365.

⁵¹² See Source #365.

⁵¹³ A KHRG researcher from Hpa-an District explains that many villagers have land titles from more than 20 years ago or lost their titles when fleeing armed conflict; see Source #170.

concessions to private actors;⁵¹⁴ and disputes between villagers over rights to land.⁵¹⁵

“The issues of land confiscation exists because more rubber trees are planted [by private actors], which causes an increase in disputes among villagers, as they become miserable and envious towards each other. Even village tract leaders cannot control the situation any longer and they hope that a land department official can untie these land issues as soon as possible, [especially] because land registration is conducted by different groups. Some land titles are given by the KNU, Myanmar government, DKBA, [KNU/KNLA]-Peace Council and BGFs. I think that the land titles they gave 20 years ago are no longer recognised. Many people lost their land registration documents because they had to hide or flee away from fighting. They want the KNU or the land registration department officer to solve this as soon as possible, otherwise the conflict will worsen.”

Situation Update written by a KHRG researcher, Nabu Township, Hpa-an District/Central Kayin State (October 2013)⁵¹⁶

“After leaders signed the ceasefire, companies started doing business with the government and it became a problem for the local people. Companies are doing business with the rich people and these rich people are cronies, who were in the military before the 2010 election. They do some agriculture, plant palm trees and rubber trees and say that they got the permission from KNU and the Myanmar government. Actually it is not true. They are just saying it to get the opportunity.”

Situation Update written by a KHRG researcher, K'Ser Doh Township, Mergui-Tavoy District/Tanintharyi Region (January to April 2013)⁵¹⁷

“Logging is still on-going in Dwe Lo Township. [The KNU] Forest administrator Kyaw Hpoh said that headquarter and district [leaders] forbid logging decisively. When I compare what he said and what he did, it does not match. He said logging is forbidden, but when rich men, Maw Ra and Kay Mee Kaw, requested to do logging, he gave them permission to do logging, since November 10th 2012.

Situation Update written by a KHRG researcher, Dwe Lo Township, Hpapun District (March 2012 to March 2013)⁵¹⁸

Villagers also report issues regarding the demarcation of land for returning refugees, such as an inability of villagers in Southeast Myanmar to record land belonging to refugees currently residing in Thailand;⁵¹⁹ in one instance villagers report the use of land previously confiscated by the Tatmadaw to construct new houses for refugees, without consulting or compensating the original landowner.⁵²⁰

⁵¹⁴ For example, KNU officials and district leaders in Dwe Lo Township, Hpapun District informed the local community that they forbid logging activities, while they still grant wealthy businessmen permission to do so; see Source #314. In Mergui-Tavoy district companies have reportedly made false claims of permission from the KNU and Government to use land for development projects; see Source #273.

⁵¹⁵ A KHRG researcher in Hpa-an District explains problems with land management in the area related to multiple authorities issuing land titles, loss of titles due to displacement and a lack of recognition for old titles; see Source #170.

⁵¹⁶ See Source #170.

⁵¹⁷ See Source #273.

⁵¹⁸ See Source #314.

⁵¹⁹ See Source #35.

⁵²⁰ Approximately 30 houses were built for IDPs by the Norwegian Refugee Council in Toungoo District on land confiscated by the Tatmadaw in the past; see Sources #249 and #250.



The left photo was taken by a KHRG researcher in Kyaukkyi Township, Nyaunglebin District. The researcher explained that, on March 4th 2013, the fishery administrator of the Myanmar government sold the fishery access rights of Ler Doh River (Chaung Paing) and Bok Pyin River to wealthy businessmen from Kyaukkyi and Shwegyin townships. The villagers rely on fishing for their livelihoods.⁵²¹ The photo on the right was taken by a KHRG researcher on June 6th 2013 in Hteh Boo village, Noh Kwee village tract, Paingkyon Township, Hpa-an district. Poh Kya Aay, a BGF commander whose battalion is based in Paw Yay Poo village tract, Paingkyon Township, Hpa-an District, confiscated villager's land and planted rubber trees, which the photo shows. According to the KHRG researcher, this commander has confiscated land from many of the villagers' in the area.⁵²² [Photos: KHRG]



The photo on the left was taken by a KHRG researcher on December 23rd 2012 in Htee Wa Blaw village, Nabu Township, Hpa-an District. The farms in the photo belong to the villagers of Paw Baw Hkoh and P'Naw Kleh Hkee villages and were confiscated by Tatmadaw LIBs #543, #547 and #548.⁵²³ The photo on the right was taken by a KHRG researcher on August 23rd 2012 in Bilin Township, Thaton District. The photo shows a Myanmar government school that was built on villagers' plantations. The construction of the school destroyed 40 coconut trees belonging to villagers, but no compensation was provided.⁵²⁴ [Photos: KHRG]

⁵²¹ See Sources #233 and #370.

⁵²² See Source #241.

⁵²³ See Source #227.

⁵²⁴ See Source #342.

Recommendations

The Myanmar government and all EAGs should work together to ensure that villagers have land titles which are acknowledged by the local authorities in their area. Land registration fees should be affordable and accessible to local communities, including those villagers without identification. In isolated areas, in which villagers may be vulnerable to coercive or subtle bribing tactics for the sale of their land, there should be a focus on capacity-building in that area. Land that is customarily owned for ancestral, indigenous or religious purposes must be clearly defined and registered with a special title as protected land to be used by the local community. The land registration process should include careful consideration of land that may have belonged to refugees and IDPs. Furthermore, when land conflicts arise, authorities who issued land titles to the parties in conflict must be involved in the process to find a solution. The 2008 Constitution and 2012 land laws need to be reformed so that civilians can also be owners of their own land; the Government cannot be the sole owner of all resources above and below the earth as this leads to unfair confiscation. If land is expropriated with due process, an equal amount of land or compensation must be provided. Ongoing militarisation that continues to encroach upon villagers land must be viewed as a form of confiscation; military camps should be withdrawn so that villagers can access their land for livelihoods.

Local people need to have more control over what happens to their land, including improved awareness on land rights and laws. There should be support for villagers in writing effective complaint letters and identifying accessible complaint mechanisms. Finally, the media and activist groups should report on land confiscation happening in rural, mountainous areas. Generally, the Government needs to ensure a system of regulation of land where natural resources are left developed or undeveloped in accordance with the public interests of local people.

B. Impact of infrastructure and commercial development

This chapter includes impacts on local communities by any infrastructure or commercial development project that is motivated by the pursuit of profit or economic development, and causes substantial change to the lands used for livelihood activities or to the natural environment in KHRG research areas in Southeast Myanmar. Types of projects documented include: mining; logging; commercial plantation agriculture; hydropower, electricity and dam-building; road construction; and infrastructure development. This chapter contains some overlap with the Land confiscation chapter above. These chapters are presented separately as land confiscation often occurs in Southeast Myanmar for reasons other than commercial development, and, as demonstrated below, commercial development has many consequences for villagers in addition to the confiscation of their land.

Villagers describe similar patterns of abuse across all of the projects mentioned above, regardless of the perpetrator. Natural resource extraction and development initiatives are typically planned and initiated unilaterally, without input from local communities.⁵²⁵ This means that local villagers are often not consulted about their community's needs for development; not given the opportunity to voice concerns about how projects will affect their land and livelihoods;⁵²⁶ and not given a chance to negotiate standards for project implementation, or for what they judge to be fair compensation for anticipated losses of property or impacts on livelihoods.⁵²⁷ People living in rural areas of Southeast Myanmar depend on access to land for agrarian livelihoods activities, such as hill and flat-field paddy farming, animal husbandry, and small-scale cash-crop plantations.⁵²⁸ The loss or destruction of land during these projects devastates communities' ability to support themselves.⁵²⁹

Impact of infrastructure and commercial development since January 2012

Since January 2012, villagers and KHRG researchers reported impacts on their lives, livelihoods, and the natural environment from commercial development across all seven Karen districts in Southeast Myanmar.⁵³⁰ These abuses were attributed most frequently to domestic individuals

⁵²⁵ For example, see Sources #1, #2, #11 and #17. For a more detailed discussion of this trend, see *Losing Ground: Land conflicts and collective action in eastern Myanmar*, KHRG, March 2013, p. 26.

⁵²⁶ See Source #48.

⁵²⁷ See Source #66.

⁵²⁸ For example, villagers in Meh K'Na Hkee village, Meh K'Na Hkee village tract, Hpa-an Township, Thaton District were dependent on land for foraging, grazing animals, and growing food that was then confiscated for a rubber plantation; see Source #1.

⁵²⁹ For example, villagers lost paddy land in Kyaukkyi Township, Nyaunglebin District when it was flooded by a dam; see Source #50.

⁵³⁰ For example, in Thaton District, a gold mining company bought up much of the land of Hkler Law Seh village; see Source #247. In Toungoo Districts, the Toh Boh Dam impacted villager lives extensively; see Source #171. In Nyaunglebin District, villagers continue to feel the impact of, and seek compensation for, land confiscation which took place before the ceasefire; see Source #169. In Mergui-Tavoy District, a variety of commercial projects have damaged the natural environment; see Source #273. In Hpapun District, mining caused environmental destruction; see Source #367. In Dooplaya District, a government bridge construction project blocked agricultural canals used by villagers; see Source #104. In Hpa-an District, development of a rubber plantation destroyed trees on communal lands that villagers had used to make thatch roofing; see Source #199.

or corporations,⁵³¹ and also to BGFs,⁵³² the Myanmar government,⁵³³ Tatmadaw,⁵³⁴ international companies,⁵³⁵ the KNU,⁵³⁶ DKBA,⁵³⁷ monks,⁵³⁸ KPF⁵³⁹ and KSDDP.⁵⁴⁰ Villagers have most frequently expressed concerns about the destruction of land by development projects,⁵⁴¹ damage to the natural environment,⁵⁴² negative impacts on livelihoods⁵⁴³ and land appropriation to serve development needs.⁵⁴⁴

Environmental destruction

Villagers repeatedly expressed concerns about damage to the natural environment and to villager crops from mining runoff. Most frequently, villagers complained of water contamination from gold mining.⁵⁴⁵ Small-scale miners frequently use highly toxic chemicals, including cyanide and mercury, to separate gold from gravel. These chemicals are then permitted to run into local water supplies, poisoning animals, and making the water undrinkable.⁵⁴⁶ Villagers also reported negative effects, including destruction of land and water supplies, from iron,⁵⁴⁷ coal,⁵⁴⁸ and paving stone extraction.⁵⁴⁹

⁵³¹ For example in Nyaunglebin District, internally displaced villagers were using land for livelihood activities, but the land was confiscated by a rich villager who build a rubber plantation with the support of the government; see Source #50.

⁵³² For example, in Hpa-an District, BGF soldiers collected stones to builds roads, destroying villagers' fields; see Source #162.

⁵³³ For example, in Hpapun District, the Myanmar government collected stones from villagers' fields to build a road, which caused flooding in the areas where they took those stones; see Source #274.

⁵³⁴ For example, in Hpa-an District, after a Tatmadaw battalion confiscated villagers' agricultural lands, villagers were forced to work for wages or to travel to Bangkok for work; see Source #199.

⁵³⁵ For example, in Toungoo District, the Toh Boh Dam project was undertaken jointly by Thai and Chinese companies and the domestic Shwe Sun In Company, and caused flooding of villagers' agricultural land; see Source #23.

⁵³⁶ For example, in Dwe Lo Township, a KHRG researcher in Hpapun District described a KNU mining project, which made use of cyanide to separate sediment and, as a consequence, local water supplies are contaminated, see Source #73.

⁵³⁷ For example, in Dooplaya District, a DKBA logging project led to deforestation, which negatively affected villagers who depend on the forest for their livelihood; see Source #113.

⁵³⁸ For example, in Hpa-an District, Forced labour on a bridge built for a monastery in Hpa-an District; see Source #155.

⁵³⁹ For example, in Dooplaya District, iron mining under the control of the KPF that begun in 2010 and remains ongoing is destroying the villagers' land; see Source #105.

⁵⁴⁰ For example, in Thaton District, the KSDDP, acting with other actors, confiscated agricultural land for rubber and teak plantations; see Source #1.

⁵⁴¹ For example, in Hpapun District, gold mining led to the destruction of villager land; see Source #313.

⁵⁴² For example, in Hpapun District, mining caused pollution of a local river; see Source #80.

⁵⁴³ For example, in Dooplaya District, the appropriation of villager land for a rubber plantation leaves villagers without land for livelihood, forcing them to do day labour, or migrate to Bangkok for work; see Source #152.

⁵⁴⁴ For example, in Hpa-an District, a Tatmadaw-BGF confiscated villager land for a rubber plantation; see Source #162.

⁵⁴⁵ For example, in Bilin Township, Thaton District, a KNU controlled gold mine polluted water sources; see Source #73. In Dwe Lo Township, Hpapun District, the runoff from the KNU project in Bilin Township, together with gold mining conducted by wealthy locals cooperating with Tatmadaw leaders, has polluted local water sources; see source #80. See also Sources #96, #97 and #98.

⁵⁴⁶ For example, in Bilin Township, Thaton District, a KNU controlled gold mine polluted water sources; see Source #73.

⁵⁴⁷ For example, in Dooplaya District, iron mining that begun in 2010 destroyed villagers' land; see Source #105.

⁵⁴⁸ For an example of land confiscation for coal mining, which caused pollution, see Source #318.

⁵⁴⁹ For example, in Hpapun District, the BGF took road paving stones, thereby destroying villagers' fields; see Source #162.



This photo shows gold mining in Hpapun District where miners are using cyanide and mercury to separate gold. Villagers complained that, in the years since mining began, in 2011, the rivers in the village have been polluted, undrinkable, and dangerous to humans and animals.⁵⁵⁰ [Photo: KHRG]



This photo shows villagers in Hpapun District harvesting stones from a river to sell to a road construction project. The village head expressed concern to KHRG researchers that excessive stone collection will lead to flooding from the river, and that collection from fields will make agriculture more difficult.⁵⁵¹ [Photo: KHRG]

“Because of gold mining, the river became murky. The villagers who drink water from the Bu Loh Kloh [River] get murky water, so there are many diseases [that have] increased. Moreover, the animals, such as cows and buffalos, drank the water from the river and got diseases. Likewise, the fish in the river have also died...”

Situation Update written by a KHRG researcher, Dwe Lo Township, Hpapun District/Northeastern Kayin State (July to October 2012)⁵⁵²



This photo, taken in 2013 in Thaton District, shows a paddy field that was polluted by runoff from a nearby gold mine, and, as a result, is less rich than it was previously.⁵⁵³ [Photo: KHRG]

“Lakes, trees, bamboo and the banks of rivers were destroyed because of the gold mining, and fish, crabs and frogs from the rivers that are near the gold mining have died. In the past, there were a lot of frogs, crabs, fish, lakes, trees and bamboo in this area, but we cannot see those anymore. The gold mining destroys the environment and, more than that, it presents challenges to the livelihoods of future generations. Civilians heard [a rumour] that the KNU will ban gold mining and they are very happy. But for now, there are more rich people and the work [mining] continues.”

Situation Update written by a KHRG researcher, Dwe Lo Township, Hpapun District/Northeastern Kayin State (Received May 2013)⁵⁵⁴

⁵⁵⁰ See Source #236.

⁵⁵¹ See Source #161.

⁵⁵² See Source #313.

⁵⁵³ See Source #154.

⁵⁵⁴ See Source #80.

Similarly, villagers complained about destruction of the natural environment due to logging,⁵⁵⁵ which also makes it increasingly difficult to find firewood.⁵⁵⁶

“If there is more logging in the future, it will result in deforestation. The river will run dry, the number of trees will decrease, it will be increasingly hot and the number of animals in the forest will decrease. Because of declining water [levels and quality] ... it is very important to be aware. It is also very important for the armed actors to maintain the forest.”

Situation Update written by a KHRG researcher, Kawkareik Township, Dooplaya District/Southern Kayin State (March 2012)⁵⁵⁷

In four of the Karen districts, dam projects, approved by the Government and implemented by large companies, have submerged many acres of villager agricultural and residential land.⁵⁵⁸ Where dam projects have inundated their land, villagers have been displaced.⁵⁵⁹ Some villagers have received compensation for their losses from the dam-building company,⁵⁶⁰ but many others have received no compensation.⁵⁶¹ Where compensation has been received, local communities often do not have an opportunity to challenge whether it is adequate.⁵⁶²

“On March 12th 2012, over 400 villagers from Leh Htah K10wee, Kwee Lah, Ler wah, Ler Paw Tha and Htee Ler Klay Hkee gathered and protested against the Kyauk N'Ga Dam at the Shwegyin River in Hsaw Htee [Shwegyin] and Ler Doh [Kyaukkyi] townships, Nyaunglebin District. There were three slogans that the villagers called out: ‘No continuation of the dam construction; compensation for losing lands and; let the water flow naturally’. The villagers made these requests, but so far there has been no response from the government. They behave like it does not concern them.”

Situation Update written by a KHRG researcher, Mone, Kyaukkyi and Shwegyin townships, Nyaunglebin District/Eastern Bago Region (July 2012)⁵⁶³

Impacts of land confiscation for plantation agriculture

In many cases, villagers' agricultural land was cleared by local wealthy individuals or companies for the purpose of planting rubber plantations.⁵⁶⁴ The well-connected rich were often able to obtain titles to lands belonging to others, or to communal lands, from corrupt or incompetent

⁵⁵⁵ In Dooplaya District, DKBA leader Nah Khan Mway ordered villagers to log; see Source #113. Also, wealthy local people logged with the permission of the KNU; see Source #249.

⁵⁵⁶ See Source #249.

⁵⁵⁷ See Source #113.

⁵⁵⁸ For examples of the negative effects of the A'Nya Pya Dam in Mergui-Tavoy District, see Source #197; of the Shwe Kyay Dam in Nyaunglebin District, see Source #47; of the Toh Boh Dam in Toungoo District, see Source #171; and for the negative impacts of small scale dams in Thaton District, see Source #10.

⁵⁵⁹ Flooding that resulted from the construction of the Toh Boh Dam in Toungoo District led to the inundation of villager land, compelling the villagers to relocate; see source #358. For a more detailed discussion of development induced displacement, including displacement because of dam projects, see *Losing Ground: Land conflicts and collective action in eastern Myanmar*, KHRG, March 2013, pp. 31-32.

⁵⁶⁰ For an example of a dam project which destroyed villagers' lands, with some of them receiving compensation, see Source #248.

⁵⁶¹ For an example of a dam project which destroyed villagers' lands, after which the villagers were given no compensation, see Source #359.

⁵⁶² See Source #66.

⁵⁶³ See Source #339.

⁵⁶⁴ For example, in Hpapun district, a rubber plantation project by local rich people destroyed trees used by villagers, see Source #297. See also Source #270.

authorities.⁵⁶⁵ This more lucrative and capital-intensive form of farming⁵⁶⁶ benefitted wealthier villagers, who bought small rubber farms from a number of other villagers.⁵⁶⁷ Villagers explained that land confiscation of this nature had a profound negative impact on their ability to earn a livelihood,⁵⁶⁸ because they no longer had access to commons necessary for grazing⁵⁶⁹ and collecting wood or food.⁵⁷⁰ In one incident, in Thaton District, KSDDP and BGF Battalion #1014 worked together with Thein Lay Myaing and Shwe Than Lwin companies to confiscate 500 acres of grazing and forest land in Meh K'Na Hkee and Hpah Paw villages for a rubber plantation, causing significant damage to the villagers' livelihoods.⁵⁷¹ As the formerly-public resources that sustained them have been destroyed to make room for rubber plantations, villagers have been forced to seek wage labour, often in the rubber plantations that replaced their farms or communal forests.⁵⁷²

"Because such a broad and wide area was turned into [rubber] plantation land, the nearby villages faced problems with farming, grazing their cows and buffalos, and finding food like vegetables and firewood, which they get from the forest. The villagers will have to face [a problem] with insufficient food in coming years."

Incident Report written by KHRG Researcher, Hpa-an Township, Thaton District/
Northern Mon State (April 2012)⁵⁷³

"The Dali forest reserve is the forest that the civilians ... rely upon for their livelihood. For them it represents their life-blood, but now, because it is becoming a rubber plantation, the villagers are faced with a shortage of necessary things, including wood, bamboo poles, thatch, and charcoal and they have to buy these things. There is also almost no land for hill farms or pasture land for cows and buffalos. For some civilians who have herds of cows and buffalos, their cows have eaten rubber trees because the pasture land has decreased, and [the owners of the cows] have had to compensate [the owners of the trees] 5,000 kyat (US \$5.63).⁵⁷⁴ Some cows have been shot and killed [by plantation workers to keep them from eating rubber trees]. So, [the owners] have to sell their herds even though they do not want to. Some villagers who have no land have to do odd jobs for daily wages and some have to go to Thailand to work."

Situation Update written by a KHRG researcher, Kyonedoe Township,
Dooplaya District/Southern Kayin State (July to November 2012)⁵⁷⁵

⁵⁶⁵ See Source #319.

⁵⁶⁶ According to the UN Food and Agriculture Organisation, rubber trees can be tapped beginning about five years after they are planted; see "Tapping," FAO Website, accessed March 31st 2014.

⁵⁶⁷ See Sources #8, #270 and #297.

⁵⁶⁸ See Source #1.

⁵⁶⁹ See Source #11.

⁵⁷⁰ See Source #152.

⁵⁷¹ See Source #1.

⁵⁷² See Source #7.

⁵⁷³ See Source #1.

⁵⁷⁴ As of January 13th 2014, all conversion estimates for the Kyat in this report are based on the official market rate of 987 kyat to the US \$1.

⁵⁷⁵ See Source #152.

“On February 12th 2012, U Kyaw Khaing [a businessman] and four of his friends arrived in Paw Hkloh region, Khaw Htee village and told [the villagers] that they had bought 4,800 acres of land, and that they had come to look at the land, and measure its area. The land is in the middle of the village, and includes areas with houses and schools. U Kyaw Khaing and his friends said to the village leaders that they have paid a lot of money. The village leaders said that they cannot just take the land. The businessmen left, but they said they will come back again.”

Situation Update written by a KHRG researcher, K'Ser Doh Township, Mergui-Tavoy District/Tanintharyi Region (November 2011 to February 2012)⁵⁷⁶

“Hpah Tee Dah Shway reported to us that, because of the damage to his land, he went to tell MPC's' [Myanmar Pongpipat Company] businessmen that, ‘In the past, before the land was damaged, I did not have to work as I do now. Now, I have to worry. I am not able to send my children to school anymore.’ But MPC's businessmen informed him, ‘If you have to worry and if problems happen, just come to me for daily work.’ So, he returned home in sadness.”

Complaint Letter written by a villager, Ler Doh Soh Township, Mergui-Tavoy District/Tanintharyi Region (Letter written in April 2012)⁵⁷⁷

For individuals who retain control of their lands, and who already have or can afford to plant rubber trees, recent increases in the price of rubber have had a positive impact on the ability to earn a living.⁵⁷⁸ Villagers who lose lands that they own, or that they use for livelihood activities, see their financial situation suffer, and are sometimes forced to emigrate to seek work.⁵⁷⁹ For instance, the village secretary of Lah Aw Kher village in Thaton District describes how one quarter of Lah Aw Kher villagers have rubber plantations, and are doing well financially. The remaining villagers have seen their prospects for earning a livelihood reduced, as they no longer have their own farms, or publicly available supplies of firewood. These poorer individuals and their families rely on wage labour in nearby villages, or migrate for labour purposes to Thailand.⁵⁸⁰

Threats to the ceasefire from development projects

KHRG researchers reported two violent incidents during the reporting period which stemmed from disputes over development projects. On April 26th and 27th 2013, outside of Myaing Gyi Ngu, Hpapun District, an armed conflict broke out near the Hatgyi Dam project at the DKBA headquarters between BGF battalions led by senior Karen BGF Commander Chit Thu and the DKBA.⁵⁸¹

⁵⁷⁶ See Source #319.

⁵⁷⁷ See Source #196.

⁵⁷⁸ Some villagers in Hpa-an Township, Thaton District, have improved their financial situation by planting more rubber trees; see Source #368. One villager in Thaton District used rubber tree ownership as a symbol of wealth when describing the ability of a villager who had accrued high medical costs to pay them; see Source #5.

⁵⁷⁹ Villagers in Nyaunglebin District were forced off of their lands by government sponsored plantation project in 2000; many of the affected villagers now migrate to Thailand or Malaysia for work; see Source #48. Villagers in Kyonedoe Township, Doooplaya District, face livelihood difficulties after BGF Battalion #1012 confiscated communal forest land and sold it to wealthy people, who had bribed them, to plant rubber plantations. Some of the affected villagers deal with this problem by migrating to Thailand to work; see Source #152.

⁵⁸⁰ See Source #12.

⁵⁸¹ One and a half year-old Naw A--- and a newborn named Saw B--- were injured in the fighting. A commander of the BGF helped to pay for their medical treatment; see Sources #167 and #280. News reports specified that the conflict began with BGF Battalion #1011, which was then reinforced by soldiers from battalions #1017, #1018 and #1019; see “Myaing Gyi Ngo residents flee from DKBA and Government Militia Fighting,” Karen News, May 2013. DKBA sources told one newspaper that the fighting occurred because of BGF opposition to

A second incident, in Dwe Lo Township, Hpapun District, occurred when a corporation known locally as ‘the Green Hill Company’ began to transport sand for a construction project. BGF Battalions #1013 and #1014, the DKBA and the KNLA were all active in this area at the time. Villagers reported that the KNLA initially gave permission to the company to transport sand to help build a school. When the company switched to transporting sand for commercial purposes, local KNLA soldiers warned the company to stop. The company continued to transport sand, after which the company’s truck was struck by a land mine hidden in a sand bank by the Yunzalin River on February 11th 2013, killing the civilian driver and four other civilian workers, including three who were under 18.⁵⁸² Reports indicate that the landmine had been planted by the KNLA Battalion #102 to stop the development project by the Green Hill Company.⁵⁸³ This may have been an instance of conflict between armed actors, as three villagers mentioned connections between the Green Hill Company and BGFs.⁵⁸⁴

Villagers also reported a dispute between villagers and wealthy individuals from nearby towns regarding several lakes in Nyaunglebin District, which implicated the KNU and Myanmar government as the actors on opposite sides of the dispute. Wealthy individuals, with the help of local government officials, attempted to claim the sole right to use the lakes for economic activities. Villagers, with the support of the KNU, continued to use the lakes to fish, as they had for generations. This conflict remains unresolved.⁵⁸⁵

Harm from projects is not outweighed by benefits

Villagers repeatedly expressed disappointment that they did not perceive any benefits to the local community from development projects in their area.⁵⁸⁶ They often stated these concerns directly after reporting a negative effect of development,⁵⁸⁷ which may indicate that these villagers would be willing to accept some negative effects, if they were outweighed by positives benefits.

“Regarding the gold mining, if the leaders see that there are benefits for the villagers, they should not stop the company. ... Since the gold mining started, there have not been any benefits for the villagers. Instead, it has destroyed huge amounts of the villagers’ lands, plantations, trees and bamboo.”

Situation Update written by a KHRG researcher Dwe Lo Township, Hpapun District/
Northeastern Kayin State (July to October 2012)⁵⁸⁸

the Hatgyi Dam. See Saw Yan Naing, “Govt troops come, civilians flee, tensions remain in Karen state,” The Irrawaddy, May 3rd 2013.

⁵⁸² See Source #85.

⁵⁸³ See Sources #95, #230, #279 and #307.

⁵⁸⁴ One villager mentioned that the Green Hill Company was based in a building that originally held BGF Battalions #1013 and #1014 without asserting any connection between the BGFs and the company; see Source #279. One villager referred to Green Hill Company as “BGF Company”; see Source #84. A third villager asserted that the Green Hill Company was affiliated with a BGF, without specifying which BGF; see Source #295.

⁵⁸⁵ See Source #270.

⁵⁸⁶ For example, in Hpapun District, villagers complained that a gold mine does not benefit villagers; see Source #236.

⁵⁸⁷ See Source #236.

⁵⁸⁸ See Source #313.

Local response

Villagers have responded to the harms caused by development projects by submitting complaints to local offices of the National League for Democracy (NLD),⁵⁸⁹ by bringing their complaints directly to the individuals working on the development projects,⁵⁹⁰ or by reporting the harm to local KNU and KNLA leaders.⁵⁹¹ In La Kyoh Hkoh, Ta Meh Hkee and Hkuh Hkee villages, Thaton District, villagers concerned about the impacts of logging on forest resources came together to draft a complaint letter to the KNU district secretary.⁵⁹² In September 2013, villagers in Meh Say village tract, Dwe Lo Township, Hpapun District gathered and decided to ban gold mining in their area. They wrote up notices of their decision, distributed them locally and posted them on trees.⁵⁹³



This photo was taken on June 6th 2013, and shows land belonging to Naw C---, in A--- village, Taw Soh village tract, Paingkyon Township in Hpa-an district, which was confiscated by a BGF. BGF Commander Poh Kya Aay agreed to return the land in exchange for 600,000 kyat (US \$607.90).⁵⁹⁵ [Photo: KHRG]



This photo was taken on April 6th 2013 in Nabu Township, Hpa-an District, and shows a communal forest that has been “purchased” by a wealthy businessman from villagers without their authority to sell it. The photo shows the destruction of trees by the new owner to make room for a rubber plantation. Many villagers previously used the trees for their livelihood.⁵⁹⁴ [Photo: KHRG]



This picture was taken on December 10th 2012, and shows a river in Htantabin Township, Toungoo District, that has risen substantially because of the Toh Boh Dam, which was constructed by the Shwe Swan Aye Company. The rise of the river has flooded roads used by villagers, which is restricting their ability to travel. The dam, and the flooded river, also caused the destruction of villager crops and agricultural lands.⁵⁹⁶ [Photo: KHRG]

⁵⁸⁹ Villagers in Hpa-an District reported that their land was confiscated for a rubber plantation by a company working with Tatmadaw LIB #547. Villagers complained to the local NLD office, after which work on the project stopped; see Source #155.

⁵⁹⁰ Villagers in Hpapun District saw that villagers from another area were working for a road construction company by collecting stones for a road project near their lands. They sent the village head to convey their fears that this would lead to flooding of their lands during monsoon; see Source #161.

⁵⁹¹ In July 2012, villagers in Hswa Loh village, Maw Nay Pga area, Htantabin Township, Toungoo District, reported the damage to their lands by gold mining to local KNLA leaders; see Source #358.

⁵⁹² See Source #329.

⁵⁹³ See Source #367.

⁵⁹⁴ See Source #232.

⁵⁹⁵ See Source #241.

⁵⁹⁶ See Source #163.

Recommendations

The Government, EAGs and companies must ensure that adequate environmental and livelihood impact assessments are undertaken, in cooperation with the local community, and are published in a transparent way, before a development project begins. No project should go forward without the consent of project affected communities who have been given the tools to understand how the project will affect their lives and livelihoods, including translations of impact assessments into local languages, and any necessary technical assistance. In particular, if villagers will no longer be able to farm their own land, they must understand this before giving consent. All development actors must also ensure that villagers are aware of potential social and cultural impacts before they consent to a project.

IV. Emerging issues: Security, peacebuilding and social cohesion

A. Ongoing militarisation and villagers' perceptions of insecurity

This chapter includes actions to maintain and strengthen the presence of the Tatmadaw in KHRG research areas. It documents the building of new Tatmadaw army bases and strengthening of existing bases since January 2012, as well as the ongoing rotation of troops, re-supply of rations, weapons and ammunition and skirmishes between armed actors. This category also includes KHRG documentation of ongoing displacement of communities as a result of such militarisation. Actions that strengthen the military position of the Tatmadaw and BGFs are viewed with extreme suspicion by villagers during the ceasefire period. Actions that maintain the Tatmadaw presence in a particular area serve as frequent reminders of the heavy military presence in these areas. This chapter demonstrates that villagers feel insecure because of military activity and that these activities lead them to question the sustainability of the ceasefire.

Fortification of military bases and camps

Between January 2012 and November 2013, villagers have reported the strengthening of existing army facilities or the building of new facilities throughout all of the Karen districts except Mergui-Tavoy. This has included the establishment of new BGF #1014 camps in Hpa-an Township of Thaton District,⁵⁹⁷ a storage facility for Tatmadaw heavy weapons in Nyaunglebin District,⁵⁹⁸ and a new base to merge the Tatmadaw and BGF battalions in Hpapun District.⁵⁹⁹ In Dooplaya and Toungoo districts, villagers reported the transport of tin roofing, barbed-wire fencing, cement and other materials along vehicle roads for the purpose of strengthening the physical structures of army camps.⁶⁰⁰ In Lu Thaw Township, Hpapun District, villagers report that housing is also being constructed for soldiers' families and that army bases are becoming more permanent.⁶⁰¹ Villagers have reported that the Tatmadaw holds military training and conducts exercises in Toungoo District every four months; in one instance, grenades fired during a military exercise landed in villagers' plantations and set fire to them.⁶⁰²

⁵⁹⁷ For a report describing the establishment of a new BGF #1014 army camp in Law Poo village, Hpa-an Township, Thaton District, see Source #18. On September 15th 2012, the BGF #1014 set up an additional camp in near by Koh Tah Kyee village, T'Kaw Boh village tract; see Source #361.

⁵⁹⁸ A KHRG researcher reported that, as of March 29th 2012 when he spoke with villagers in the area, Tatmadaw LIB #264 was in the process of building an office for heavy weapons in order to increase the strength of the battalion; see Source #233.

⁵⁹⁹ Between January to March 2012, Tatmadaw LID #22 and IBs #8 and #96 are reported to have joined BGF Battalion #1013 by establishing bases at K'Ter Tee army camp in Hpapun District; see Source #305.

⁶⁰⁰ For example, in Dooplaya District, in May 2013 Tatmadaw LID #231 transported materials like cement and barbed-wire fencing to renovate their army camp. They used Hkyuh Ka Lee villagers' trucks when to transport material, and only provided money for petrol. They have since completed the renovations of their army camp; see Source #104. In Toungoo District, LID #66 sent zinc roofing along with rations in February 2012; see Source #35.

⁶⁰¹ See Source #352.

⁶⁰² Tatmadaw shot weapons in villagers' plantations during a military training exercise, setting fire to the plantations in, Toungoo District on March 28th 2012; see Source #36.

“In May 2013 the Tatmadaw LID #231, which is deployed in Tha Waw Thaw village, transported material like cement and barbed-wire fencing to renovate their army camp; as of now, they have finished renovating their army camp.”

Situation Update written by a KHRG researcher, Kawkareik Township, Doolaya District/Southern Kayin State (May to August 2013)⁶⁰³

“The Tatmadaw repaired a bridge for transporting rations in Khaw Daw Hkoh, beside Ta Hkeh Der village. ... They placed the big walkie-talkie, bulldozers and other materials in the hut with the white zinc roof. They repaired their camp garden with a double bamboo fence and one barbed-wire fence. They repaired the channel in their army camp in order to be safe if the camp is shelled with heavy weapons.”

Photo Notes written by a KHRG researcher, Lu Thaw Township, Hpapun District/Northeastern Kayin State (August to September 2012)⁶⁰⁴

“Currently, from Muh Theh village to Kyaukkyi town, the Burmese military [Tatmadaw] based [there] is IB #60 and LIB #351. The name of IB #60’s commander is Zarni Aung and his soldiers set up their camp on Hku Thay Soe Mountain in the western part of Muh Theh village. IB #60 soldiers live in Muh Theh village and they set up a military checkpoint and they asked for money from the people who run motorbike taxis that travel between Muh Theh and Kyaukkyi.”

Situation Update written by a KHRG researcher, Kyaukkyi Township, Nyaunglebin District/Eastern Bago Region (May to July 2012)⁶⁰⁵



These photos were taken on December 15th 2012 and show two different angles of the Tatmadaw’s Ba Yint Naung army camp in Thandaunggyi Township, Toungoo District. According to the KHRG researcher who took these photos, the army camp was built in the year 2000 on 3,000 acres of land confiscated from villagers at that time.⁶⁰⁶ In this camp, the Tatmadaw runs training programs that cycle every four months. At Ba Yint Naung, the Tatmadaw will train platoon, battalion and company commanders. The training involves the firing of heavy artillery into villagers’ agricultural land, which destroys the areas where shells land. In September 2012, the Tatmadaw forced villagers to sell additional land around this base at half-value. The researcher reports that there is a plan to expand the base.⁶⁰⁷ [Photos: KHRG]

⁶⁰³ See Source #104.

⁶⁰⁴ See Source #352.

⁶⁰⁵ See Source #50.

⁶⁰⁶ See Source #163.

⁶⁰⁷ See Source #260.



The photo on the left was taken on August 29th 2012 in Kyaukkyi Township, Nyaunglebin District, and shows an area of land confiscated by the Myanmar government to construct a military camp and houses for former soldiers in between Kyaukkyi and Tha Boh in Wat Nyi Naung Kon.⁶⁰⁸ The photo on the right was taken on March 29th 2013 also in Kyaukkyi Township, and shows an area of land where the military is going to build a depot to store heavy weapons, resulting in the confiscation of 300 acres of land in Kan Ka Lay, including a village and adjacent field.⁶⁰⁹ [Photos: KHRG]



The photo on the left was taken on September 5th 2012 in Bu Tho Township, Hpapun District, and shows additional fences that were constructed around Tatmadaw LIB #340's army base, using the forced labour of A--- villagers from Meh Klaw village tract to supply bamboo for and construct the fences.⁶¹⁰ The photo on the right was taken on December 12th 2012 in Kyaukkyi Township, Nyaunglebin District, and shows Tatmadaw trucks transporting food to the top of the hill. According to the KHRG researcher who took these photos, there were 40 trucks sending food from Tha Bon to Paw Khay Hkoh and to Muh Theh army bases.⁶¹¹ [Photos: KHRG]

Villagers living in 'mixed-control' areas explain that they face additional challenges. Parts of Dooplaya and Hpa-an districts house bases for two or more units of Tatmadaw, BGF, DKBA, KNLA, KPF and KNU/KNLA-PC. Villagers in these areas of overlapping authority are required to pay taxes to each group, do not know which authority to obtain travel permission letters from⁶¹² and do not know which authority to rely on for their basic needs.⁶¹³

⁶⁰⁸ See Source #343.

⁶⁰⁹ See Source #233.

⁶¹⁰ See Source #356.

⁶¹¹ See Source #169.

⁶¹² See the 'Restrictions on freedom of movement and trade' chapter in this report.

⁶¹³ A KHRG researcher in Kyonedoe Township, Dooplaya District explains that villagers do not know if they should rely on KNU, Thein Sein's government, BGF, DKBA, KPF or KPC in their area; see Source #377.

“[Armed actors, including] the KNU, U Thein Sein [Tatmadaw], BGFs, DKBA, KPF and KPC, are controlling the area, and civilians are not sure which group they have to rely on. Every group asks for donations and taxes [that go towards] celebrations for days of significance, education, healthcare and religion. Villagers have to collect [money] and give it to them.”

Situation Update written by a KHRG researcher, Kyonedoe Township, Doooplaya District/Southern Kayin State (July to November 2012)⁶¹⁴

Villagers explain that the different armed actors in their area do not communicate with each other effectively and that this could lead to miscommunications or armed conflict.⁶¹⁵ Furthermore, villagers feel insecure due to the visibly hostile relationships between these groups.

“Armed actors that are active in this area are BGF, DKBA, KPF, KNU/KNLA-Peace Council and KNLA. ... We don’t know how many of them there are and also do not know who is in charge, too. ... Armed actors’ posture still look like ‘buffalo waiting for another to fight’.”

Situation Update written by a KHRG researcher, Nabu Township, Hpa-an District/Central Kayin State (Received in August 2012)⁶¹⁶

Furthermore, there is some confusion surrounding the transformation of former EAGs into BGF battalions. These battalions were established, and are managed, by the Tatmadaw, placing the responsibility for their actions in the hands of the Ministry of Defense. However, BGF battalions remain subject to semi-autonomous hierarchies that impact how they behave on the ground, as well as local perceptions of them. Furthermore, this type of weak association with the Tatmadaw blurs the lines of responsibility for the actions of soldiers.⁶¹⁷

“They [BGF soldiers] say that they are not controlled by the Burmese government. They said, ‘We received Burmese military salary, but our hearts are not the same.’ I don’t think that that there will be peace.”

A--- (female, 35), Lay Wah village tract, Bu Tho Township, Hpapun District (Interviewed in October 2012)⁶¹⁸

Villagers in Nabu Township, Hpa-an District explain that they are frightened and do not know which armed actor they should be listening to as DKBA, BGF, KPF and KNU are all in their area; see Source #155.

⁶¹⁴ See Source #152.

⁶¹⁵ In Hpa-an District, villagers are concerned that the different armed actors are not speaking to each other regularly and that this has the potential to lead to clashes between the actors; this problem was reported in 2012 (see Source #199) and again in 2013 (see Source #159).

⁶¹⁶ See Source #200.

⁶¹⁷ This weak association between BGF commanders and the Tatmadaw was highlighted in a recent speech by Senior BGF Commander Maung Chit Thu, who said: *“We are under the control of the Defense Minister, but we do not follow any of his words effectively. We look at the mother organisation [KNU]. If the mother organization builds sustainable unity, we will start one step towards in already.”* Commander Maung Chit Thu spoke these words at a Karen Armed Groups Meeting in Htoh Kaw Koh on May 28th 2013 in response to an accusation that “Maung Chit Thu’s group [the BGF] had become Burmese people (sic)”. It is likely that ‘one step toward it already’ is referring to the progress being made at the meeting, attended by representatives from the DKBA, BGF, KNU/KNLA and the KNU/KNLA-PC.

⁶¹⁸ See Source #299.

Troop rotation and rations supply

Since the ceasefire, villagers have reported the ongoing rotation of Tatmadaw battalions throughout six of the seven Karen districts.⁶¹⁹ In addition, villagers have witnessed the army regularly re-supplying their bases and camps with rations,⁶²⁰ ammunition,⁶²¹ and weapons.⁶²² Though these activities may only maintain, not increase, the strength of the Tatmadaw in a given district, this military activity is highly visible in these areas as these troops travel along the vehicle roads with large packs and use dozens of trucks,⁶²³ motorbikes,⁶²⁴ horses and even helicopters⁶²⁵ to transport the various materials.⁶²⁶ Perhaps the most conspicuous of these activities were initiatives by the Tatmadaw to repair or construct roads between larger towns and army camp locations in Hpapun, Nyaunglebin and Thaton districts specifically for the transportation of military supplies.⁶²⁷

“The Tatmadaw started to rebuild the road and their camps, and to send more food to the camps after the ceasefire. On January 1st 2013, they extended the road to reach to Plah Hko camp and a helicopter landed in Teh Baw Plaw area and another helicopter with food landed in Say Day Mountain. If we look at Lu Thaw Township, the activities of Tatmadaw have not decreased yet.”

Situation Update written by a KHRG researcher, Lu Thaw Township, Hpapun District/
Northeastern Kayin State (January 2013)⁶²⁸

⁶¹⁹ For example, on July 7th 2012, the Tatmadaw Operations Command #2 sent more than 80 soldiers to replace those in Waw Lay village, Dooplaya District; see Source #131. In Toungoo District, for example, Tatmadaw LIB #1, under LID #66, replaced LIB #5 stationed in Th’Ay Hta camp in Htantabin Township at the beginning of June 2012; see Source #30. In Dwe Lo Township, Hpapun District, KHRG researcher’s reported the rotation of Tatmadaw LID #44 troops every four months; for this report in June 2012, see Source #306; in June 2013, see Source #80. Throughout July to August 2013, Tatmadaw LIBs #351, #590, #264, #599, #598, #589 and #350, IBs #57, #60, #20 and MOC #8 were active in Nyaunglebin District area and rotated troops; see Source #270.

⁶²⁰ For example, Tatmadaw LID #66 transported rations to its army camp between March and June 2012 in Hpapun District; see Source #120.

⁶²¹ For example, Tatmadaw LID #44 transported bullets to their base in Dwe Lo Township, Hpapun District between February and June 2012; see Source #306.

⁶²² For example, on January 28th 2012, Tatmadaw MOC #4 and LIB #702 transported nine mortars, including one 120 mm and one eight 81 mm mortar in Kyaukkyi Township, Nyaunglebin District; see Source #221.

⁶²³ For example, on February 23rd 2012, LID #66 used more than 150 trucks to transport their rations from Nah Soh to Hsa Hke army camp and again from Toungoo to Hkler La camp in Toungoo District; see Source #322.

⁶²⁴ For example, Tatmadaw soldiers transported rations and additional soldiers in February 2012 in Toungoo District, see Source #20.

⁶²⁵ On January 1st and 2nd 2013, the Tatmadaw sent three helicopters with rations to army camps in the mountainous region of Lu Thaw Township, Hpapun District; see Source #275.

⁶²⁶ The Tatmadaw used 125 horses to transport rations in November 2013 in Thandaunggyi Township, Toungoo District; see Source #129. The Tatmadaw used 80 horses to transport rations in January 2012 in Nyaunglebin District; see Source #221.

⁶²⁷ In Hpapun District, the Tatmadaw repaired the road between Kyaukkyi and Wa Klee Koo army camp on February 9th 2012 and sent 8 cars with rations along that road on February 17th 2012; see Source #302. Also in Hpapun District, Tatmadaw LID #55 built a new road near Yay Ghoh Hta in Ler Mu Plaw village tract in March 2012, where they set up a checkpoint and subsequently transported rations along the road; see Source #334. Tatmadaw battalions based in mountainous areas in Nyaunglebin repaired the road in Than Boh for the purpose of transporting food, using Caterpillar D4 and D7 road construction vehicles; see Source #52. In Thaton District, the Tatmadaw built a road between two Tatmadaw and BGF bases at P’Nweh Klah and K’Ter Tee in December 2012, followed by rations transport; see Source #258.

⁶²⁸ See Source #275.

“On January 21st 2012, the Tatmadaw started sending rations with 41 Toyota trucks from Kyaukkyi to Muh Theh, and continuing to Bpaw Khay Koh, which is where the largest Tatmadaw military re-supply centre is located. On January 28th, Military Operations Command #4 and LIB #702 sent 9 mortars. On February 4th, the Tatmadaw sent 80 horses for the use of transporting rations; each horse has to carry one sack of rice.”

Short Update written by a KHRG researcher, Kyaukkyi Township, Nyaunglebin District/
Eastern Bago Region District (January to February 2012)⁶²⁹

“On November 28th 2013, the Tatmadaw sent 125 horses to Thandaunggyi town for transporting rations to different camps in mountain areas. There were 38 trucks that brought these horses to Thandaunggyi. There were also 32 trucks carrying rations and ammunitions and other military equipment.

Situation Update written by a KHRG researcher, Thandaunggyi Township,
Toungoo District/Northern Kayin State (November 2013)⁶³⁰



The top two photos were taken on February 23rd 2012 and the bottom two on October 27th in Htantabin Township, Toungoo District, and show Tatmadaw LID #66 soldiers, based in Hkler La, while they are transporting five truck-loads of rations and two construction bulldozers to two front-line army bases, Naw Soh and Bu Hsa Hkee. According to the KHRG researcher, Tatmadaw battalions under LID #66 began transporting more rations in 2012 than they did before the ceasefire.⁶³¹ [Photos: KHRG]

⁶²⁹ See Source #221.

⁶³⁰ See Source #129.

⁶³¹ See Sources #322 and #358.

Limited operation areas

According to KHRG reports, the Tatmadaw and the KNLA have begun to develop limited operation areas,⁶³² which limit soldiers to patrolling a certain distance away from vehicle roads in areas under the other army's control; the limit ranges from 100 to 200 yards, and can also require soldiers to remain a certain distance away from villages or restrict soldiers from going further than a certain distance from the fences around their army camps.⁶³³ Villagers are generally aware of these restrictions in their local area and explain that the restrictions are in place to prevent conflict between armed actors.

"In this current ceasefire period, Thein Sein's government troops [Tatmadaw] can only travel 200 yards from the fences around their camps. They are allowed to cut firewood and carry water 200 yards from the vehicle road, and they are allowed to leave their camps and travel back and forth up to 200 yards away from the villages where villagers live. [If they travel] any further away, misunderstandings can arise between the armed actors, and attacks can happen."

Situation Update written by a KHRG researcher, Dwe Lo Township, Hpapun District/
Northeastern Kayin State (January to March 2012)⁶³⁴

"Since the KNU and the military government entered the ceasefire, limited areas [of operation] have been established, which both armies know. The military government allows them [Tatmadaw troops] to go no closer than 100 yards away from each side of the main road. However, we know that they do not follow [the order], and violate some of the orders. On June 7th 2012, the LIB #211, which is based at Ta Paw, came to Ler Hklaw village and they did not let the KNU know, so this might create conflict."

Situation Update written by a KHRG researcher, Hpa-an Township, Thaton District/
Northern Mon State (January to July 2012)⁶³⁵

Indeed, breaches of limitation directives have resulted in the outbreak of armed conflict. Since January 2012, villagers in KHRG research areas have reported five separate incidents of armed conflict between Tatmadaw and KNLA, BGFs and KNLA and between BGFs and DKBA in Hpapun and Hpa-an districts. These incidents have been precipitated by one group's attacks on food stores or the stealing of weapons of an opposing armed actor or were resultant from breaches of the area limitations:

In February 2012, DKBA soldiers ambushed a truck carrying Tatmadaw BGF Battalion soldiers near Myaing Gyi Ngu town after the BGF soldiers entered a DKBA base and stole weapons.⁶³⁶ In April 2013, the DKBA crossed into this limited BGF area in Myaing Gyi Ngu, and armed conflict ensued again.⁶³⁷ In December 2012, Tatmadaw soldiers transported food across a restricted KNLA area in Dwe Lo Township, Hpapun District, and KNLA soldiers burned food supplies belonging to the Tatmadaw in retaliation. Villagers reported that this was an attempt by the Tatmadaw to provoke the KNLA soldiers into conflict.⁶³⁸ In March 2013, BGF #1014 soldiers

⁶³² At the time of writing this report, these limited operation areas are understood to be based on informal agreements between the Tatmadaw and KNLA forces and do not appear to be uniform in different geographic areas. They have yet to be included in a formal Code of Conduct.

⁶³³ According to a report from Hpapun District describing the period between January and March 2012, the limitation there was 200 yards; see Source #305. In Thaton District, a KHRG researcher reported the distance was 100 yards from January to July 2012; see Source #18.

⁶³⁴ See Source #305.

⁶³⁵ See Source #18.

⁶³⁶ See Source #109.

⁶³⁷ See Sources #167 and #208.

⁶³⁸ See Source #282.

encountered KNLA in a limited area in Dwe Lo Township, Hpapun District and armed conflict ensued.⁶³⁹

Displacement

Villagers in Hpapun,⁶⁴⁰ Toungoo⁶⁴¹ and Nyaunglebin⁶⁴² districts reported to KHRG that they remain displaced, and are unable to return to their former villages due to a persistent Tatmadaw presence and/or continuing militarisation. They also described how previous experiences of displacement made them fearful when they saw signs that the current ceasefire could break down.

Villagers in Lu Thaw Township, Hpapun District, who were originally displaced a result of Tatmadaw offensives and attacks on civilians beginning in the late 1990s, submitted complaint letters to KHRG in June 2013, in which some of the displaced villagers explain that they are unwilling to return to their homes until the Tatmadaw bases in the area have been closed.⁶⁴³ One villager reported that he returned to his village in 2003, but that the Tatmadaw's increased military activity since the January 2012 ceasefire had made villagers in that area worry that fighting may resume again.

"Since 1998 until today in 2013, we have been hiding in other peoples' villages. We can't bear it anymore. So, we would like to request to you all to make the Tatmadaw[troops], which are based in Htaw Muh Plaw Meh village in Ler Muh Plaw village tract, move away from those villages quickly. We are requesting this in order for us to go back and take care of our lands and other belongings."

Saw B---, C--- village, Lu Thaw Township, Hpapun District/Northeastern Kayin State
(Interviewed in June 2013)⁶⁴⁴

"In May 1997, the Burmese government came to base [their military camp] at Ler Muh Plaw village, Lu Thaw Township, Hpapun District. The villagers in that area had to relocate to other places. Later, they suddenly moved their [military] base again, [this time] to P'Nah Aye Per Hkoh so the resident villagers of P'Nah Aye Per Hkoh had to relocate to other places. When they entered our village, they burnt our homes, the school and the rice go-downs [storages]. Since then, we have had to relocate to other villages for a long time and we also faced starvation and many diseases. Between 2003 and 2013, I came back to live in my village but we cannot live peacefully yet. We always need to be cautious and prepare ourselves, because our village is not that far from the Tatmadaw military camp. After the Burmese government signed the ceasefire agreement with the KNU, they [Tatmadaw] started to send rations and weapons to their army camp. We, the villagers, are really afraid of it [what might happen] and we want advice from you and we always want to keep in touch with all of you."

Saw C---, D--- village, Lu Thaw Township, Hpapun District/Northeastern Kayin State
(Interviewed in June 2013)⁶⁴⁵

⁶³⁹ See Source #81.

⁶⁴⁰ In June 2013, KHRG received complaint letters from displaced villagers in Lu Thaw Township, Hpapun District, explaining that Tatmadaw camps would need to be closed for villagers to feel safe enough to return home; for example, see Source #180.

⁶⁴¹ As of August 2012, villagers in Thandaunggyi Township, Toungoo District reported to KHRG that they were unwilling to return to their former villages, which are now in government-controlled areas; see Source #359.

⁶⁴² As of July 2012, people from 16 villages in Kheh Der village tract in Kyaukkyi Township, Nyaunglebin District remained displaced; see Source #40.

⁶⁴³ See Sources #177, #178, #180, #181, #182 and #183.

⁶⁴⁴ See Source #178.

⁶⁴⁵ See Source #176.

A villager from Kawkareik Township, Dooplaya District explained that villagers in his community have responded to the threats posed by ongoing Tatmadaw presence by building two houses, one in Myanmar and one in Thailand.

“No, it is not peaceful. You can’t say it is peace. As I had told you, we have to live in two houses; one is in Thailand and one is in Myanmar. You have to build two houses. ... The villagers are afraid. In their mind they all see that the situation has temporarily improved. It is not permanent. The villagers don’t trust it [the situation]. If the Burmese [Tatmadaw] come, they will flee to Thailand. We prepare and build one small house for each household in Thailand. They don’t retreat and decrease the [amount of] soldiers, so we can’t trust them. We can trust them if they all go back. We can’t trust them because even if they went away, they would continuously come back.”

Saw D---, Kawkareik Township, Dooplaya District/Southern Kayin State
(Interviewed in August 2012)⁶⁴⁶

Villager perceptions of insecurity

Villagers living near Tatmadaw army bases are acutely aware of the frequency of rotation and resupply efforts and have explained to KHRG, for example, how often battalions typically rotate⁶⁴⁷ or if a larger quantity of army materials were transported compared with previous re-supply operations.⁶⁴⁸ Villagers also explain that the Tatmadaw are able to travel more freely specifically because of the ceasefire and the KNLA soldiers allowing Tatmadaw to move more freely.

“Since the KNU and Myanmar government had a ceasefire talk on January 12th 2012, the Burma army has been free to send their rations into different camps in the whole seven districts of Karen State, which includes Bago, Mon and Tenasserim Division [Tanintharyi Region]. They are also rotating their troops into different parts of Karen State. Villagers are worried that the ceasefire agreement may break down. As the Myanmar army has already sent a lot of rations to their camps, so if something happens they don’t need to worry for their food supplies, and it is easy for them to send more troops, as the food is ready for them. During the time when they are sending their rations, there are no interventions by KNLA soldiers. So, villagers are worried that if the ceasefire is broken, they will be faced with a worse situation.”

Short Update written by KHRG Field Director, Dooplaya, Thaton, Hpa-an and
Nyaunglebin districts (Written in February 2012)⁶⁴⁹

⁶⁴⁶ See Source #139.

⁶⁴⁷ For example, local villagers in Dwe Lo Township, Hpapun District, explained to a KHRG researcher that LID #44 rotate soldiers every four or six months; see Source #306.

⁶⁴⁸ For example, one KHRG researcher reported that Tatmadaw LIBs #340, #341, #434 and #642 established permanent bases in Bu Tho Township, Hpapun District and take more frequent delivery of rations in April 2012 than before the ceasefire; see Source #304.

⁶⁴⁹ See Source #221 for a report written by KHRG’s Field Director after a trip to each of the four districts mentioned throughout January and February 2012.

"They [Tatmadaw] have more opportunities to send rations and ammunition freely without any harassment [by KNLA soldiers]. They have not reduced their military camps but instead, they repair and build more military camps. On March 15th 2013, a villager who lives near Klaw Mee Der told me that the Tatmadaw built one more military camp in a place near Klaw Mee Der called Nat Tha Mee Taung [Fairy Mountain]. Because there is more military [presence], the villagers do not feel very comfortable and they do not want the military camps to be increased. If possible, they even want the Tatmadaw to withdraw their troops."

Situation Update written by a KHRG researcher, Htantabin Township, Toungoo District/
Northern Kayin State (February to July 2013)⁶⁵⁰

According to KHRG reports, villagers' feelings of insecurity may be exacerbated by military movements that seem designed to escape villagers' notice, or demonstrate an apparent lack of communication between Tatmadaw and EAGs. For example, transportation of heavy backpacks in the early morning or at night by Tatmadaw troops in Toungoo District led villagers in the area to feel insecure, as if the Tatmadaw were attempting to conceal something.⁶⁵¹ In another case, villagers describe how a Tatmadaw battalion entered their area without informing the local KNU authorities.

"The Tatmadaw Light Infantry Division (LID) #66 departed from Kler Lah village and went to Bu Hsa Hkee village. Soldiers from LID #66 are traveling secretly because they are afraid that they villagers might see them. They travel in the very early morning or at night. They transport a lot of food by car and the soldiers are carrying heavy loads. Anxiety comes into the mind of the villagers when they see the Burmese soldiers are doing this, and they worry for their future."

Photo Notes written by a KHRG researcher, Toungoo District/Northern Kayin State
(April 2013)⁶⁵²

Villagers have expressed deep concerns that if the ceasefire breaks down the Tatmadaw would have increased the number of army camps and bases throughout Karen areas and strengthened its camps against attacks by EAGs.⁶⁵³ Some villagers believe that the strengthening of army camps during the ceasefire is a deep threat to their security, because either the Government is generally expanding its territorial control or that the Tatmadaw appears to be actively preparing for conflict.⁶⁵⁴

"The [local Tatmadaw battalions] are now able to send materials and equipment more freely, so they have sent and stored a lot of supplies. They will be more capable of operating if fighting happens again. I think that they will use the materials that they have stored, such as iron and cement, to repair their camps in Hpapun town and buildings in other camps"

Situation Update written by a KHRG researcher, Bu Tho Township, Hpapun District/
Northeastern Kayin State (January to March 2012)⁶⁵⁵

⁶⁵⁰ See Source #262.

⁶⁵¹ See Source #262.

⁶⁵² See Source #262.

⁶⁵³ See Source #221.

⁶⁵⁴ See Source #131.

⁶⁵⁵ See Source #304.

“If we look at [the situation], there is a ceasefire agreement between the Government military and the KNU army [KNLA], but it seems like they [Tatmadaw] are always preparing to fight again, which is concerning to civilians. On October 13th 2012, the LIB #590, Company #4, with 40 soldiers came in and rotated their soldiers from Ma La Daw military camp.”

Situation Update written by a KHRG researcher, Mone Township, Nyaunglebin District/
Eastern Bago Region (October 2012 to January 2013)⁶⁵⁶

“On the nights of July 6th and 7th 2012, MOC #19, Operation Command #2 rotated with Operations Command #1, and sent weapons to Waw Lay Operation Command. On July 7th 2012, more than 80 soldiers came to replace the Operation Command in Waw Lay, on foot. Villagers are concerned that the Tatmadaw have a plan to oppress the minority groups.”

Short Update written by a KHRG researcher, Kawkareik Township, Dooplaya District/
Southern Kayin State (July 2012)⁶⁵⁷

The ongoing militarisation and sporadic armed conflict during the ceasefire period have caused widespread insecurity among Karen villagers in the research areas, further entrenching distrust in Tatmadaw troops and the ceasefire process in general. Specifically, villagers question why it is necessary to strengthen and expand army infrastructure. Villagers across many Karen districts have expressed their desire for bases and camps to be closed and for Tatmadaw soldiers to withdraw from their areas during the ceasefire period.⁶⁵⁸

“The civilians can work and travel a bit more freely since the ceasefire. But they believe that the ceasefire is not a stable process for them because the Burmese army is rebuilding their camps and sending more foods to their camps during the ceasefire, so it does not satisfy them. They always have to worry. Instead of removing their camps, the Tatmadaw have come back and rebuilt their camps in the mountains, and it is close to the working areas of the villagers, who hide themselves from the army.”

Situation Update written by a KHRG researcher, Bu Tho, Dwe Lo and Lu Thaw townships, Hpapun District/Northeastern Kayin State (January 2013)⁶⁵⁹

“Due to the ceasefire, the villagers hope that the Government military [Tatmadaw] will withdraw back [out of the Karen areas]. However, if we look at Yoh Klah camp, they have not withdrawn. Instead, they improved it [their camp] and widened their fences. They removed a monastery and widened their camp on the other side. Lay Kay camp was also improved, as well as Ta Paw camp.”

Situation Update written by a KHRG researcher, Kyaikto and Bilin townships, That District/Northern Mon State (November to December 2012)⁶⁶⁰

⁶⁵⁶ See Source #266.

⁶⁵⁷ See Source #131.

⁶⁵⁸ For reports describing villagers' desire for Tatmadaw camps to be closed in Hpapun District, see Source #246; in Toungoo District, see Source #163; in Nyaunglebin District, see Source #41; in Dooplaya District, see Source #106; and in Thaton District, see Source #258.

⁶⁵⁹ See Source #275.

⁶⁶⁰ See Source #258.

While appeals for Tatmadaw camps to be closed are often on the grounds of physical security, others are based more on a desire to not be governed by the Burman majority.

“The villagers do not want the Burmese army to come and stay in their area; they want all the Burmese [Tatmadaw] battalions to withdraw back to their own places. If the Burmese army stays in our area, and even if we gain rights, we do not want to stay with them because they are not our people so we do not want them to stay in our area.”

Photo Notes written by a KHRG researcher, Htantabin Township, Toungoo District/
Northern Kayin State (December 2012)⁶⁶¹

Recommendations

The Tatmadaw should begin to demilitarise former conflict areas - particularly positions close to villages - reducing the numbers of troops, army bases and checkpoints, and reduce weapons to an amount appropriate for peacetime. The Tatmadaw and KNLA should formalise the limited operations areas by writing them into a Code of Conduct and ensure that soldiers do not breach these limitations. Researchers recommended that there should be only one authority in each area or multiple authorities must communicate effectively and transparently with each other and with the local community about their governing role and regarding which authority villagers can report to when there are problems.

⁶⁶¹ See Source #163.

This map of Myanmar illustrates the locations of military bases and the boundaries of Karen States. The legend identifies symbols for towns (green dots), existing army bases (red triangles), newly constructed army bases (red squares), strengthened existing army bases (blue squares), and closed army bases (grey squares). It also shows roads, railways, rivers, Karen State boundaries (red lines), and other state/region boundaries (orange lines). The map covers the Shan State, Kayah State, Bago Region, Rangoon Region, and Mon State, with the Gulf of Martaban to the south. An inset map shows Myanmar's location in Southeast Asia. A scale bar indicates distances up to 60 km.

This map includes military activity reported to KHRG between January 2012 and November 2013, and does not show all of the locations of army bases nor all of the forms of military activity which may have occurred during that period.

B. Peacebuilding efforts

As the Myanmar government and EAGs began to sign the Thein Sein era ceasefires, the Government, EAGs and international actors all initiated activities aimed at consolidating the ceasefires and working toward a permanent peace. The Tatmadaw, BGFs, civilian government officials and EAGs all initiated meetings with villagers throughout KHRG research areas to explain and consult about the ceasefire process, as is detailed below.

Shortly after the ceasefires were signed, international actors began programs designed to aid local peacemakers. In March 2012, the Myanmar Peace Support Initiative (MPSI) was formed by the Norwegian government, at the request of the Myanmar government.⁶⁶² MPSI began a series of projects “*designed to build trust and confidence in - and test - the ceasefire agreements*”. To achieve these goals, MPSI intended to serve as a provider of temporary services during the ceasefire period that would be handed over to the Government, EAGs, or NGOs after a permanent peace was achieved, as well as to facilitate communication and interactions between and among various actors previously involved in conflict.⁶⁶³ MPSI’s first pilot project began in Ker Der village tract, Kyaukkyi Township, Nyaunglebin District in June 2012. That same month, the Norwegian Relief Committee, in cooperation with the Myanmar Ministry of Immigration and Population, began a large scale project to provide the full Myanmar identity cards known as “Citizen Scrutiny Cards”⁶⁶⁴ to citizens in ceasefire areas including portions of each of the seven locally defined Karen districts, with support from MPSI.⁶⁶⁵ According to MPSI, a total of nearly 80,000 ID cards were issued within KHRG research areas between June 2012 and September 2013.⁶⁶⁶

In April and May 2012, the Government and the KNU jointly opened liaison offices in five of the seven locally defined Karen districts in order to coordinate troop movements and to resolve any conflicts before they turned into fighting.⁶⁶⁷ In November 2012, the Myanmar government opened the Myanmar Peace Centre (MPC) in Yangon as a coordination center for all peace negotiations, and as a single address for international actors wishing to support peace processes in Myanmar.⁶⁶⁸ In February 2013, Japan’s Nippon Foundation began to distribute rice and humanitarian supplies in Karen areas as a means of “*supporting the ethnic peace process through development assistance*.”⁶⁶⁹ In October 2013, the Japan International Cooperation Agency (JICA) released an extensive “Preparatory survey” for development in Southeast Myanmar, which included recommendations for “*Development directions to promote peace*”.⁶⁷⁰ This plan has been criticised by a local community group for the non-inclusive nature of the consultations.⁶⁷¹

⁶⁶² In June 2012, after most of the events recounted in this chapter took place, MPSI’s funding, along with funding for other peace-building initiatives, including the Nippon Foundations activities, were consolidated under the “Peace Donor Support Group”, which initially included Norway, Australia, the United Kingdom, the European Union, the United Nations, and the World Bank, with the US, Japan, and Switzerland joining in May 2013. See “Myanmar Peace Support Initiative,” Peace Donor Support. Group.

⁶⁶³ “Lessons learned from MPSI’s work supporting the peace process in Myanmar,” MPSI, March 2014. p. v.

⁶⁶⁴ *Id.*, p. 18.

⁶⁶⁵ “Projects—Myanmar Peace Support Initiative”, Peace Support Donor Group.

⁶⁶⁶ “Identity Card Programme,” Peace Support Donor Group; “Lessons learned from MPSI’s work supporting the peace process in Myanmar,” MPSI, March 2014, Appendix 1, p. ix.

⁶⁶⁷ “Peace,” KNU Website; MPSI provided some support to help establish these liaison offices, see “Lessons learned from MPSI’s work supporting the peace process in Myanmar,” MPSI, March 2014. Appendix 1, p. xxiii.

⁶⁶⁸ “Myanmar Peace Center,” Myanmar Peace Monitor.

⁶⁶⁹ “Nippon Foundation,” Myanmar Peace Monitor.

⁶⁷⁰ “Preparatory Survey for the integrated regional development for ethnic minorities in the South-east Myanmar: Summary (*sic*)” Japan International Cooperation Agency et. al. October 2013, p. 20.

⁶⁷¹ “Japanese government plan for development of Southeast Burma: A briefing by Karen environmental and social action network,” KESAN, February 19th 2014.

This chapter includes villager reports of efforts undertaken by the Myanmar government, the KNU/KNLA, Tatmadaw, BGFs, local organisations and international actors with the goal of avoiding violent incidents or promoting communication between and among armed actors and civilians.

Peacebuilding efforts since January 2012

Since the January 2012 preliminary ceasefire between the Myanmar government and the KNU, villagers and KHRG researchers have reported issues related to peace building projects in five of the seven locally-defined Karen districts in Southeast Myanmar.⁶⁷² Villagers reported that they had participated in meetings conducted by BGFs,⁶⁷³ the KNU,⁶⁷⁴ other ethnic armed groups,⁶⁷⁵ the Myanmar government,⁶⁷⁶ and local CBOs,⁶⁷⁷ to raise awareness and answer questions about the ceasefire and peace process. Villagers also reported their impressions of the KNU/Myanmar government liaison offices that have opened since the ceasefire.⁶⁷⁸ In addition, villagers reported their impressions and concerns related to initiatives designed to promote peace by addressing villagers' material and administrative needs, including the Norwegian government's Myanmar Peace Support Initiative (MPSI) pilot projects, which provide material support, and a visit by representatives of the Norwegian government.⁶⁷⁹

"Nine people, including a KNU secretary and representatives, came to Ler Doh [Kyaukkyi] and opened KNU liaison office in Ler Doh Town, on April 9th 2012. The KNU and the Government leader, U Aung Min, came and opened a temporary KNU liaison office inside the USDP office. The villagers awaited the KNU and the Government leaders to come, this time, with willingness and need for real democracy. In the past, battles always occurred in the area and the villagers were always depressed. So, the villagers need freedom, and they reported their needs and opinions for the opening of the liaison office to the leaders from both sides, hoping for a real need of democracy. While the villagers waited for the leaders from both sides, they made a sign that said, 'We pray to be liberated from battles in Ler Doh area'."

Situation Update written by a KHRG researcher, Kyaukkyi Township, Nyaunglebin District/Eastern Bago Region (January to June 2012)⁶⁸⁰

Peacebuilding by Tatmadaw and EAGs

Since the ceasefire, villagers have reported efforts by the Tatmadaw and EAGs to improve awareness of the ceasefire process with the local community. The KNU has held meetings with villagers, sometimes in collaboration with Karen CBOs, to inform the local community about the status of the ceasefire process and relationship between KNU and Myanmar government officials.⁶⁸¹

⁶⁷² For KHRG documentation of peacebuilding activities in Toungoo District, see Sources #249; in Nyaunglebin District, see Source #48; in Hpapun District, see Source #281; in Dooplaya District, see Source #377; in Hpa-an District, see Source #362.

⁶⁷³ For an account of a peacebuilding meeting organised by a BGF in Hpa-an District, see Source #362.

⁶⁷⁴ For an account of KNU efforts to explain the ceasefire to the local community in Toungoo District, see Source #331.

⁶⁷⁵ For an account of a peacebuilding meeting including the KPC, see Source #362.

⁶⁷⁶ For an account of a meeting with IDPs about the peace process, coordinated by the Government, the KNU and MPSI, see Source #48.

⁶⁷⁷ For an account of peace-building activities by the KWO in Toungoo District, see Source #331.

⁶⁷⁸ For villager response to the liaison office opened in Kyaukkyi Town, Nyaunglebin District, see Source #48.

⁶⁷⁹ Source #250.

⁶⁸⁰ See Source #48.

⁶⁸¹ In Hpa-an District, KNLA Battalion #19 and #22 provided awareness training to villagers about the ceasefire process and human rights in general; see Source #362. On May 14th 2012, in Tantabin Township, Toungoo District, the KNU and KWO met with villagers to explain the ceasefire process so that they can understand the process; see Source #331.



These photos show ceasefire discussions conducted by the KNU in Toungoo district on May 14th 2012. The photo on the left shows a central KNU leader and a local KNLA commanding officer meeting with leaders of Klay Soh Hkee village, Toungoo District to discuss the ceasefire process. The village leaders reported that they approved of the ceasefire process, but that they want the Tatmadaw army camp in their area to be abandoned and for the soldiers to withdraw. The villagers are concerned that the army has sent more rations and soldiers, which is very concerning to the local community.⁶⁸² The photo on the right shows villagers and members of the KNU gathering together for a meeting to discuss the ceasefire process in Kaw Thay Der village, Htantabin Township, Toungoo District.⁶⁸³ [Photos: KHRG]



This photo shows BGF Battalion #1013 deputy commander Kyaw Win (in the sleeveless black shirt) and the BGF Department Secretary for Bu Tho Township meeting with a KNLA Battalion #102, company #4 leader in Meh Ka Lah monastery in Meh Ka Lah village, Meh P'Ree village tract, Hpapun District in April 2013. The meeting also included religious leaders and monks. The soldiers spoke frankly about their previous conflicts. They talked about how to build a better future with no conflict and how to communicate and work together.⁶⁸⁴ [Photo: KHRG]

In April 2013, BGF Battalion #1013 and KNLA units in Hpapun District jointly held a meeting with local religious leaders to discuss past conflicts, and build trust going forward,⁶⁸⁵ and, in Hpa-an District, a BGF, the KNLA and other EAGs held a meeting to discuss the ceasefire, which reportedly included discussions of human rights.⁶⁸⁶ Representatives of the Government and the KNU also participated in a youth meeting about the ceasefire in Kyaukkyi Township, Nyaunglebin District, in June 2013.⁶⁸⁷ Some villagers report that these efforts have had a positive effect. For instance, villagers from one community in Toungoo District explained in the first quarter of 2012, that since the ceasefire, villagers feel more comfortable talking to local Tatmadaw troops in their area.⁶⁸⁸ However, in May 2012, a member of a different community in Toungoo District described how the conduct of Tatmadaw leaders during peacebuilding talks had caused him to doubt the ceasefire.⁶⁸⁹

⁶⁸² See Source #331.

⁶⁸³ See Source #331.

⁶⁸⁴ See Source #245.

⁶⁸⁵ For details of this meeting, see Source #245.

⁶⁸⁶ See Source #362.

⁶⁸⁷ See Source #270.

⁶⁸⁸ See Source #34.

⁶⁸⁹ See Source #331.

“During a meeting between civilian and Myanmar army leaders in A--- village, Htantabin Township, Toungoo District, they [Myanmar army leaders] came and brought weapons. The Myanmar army has signed the ceasefire, but they are always bringing weapons when they are among civilians.”

Photo Notes written by a KHRG researcher, Htantabin Township, Toungoo District/
Northern Kayin State (May 2012)⁶⁹⁰

Liaison office and ceasefire consultation

In the months immediately following the ceasefire, a KHRG researcher in Htantabin Township, Toungoo District, reported that local Tatmadaw and KNLA units had entered into an agreement that neither force may travel more than 150 yards from the local vehicle road.⁶⁹¹ Soon, more formal arrangements designed to facilitate similar agreement were in place in other districts. On April 9th 2012, the KNU and the Myanmar government opened their first ceasefire liaison office, in Kyaukkyi Township, Nyaunglebin District.⁶⁹² The opening ceremony was attended by government officials including the chair of MPC, U Aung Min, as well as KNU officials and was followed by a meeting with villagers to explain the peace process, and the role of the liaison office.⁶⁹³ Villagers and KHRG researchers have described how the creation of Myanmar government-KNU liaison offices in Kyaukkyi and other towns have provided a space for communication between authorities and for villagers to report problems.⁶⁹⁴

“Currently, because the KNU and the Myanmar military entered the ceasefire, the civilians can travel freely and the villagers are delighted about this. The villagers are the ones who have suffered from the conflict for a long time, and because the national government met with the KNU, they are very glad. If there are any difficulties, they can report it to the KNU liaison office.”

Situation Update written by a KHRG researcher, Kyaukkyi Township, Nyaunglebin
District/Eastern Bago Region (November 2013)⁶⁹⁵

⁶⁹⁰ See Source #331.

⁶⁹¹ See Source #34.

⁶⁹² According to the KNU, there are now six liaison offices; two in Dooplaya District, and one each in Nyaunglebin, Thaton, Hpa-an and Mergui-Tavoy districts; see <http://www.knuhq.org/liaison-office.html>

⁶⁹³ See Source #48.

⁶⁹⁴ For information on the Kyaukkyi liaison office, see Sources #48 and #52.

⁶⁹⁵ See Source #52.



The above photo was taken on May 13th 2013. It shows the Toungoo District leader for the KNU giving a speech during a KNU ceasefire consultation with villagers. The sign in the back says in Burmese, “*The KNU representatives came to meet with the villagers and discuss the ceasefire between the Myanmar government and the KNU.*”⁶⁹⁶ [Photo: KHRG]



This photo was taken on May 15th 2012 and shows Tatmadaw Military Operations Commander Win Bo Shin giving a speech to villagers during a joint KNU-Tatmadaw ceasefire consultation. In his speech, Win Bo Shin told villagers to inform him if his soldiers force them to work. He wore a Karen shirt, with a Karen flag on the left breast, over his Tatmadaw uniform. The sign in the back says in Burmese, “*Meeting with representatives [from both sides] and civilians regarding the peace process.*”⁶⁹⁷ [Photo: KHRG]



These photos were taken on August 18th 2012 while the KNU was opening a ceasefire liaison office in Myawaddy town. The sign in the top right photo says, in Burmese, “*Karen National Union KNLA Brigade 6/7 Liaison Office, Myawaddy Township, Myawaddy Town, Kayin State.*” The KNU was represented by its current chairman, General Moo Tu Say Poe, who can be seen in the upper right photo giving a speech, along with other top KNU leaders and KNLA officers. The government was represented by the chair of the Myanmar Peace Center (MPC), President’s Office Minister U Aung Min, as well as Minister of Immigration and Population U Khin Ye, Minister of Border Security Affairs Colonel Aung Lwin, Chief Minister of Mon State U Ohn Myint, Kayin State Governor U Zaw Min and several other state ministers, who are pictured in the bottom left photo. The photo on the bottom right shows the crowd assembled for the opening.⁶⁹⁸ [Photos: KHRG]

⁶⁹⁶ See Source #249.

⁶⁹⁷ See Source #331.

⁶⁹⁸ Photos and accompanying notes on file with KHRG.



These photos were taken on May 9th 2012. They show villagers in traditional dress waiting for KNU leaders and Myanmar government officials who were coming to celebrate the opening ceremony of the liaison office in Kyaukkyi. The villagers are demonstrating for freedom and peace. In the photo on the left, villagers are also carrying Karen flags. The sign on the left displays the “Four Principles” of KNU founder Saw Ba Oo Gyi in the S’gaw Karen language, and the sign in the middle of the pictures displays the Principles in English: “1. Surrender is out of the question. 2. The recognition of the Karen State must be completed. 3. We shall retain our arms. 4. We shall decide our own political destiny here. (Saw Ba Oo Gyi)”. The English sign, but not the S’gaw Karen sign, concludes with, “Have a good day”. The sign on the far right of the photo says in S’gaw Karen, “Unity. Welcome KNU peace process plan. Nyaunglebin District”. The small sign held by two boys says in Burmese, “Welcome Peace Representatives.” The back of the sign with the Four Principles in S’gaw Karen is also visible in the photo on the right.⁶⁹⁹ [Photos: KHRG]



These photos were taken on September 15th 2012 in Muh Theh village and show the delivery of rice provided by the MPSI pilot project in Kyaukkyi Township. The photos show the depot that the local village committee and other village leaders had built to coordinated accepting the rice.⁷⁰⁰ [Photos: KHRG]

Villagers’ responses to the Myanmar Peace Support Initiative

As EAGs and the Government began to agree to ceasefires, the Norwegian government initiated MPSI at the request of the Myanmar government in order to assist in peacebuilding in Myanmar.⁷⁰¹ In Kyaukkyi Township, Nyaunglebin District, the Norwegian government sent representatives to meet with KNU leaders, government leaders, and with villagers in April 2012, and began a pilot project the next month. The pilot project is being implemented in cooperation with the Myanmar government, the KNU, and the community-based organisations, the Committee of Internally Displaced Karen People (CIDKP) and the Karen Office of Relief and Development

⁶⁹⁹ See source #339.

⁷⁰⁰ See Source #355.

⁷⁰¹ See <http://www.mmpeacemonitor.org/stakeholders/mpsi>.

(KORD).⁷⁰² According to one villager interviewed by KHRG, villagers told representatives of these organisations that:

“We have needs; we need to go back to our village, the village which we used to live in the past; and the second need is, we need to be able to work freely, plus if we can travel freely and if our way of living is good, it will be the peaceful way for us.”

Saw A--- (male, 30) B--- village, Kyaukkyi Township, Nyaunglebin District/
Eastern Bago Region (Interviewed June 2012)⁷⁰³

On May 28th 2012, a total of 30 village representatives from 16 villages in IDP areas in Kyaukkyi Township were invited to a meeting with representatives of the KNU, the Tatmadaw and the Norwegian and Myanmar governments in Kyaukkyi Town, in a meeting that appears to have been organised by the Myanmar government. Though the event was not run by MPSI, the presence of Norwegians created a sufficient impression among the villager participants that many of them recounted their experience when asked by KHRG about the role of foreigners in peacebuilding in Nyaunglebin District. At the meeting, Myanmar government representatives took individual photos of each of the participants, and then issued them government identity cards that looked different from the ID cards typically distributed in their area.⁷⁰⁴ One villager told KHRG that his previously issued ID card was confiscated before the meeting started and “issued” again in the presence of the foreign dignitaries.⁷⁰⁵ Though the villagers were told at the meeting that the cards would allow them to travel more freely,⁷⁰⁶ two villagers interviewed separately by a KHRG researcher expressed scepticism that the ID cards would provide them with any benefit, and that they did not trust the Myanmar government to honor the ID cards for the long term. They also expressed political opposition to the government providing the cards, arguing that the KNU should be responsible for providing ID cards for Karen people.⁷⁰⁷ One of these villagers also complained that his ID card identified him as a Buddhist, though he was in fact an animist.⁷⁰⁸

“What I want to report is that they did this letter for us but we don’t know the meaning of this card; I want to know the reason, exactly. They said that you can carry this card in the town, and nothing can cause [trouble] for you. You can carry it easily. There will not be anything that will harm you or oppress you or detain you. We just want to know the meaning of this card because we don’t know. If we know, we can think about it.”

Saw B--- (male, 54) C--- village, Kyaukkyi Township, Nyaunglebin District/
Eastern Bago Region (July 2012)

In August 2012, villagers in Kheh Der village tract began to receive rice from the Norwegian Government Fund, through Norwegian People’s Aid, and continued to receive it for three months.⁷⁰⁹ In August 2013, Kwee Lah villagers met with representatives of the Norwegian government who were considering expanding the program.⁷¹⁰ Villagers in Bu Tho Township, Hpapun District, also reported receiving rice from the Nippon Foundation.⁷¹¹

⁷⁰² See source #49.

⁷⁰³ See Source #41.

⁷⁰⁴ The ID cards were green booklets, where typical ID documents are red cards. A KHRG researcher characterised these green booklets as “temporary id cards”; see Source #48.

⁷⁰⁵ Untranslated interview on file with KHRG.

⁷⁰⁶ See Sources #40, #41 and #43.

⁷⁰⁷ See Sources #41 and 43.

⁷⁰⁸ See Source #43.

⁷⁰⁹ See Source #52.

⁷¹⁰ See Source #270.

⁷¹¹ See Source #245.

C. Access to health and education

This category includes villagers' complaints regarding the accessibility or quality of health and education services in their area. In the past, this has included instances where the Myanmar government, the Tatmadaw, an EAG or a private actor has interfered with the ability to access these services by direct interference, such as attacks that destroyed schools or clinics, by displacing villagers from areas where they have access to services or by restricting villagers' movements in ways that impede access. It can also include instances where a given authority takes responsibility for providing services, but the services are inadequate. In some cases, villagers merely report that adequate services are unavailable, and that no actor has provided them.

For the past twenty years, KHRG has documented barriers to health and education affecting villagers throughout the seven locally-defined Karen districts. During the conflict period, attacks on villages by the Tatmadaw and the displacement that was the aim and/or result of these attacks had a profound impact on the ability of villagers to access health and education services.⁷¹² Even when access to health and education was not disrupted by fighting, government health and education systems were chronically underfunded. As a result, insufficient numbers of health and education facilities were constructed, and the ones that were built often lacked sufficient staff and materials, or were unable to function at all.⁷¹³

Access to health

The 2008 Myanmar Constitution guarantees all citizens the right to healthcare.⁷¹⁴ Nonetheless, the Myanmar government has acknowledged that its health networks fall far short of international standards, particularly in rural areas.⁷¹⁵ While the UN's Millennium Development Goals call for countries to have 2.3 physicians per 1,000 residents, Myanmar has only 1.49, including military physicians. What is more, though two-thirds of Myanmar's population lives in rural areas, approximately half of the country's physicians serve urban populations.⁷¹⁶ The Myanmar government has committed to "*place...health at the centre of poverty reduction*,"⁷¹⁷ and has, in recent years, quadrupled its budget allocations for health, as a percentage of GDP.⁷¹⁸ Even after these increases, Myanmar's expenditures remain the lowest in Southeast Asia.⁷¹⁹

The health situation is particularly poor in Southeast Myanmar. As one recent assessment concluded, "*The health situation in the southeastern region is worse [than in the rest of Myanmar] as a consequence of a long history of conflict, poverty, and underdevelopment ... Poor accessibility is mainly due to high cost of transportation and services, and lack of knowledge;*

⁷¹² See e.g. *Self-protection under strain: Targeting of civilians and local responses in Northern Karen State*, KHRG, August 2010, pp. 64-81.

⁷¹³ See e.g. *Growing up under militarisation: Abuse and Agency of children in Karen state*, KHRG, April 2008, pp. 14-59, 85-117.

⁷¹⁴ Constitution of the Republic of the Union of Myanmar Chapter VIII, Article 367.

⁷¹⁵ *Health Workforce Strategic Plan 2012-2017*, Myanmar Ministry of Health, pp. 6-7. To achieve Millennium Development Goals related to child and maternal health, "*service delivery will need to be strengthened in rural, remote and border areas.*"; see *Millennium Development Goals Report*, Republic of the Union of Myanmar 2013, p. 60.

⁷¹⁶ *Health Workforce Strategic Plan 2012-2017*, Myanmar Ministry of Health, pp. 6-7.

⁷¹⁷ *Health Workforce Strategic Plan 2012-2017*, Myanmar Ministry of Health, p. 2.

⁷¹⁸ Steven Lanjouw & Nwe Nwe Aye, *SDC Health Assessment in Southeast Region of Myanmar*, *Swiss Development Corporation*, Swiss Development Corporation, August 2013, p. 14.

⁷¹⁹ *Id.*

*poor availability due to insufficient number of qualified staff, infrastructure and equipment; poor acceptability due to language, weak communication, and local customs and beliefs.*⁷²⁰

Even in areas with physical access to government healthcare, costs of that care can be prohibitive. Overall in Southeast Myanmar, approximately 82% of healthcare expenses are out of pocket, with the rest split between public and external INGO/CBO funding.⁷²¹

The situation is even more difficult in remote rural areas, and areas under the control of EAGs, where healthcare is primarily provided by a mix of cross-border groups operating out of Thailand. These groups, which include the KNU's Karen Department of Health and Welfare (KDHW), as well as the independent Burma Medical Association (BMA), Free Burma Rangers (FBR), and Backpack Health Workers Team (BPHWT), serve an estimated 1.35 million individuals in Southeast Myanmar with a total staff of four physicians, 176 medics, and approximately 900 combined community health workers and midwives. These health groups have seen their funding decrease since the ceasefire.⁷²²

Since the ceasefire, the Myanmar Ministry of Health and a consortium of the cross-border groups known as the "Health Convergence Core Group" have begun discussions aimed at creating a decentralised federal health system, which will eventually include health providers from the Government and from the cross-border groups.⁷²³ This effort, along with the government policy changes cited above, have the potential to provide improved services to villagers in Southeast Myanmar going forward.

Access to health since the January 2012 ceasefire

Villagers typically rely on services administered or facilitated by the governing authority in their village or area for healthcare, which can be the Myanmar government or an EAG. However, political control in Southeast Myanmar is often complicated. Many of the villagers in KHRG research areas live in "mixed-control" areas, where they are subject to more than one governing authority. To complicate matters further, villagers often travel to access healthcare, and frequently cross from one group's control to another while doing so. Because there is no widely accepted assessment of which areas in Southeast Myanmar are controlled by which governing authority, KHRG relies on the determinations of our field researchers, who live in local communities and consult with those communities and their neighbours to determine who controls a particular area.

KHRG researchers in Hpapun District described in March 2013 how the different barriers to accessing care affected villagers from different areas. In KNU-controlled areas in Lu Thaw Township, medicine and treatment were free when they were provided by the KNU, but they were often not available. By contrast, in government areas of the same district, medical care was consistently available, but clinics were prohibitively expensive, and not open for enough hours.⁷²⁴ Similarly, researchers from Toungoo District reported that government hospitals are expensive, while KNU affiliated health facilities were under-resourced.⁷²⁵

⁷²⁰ Id., p. 6.

⁷²¹ Id., p. 12.

⁷²² Id., p. 22.

⁷²³ Id., p. 16.

⁷²⁴ See Source #81.

⁷²⁵ See Source #262.



These photos were taken in October 2012 by a KHRG researcher in Hkay Poo village tract, Lu Thaw Township, Hpapun District, which is in a KNU-controlled area. It shows the “Lu Thaw Paw Day Thay Ghee Wah Seh,” which translates to “Herbal Medicine Group”. They have 24 members and nine committee members, and they produce ten different kinds of herbal medicine. According members of this group, they would like a specialist to work with them to improve the types of herbal medicine they produce.⁷²⁶ [Photos: KHRG]

1. Access to health in mixed-control areas

Villagers in six districts report that villagers from mixed-control areas will travel to government hospitals in the nearest, typically government-controlled, town to treat serious illnesses.⁷²⁷ For less severe medical issues, these individuals rely on local government clinics,⁷²⁸ on medics assigned by the Government⁷²⁹ to their areas for healthcare, and on private healthcare providers who work out of their villages⁷³⁰ or nearby towns.⁷³¹ They also rely on non-profit or non-government healthcare organisations, which can access their area and provide them with trainings,⁷³² aid and treatments.⁷³³

Villagers from mixed-controlled areas report substantial barriers to access to healthcare, which fall into three general categories. These reports relate to the (1) Physical availability; (2) Financial and transportation accessibility; and/or (3) Quality of health services.

⁷²⁶ See Source #354.

⁷²⁷ For Thaton District, see for example Source #10; for examples from Toungoo District, see Sources #36 and #262; for Nyaunglebin District, see for example Source #269; for Hpapun District, see for example Source #81; for Dooplaya District, see for example Source #106; and for Hpa-an District, see for example Source #326.

⁷²⁸ For Thaton District, see Source #5; for Hpa-an District, see Source #199; and for Hpapun District, see Source #147.

⁷²⁹ For Thaton District, see Source #6; for Nyaunglebin District, see Source #265.

⁷³⁰ In K'Dee Poo village, K'Dee Poo village tract, Thaton Township, Thaton District, a former army medic treats villagers privately for a small fee; see Source #11.

⁷³¹ Villagers from Aaw Soh Moh village, Mone Township, Nyaunglebin District travel to a private clinic in Kyaukkyi town for medical treatment; see Source #39. For a general statement by a KHRG researcher that villagers in Mone Township go to private clinics in towns for healthcare, see Source #269.

⁷³² For example, a village chief in a mixed-control area of Htantabin Township, Toungoo District, reported that an unidentified health NGO came to the village two or three times a year to provide health education; see Source #25.

⁷³³ For an example of a mixed-control area in Nyaunglebin District, where BPHWT medics provide care, see Source #47. For an example of a mixed-control area in Thaton District where BPHWT medics provide care, see Source #8. For an example in Toungoo District, where KNLA medics provide care, see Source #36.

Physical availability

Villagers in mixed-control areas reported that healthcare is not available because there is no clinic or hospital in their region;⁷³⁴ no healthcare workers, or an insufficient number of healthcare workers to provide healthcare;⁷³⁵ no healthcare education for them to deal with their day-to-day health needs;⁷³⁶ and in some areas where permanent hospitals and clinics do not exist, there are also barriers to access by humanitarian healthcare organisations.⁷³⁷

“We don’t have a clinic in our village; we just go and buy medicine from the shop. ... We don’t have any more [malaria diagnosis materials]. If we have the malaria diagnosis materials, we can diagnose the particular kind of malaria, and [informal village healthcare workers] come up with a systematic treatment plan, that will lead to better results for villagers. Without the diagnosis materials, they [informal village healthcare workers] sometimes give the wrong treatment or medicine to the patient. For instance, a patient with kidney disease looks the same as a patient with malaria, so without using malaria diagnosis materials, they can get the wrong treatment.”

Saw A--- (male, 50), A--- village, Mone Township, Nyaunglebin District/
Eastern Bago Region (Interviewed in June 2012)⁷³⁸

In many mixed-control areas where the Myanmar government has established health clinics, villagers reported that the clinics were understaffed,⁷³⁹ that government health workers had abandoned the clinics,⁷⁴⁰ or that a clinic was only open one day a week.⁷⁴¹ The residents of B--- village, in Toungoo District were relocated in 2006 when their previous homes were flooded by a dam project, which were close to a village health clinic. When the village was visited by a KHRG researcher in 2012, there was still no clinic at their new site, forcing villagers to travel to fulfill basic healthcare needs.⁷⁴²

“We go to P’Nweh Klah and Kye Kaw or Thaton; if they can’t cure [the illness] in Thaton, we go to Hpa-an Hospital along with the nurse or doctor from Thaton, who accompanies the patient to explain what injections or medicine the patient has taken. If they still can’t cure it at Hpa-an Hospital then they go to Yangon’s Min Ga La Don Hospital.”

U B---, (male, 52), Thaton Township, Thaton District/Northern Mon State
(Interviewed in February 2012)⁷⁴³

⁷³⁴ For example, a villager living in Thandaunggyi Township, Toungoo District reported that there is no clinic in their village and the authorities have not done anything to fix this situation; see Source #29. In Aye Soo Hkee village tract, Bilin Township, Thaton District, as of 2012, there were no government health services; see Source #17. In 2013, a KHRG researcher reported that there were no village-based clinics in Hpa-an Township, Thaton District; see Source #361. Villagers in Nyaunglebin District reported that they bought medicine at local shops because they did not have access to formal medical services; see Source #37.

⁷³⁵ In Thaton Township, Thaton District from July to November 2013, even though the Government set up a clinic for the village, there were no staff to provide medical care for the villagers; see Source #368.

⁷³⁶ Villagers from C--- and D--- villages in Toungoo District reported in 2012 that they do not have any health-related knowledge and some people rely on herbal medicine; see Source #36.

⁷³⁷ In Thaton Township, Thaton District, villagers reported that, from January to June 2012, the local government medic was short of medicine, and health CBOs could not access the region; see Source #15.

⁷³⁸ See Source #37.

⁷³⁹ In Hpa-an District, villagers reported that when many villagers got sick, it overwhelmed the local clinic; see Source #199.

⁷⁴⁰ Villagers report that there is a clinic one hour away from E--- village, K’Dee Poo village tract, Thaton Township, Thaton District, but after the doctor left, there is only a midwife available; see Source #9.

⁷⁴¹ See Source #326.

⁷⁴² See Source #20.

⁷⁴³ See Source #5.

Villagers in mixed-control areas of Hpa-an, Toungoo, and Thaton districts have responded to these challenges by building their own health facilities, including one village of IDPs who built new health structures in the area to which they relocated, to replace facilities destroyed during the conflict.⁷⁴⁴ In Toungoo District, villagers used remittances from villagers working abroad to build a clinic.⁷⁴⁵ In Hpa-an Township, Thaton District, villagers reported that the Adventist Development and Relief Agency (ADRA) and an unidentified Japanese NGO helped them to build a hospital.⁷⁴⁶

Villagers have also reported positive trends in the availability of healthcare in mixed-control areas. The Government has provided vaccinations in Bu Tho Township, Hpapun District⁷⁴⁷ and humanitarian organisations have built a hospital in Thaton District⁷⁴⁸ since the ceasefire. Some companies, which came into the area for business projects, also built clinics for the local people.⁷⁴⁹ Villagers from mixed-control areas of Hpa-an Township, Thaton District reported the opening of a new clinic,⁷⁵⁰ and in areas of Mergui-Tavoy District, villagers reported that, since the ceasefire, it is easier for BPHWT medics to access their area.⁷⁵¹

Villagers throughout mixed-controlled areas described the vital role played by CBOs, in particular, FBR⁷⁵² and BPHWT,⁷⁵³ in providing basic healthcare to villagers, though this praise was often accompanied by assertions that those services alone were not sufficient to meet the healthcare needs of villagers.⁷⁵⁴ Villagers similarly praised the work of community health workers or “midwives” with basic medical training, including some employed by the Myanmar government,⁷⁵⁵ even as they described the work of these dedicated local villagers as insufficient because these workers could not perform a full range of medical services, or because they had too large a geographical area to cover.⁷⁵⁶

“Those midwives who have ... responsibilities to look after our village tract live in another village, so if there is an emergency we can’t get them punctually.”

Saw C--- (male, 50), F--- village, Mone Township, Nyaunglebin District/
Eastern Bago Region (Interviewed in June 2012)⁷⁵⁷

⁷⁴⁴ Villagers in F--- village, Paingkyon Township, Hpa-an District, built a new herbal medicine hut to replace the one that had been destroyed during the conflict period; see Source #198. For another example of villagers who built their own health facility in Hpa-an District, see source #160.

⁷⁴⁵ See Source #25.

⁷⁴⁶ See Source #361.

⁷⁴⁷ See Source #193.

⁷⁴⁸ In Hpa-an Township, Thaton District, ADRA built a hospital with the support from an unidentified Japanese actor in 2013; see Source #361.

⁷⁴⁹ A villager in Thaton District reported that Zin Yaung Htun Taung Company built a clinic for villagers in Ee Heh village, Ee Heh village tract, Hpa-an Township; see Source #361.

⁷⁵⁰ New clinics were opened in Wa Poo, Neh Hpaw Hta and T’Maw Daw villages, Neh Hpaw Hta village tract, Thaton Township; see Source #260.

⁷⁵¹ See Source #272.

⁷⁵² In a mixed-controlled area of Kyaukkyi Township, Nyaunglebin District; see Source #265.

⁷⁵³ For Mergui-Tavoy District, see Source #272; for Bu Tho Township, Hpapun District, see Source #308; for Thaton District, see Source #17; and for Nyaunglebin District, see Source #47.

⁷⁵⁴ For Kyaukkyi Township, Nyaunglebin District, see Source #47; for Bu Tho Township, Hpapun District, see Sources #81 and #308; for Thaton Township, Thaton District, see Sources #8 and #368.

⁷⁵⁵ For example, in Thaton Township, Thaton District, government-trained and funded midwives provided the only locally available healthcare; see Source #11.

⁷⁵⁶ See Source #37.

⁷⁵⁷ See Source #37.

Financial and transportation accessibility

Even in mixed-control areas where healthcare facilities exist, villagers are often unable to access healthcare because of unaffordable fees, which, in some cases, are still charged after the Government committed to provide free treatment,⁷⁵⁸ and because of transportation difficulties in attempting to access hospitals or clinics.⁷⁵⁹

*“There is nothing to [guarantee] villagers’ access to healthcare. There are more diseases occurring, there are expenses for medicine, there is no transportation for taking care of their [villagers’] health. There is no intervention to cure the diseases. ... There is no way for the villagers to respond to this situation... The Myanmar government set up a plan, which is when the civilians go to [the hospital] for medicine, they have to give money which they call a donation, but people have to spend at least 5,000 [kyat] (US \$5.81).”*⁷⁶⁰

Situation Update written by a KHRG researcher, Bu Tho Township, Hpapun District/ Northeast Kayin State (Received in June 2012)⁷⁶¹



Villagers in five districts raised concerns about the fees for care at government health facilities that serve populations from mixed-control areas.⁷⁶² In one case, a KHRG researcher reported that, in 2013, a woman from Htee Hpoh Kyaw village tract, Nabu Township, Hpapun District, who was in labour with twins for seven days, was not able to go to the hospital because of prohibitively expensive fees.⁷⁶³

The above photo was taken on June 9th 2013, and shows a mother of twin babies from Kaw Paw Ya village, Htee Hpoh Kyaw village tract, Nabu Township, Hpapun District. She was in pain for seven days before she gave birth to twins. She was unable to go to a hospital to deliver her babies, as she did not have enough money. According to the KHRG researcher, there are many situations like hers, where villagers need treatment but do not have sufficient funds to travel and receive care at a Myanmar government hospital.⁷⁶⁴ [Photo: KHRG]

⁷⁵⁸ Saw D--- from Mone Township, Nyaunglebin District mentioned that if villagers in his area become sick, they have to go to a doctor at a hospital and, for the poorer people, they cannot access the treatment as they cannot afford the cost for the treatment; see Source #39. A KHRG researcher from Hpapun District reported that, from April to July 2013 in Bu Tho Township, the Government continued to charge fees for a clinic that the Government had designated as a free clinic; see Source #281.

⁷⁵⁹ Saw E--- from G--- village, K'Dee Poo village tract, Thaton Township, Thaton District mentioned that patients who need to get treatment in the hospital have to travel by motorbike or car for over one hour; see Source #8.

⁷⁶⁰ As of January 13th 2014, all conversion estimates for the Kyat in this report are based on the official market rate of 987 kyat to the US \$1.

⁷⁶¹ See Source #308.

⁷⁶² For complaints that only low-quality government healthcare is available to villagers without money in Thaton District, see Sources #308 and #361. For a report that government hospitals are expensive, and that villagers without money receive low quality care in Toungoo District, see Source #262. For reports that hospitals are prohibitively expensive in Nyaunglebin District, see Source #37. For an example of high hospital fees in an area of mixed government and DKBA control in Kawkareik Township, Doooplaya District, see Source #106.

⁷⁶³ See Source #241.

⁷⁶⁴ See Source #241.

Villagers also reported positive trends in the accessibility of healthcare in mixed-control areas. Villagers from Thandaunggyi Township, Toungoo District, reported increased freedom to transport medicine.⁷⁶⁵ In Nabu Township, Hpa-an District, a clinic provides free treatment once a week.⁷⁶⁶ In Thaton District, one KHRG researcher reported that the local government clinic provided referrals to the closest hospital in serious cases, which entitled villagers to reduced fees.⁷⁶⁷

Quality

Regarding the quality of the healthcare services, villagers reported that there are government-employed healthcare workers who work part-time even though they are paid for full-time work.⁷⁶⁸ Moreover, the Government does not supply its medical facilities with sufficient material support for healthcare, resulting in overreliance on health workers with only basic training, and a lack of medical supplies.⁷⁶⁹

"We have a clinic but no [highly trained] health workers [in the clinic]. ... We can't afford it. We have a midwife [with basic medical training, working in the village], but no medical instruments, so if we get sick we usually go to Ler Doh [Kyaukkyi Township] because some doctors opened private clinics. The private doctor will give us a prescription, including the diagnosis and costs for medicines, which we can fill at the pharmacy in the hospital. If you need more medicine or further treatment, the private clinic will treat you again. Everyone has to buy their own medicine; if you can't afford it, they will not treat you anywhere [in Kyaukkyi Town]. Even poor people have to pay for the medicine, and if they don't have the money they have to borrow it. Sometimes in our village we gather and we support each other [to pay for healthcare and medicine costs] because the government will not support us."

Saw G---, (male, 50) Aw Soh Moh village, Mone Township, Nyaunglebin District/
Eastern Bago Region, (Interviewed in May 2012)⁷⁷⁰

⁷⁶⁵ Saw F--- from Thandaunggyi Township, Toungoo District reported in an interview that after the ceasefire, the villagers have more freedom to trade medicine; see Source #26. Before the ceasefire, KHRG received many complaints that the Tatmadaw prohibited the movement of medicines in order to deny medicines to KNLA fighters. See *All the information I have told you I faced it myself*, KHRG, December 2011, p. 52.

⁷⁶⁶ A KHRG researcher from Hpa-an District reported that in Nabu Township from May to July 2012, there was a clinic that provided healthcare treatment free of charge once per week; see Source #199.

⁷⁶⁷ See Source #5.

⁷⁶⁸ A medic employed in H-- village, Nabu Township, Hpapun District only comes to the clinic once a week to treat villagers; see Source #326.

⁷⁶⁹ Saw H--- from I--- village, Nyaunglebin District, reported that I--- village has a clinic and a midwife but they do not have enough medicine and equipment; see Source #39.

⁷⁷⁰ This villager does not explain why he prefers private doctors to the hospital. This may just be a matter of individual preference; see Source #39.



The above photo was taken on April 23rd 2013 in R--- village, Meh Pree village tract, Bu Tho Township, Hpapun District. It shows FBR members distributing medicine to villagers.⁷⁷¹ [Photo: KHRG]



The above photo was taken in March 25th 2012 and it shows a clinic in Kawkareik Township, Dooplaya District. The sign on the clinic says in Burmese, “Village Clinic, Kawkareik Township”. The government-employed medic called Aa--- who is from S--- village, Nabu Township only comes to work once per week, even though she is paid to work full-time. Furthermore, while children are seen for free, adults are charged fees at this clinic. According to villagers living near the clinic, there is not a sufficient amount of medicine for the villagers.⁷⁷² [Photo: KHRG]



The left photo was taken on February 18th 2013 by a KHRG researcher in Kwee T'Ma village, Meh Chaw village tract, Dwe Lo Township, Hpapun District. This boy's leg was injured in a car accident. He went to Thaton Hospital in order to get treatment and spent a large amount money, but his wound did not heal. Thus, he came back to his village and treated it with a traditional herbal oil.⁷⁷³ [Photo: KHRG]

2. Healthcare in KNU-controlled areas

KHRG has received a small number of reports describing the health services available in KNU-controlled areas. These reports tend to describe fewer healthcare options for villagers than are available in other areas. A KHRG researcher reported that there is only one (free) clinic in the rural KNU-controlled areas of Mone Township, Nyaunglebin District, and that people from those

⁷⁷¹ See Source #245.

⁷⁷² See Source #326.

⁷⁷³ See Source #236.

areas typically treat themselves with medicine available in local shops.⁷⁷⁴ Villagers in a KNU-controlled area of Toungoo District report that they rely on a KNU clinic.⁷⁷⁵ Villagers in KNU areas have reported vaccination and healthcare programs by the KNU,⁷⁷⁶ and also reported KNU⁷⁷⁷ plans to build hospitals and clinics for villagers. Villagers in KNU-controlled areas also describe the vital role played by the FBR in providing healthcare.⁷⁷⁸ Where villagers do not have access to other forms of medicine, they rely on the traditional medicines which they can make from freely available natural ingredients, and which are prepared by knowledgeable members of the community.⁷⁷⁹ Lastly, internally displaced villagers in a KNU-controlled area of Lu Thaw Township, Hpapun District reported that they were afraid to build a clinic in their new village because of a persistent Tatmadaw presence.⁷⁸⁰

Access to education

The 2008 Myanmar Constitution mandates both that “*The Union shall...implement [a] free, compulsory education system*”⁷⁸¹ and that “*Every citizen, in accord with the educational policy laid down by the Union, (a) has the right to an education and (b) shall be given basic education which the Union prescribes by law as compulsory.*”⁷⁸² Nonetheless, the Government has reported that with regard to the right to a primary education progress “has been slow”, particularly in rural areas.⁷⁸³ While the Government reported that rural primary school enrollment reached 86.7% of children in 2010, the net primary school completion rate for appropriately aged children that year was only 49.6%.⁷⁸⁴ In addition to constitutional guarantees of primary schooling, in the 2011-12 school year, the Government began to implement a policy of full financial support for primary schools, including the provision of school supplies.⁷⁸⁵ Nonetheless, the Government acknowledged in 2013 that cost remains a significant barrier to access to primary schooling in rural areas in particular:

*“Though no fees are levied in primary education, families may end up paying multiple charges in order for their children to access school. These include: i) direct private costs such as instruction-related costs (e.g., cost for teaching-learning materials) and non-instruction related costs (e.g., uniforms); ii) household contributions, such as for school maintenance; and iii) indirect private or opportunity costs, which refer to foregone earnings associated with the time the child spends in school, which can be significant for poor families.”*⁷⁸⁶

⁷⁷⁴ See Source #269.

⁷⁷⁵ Villagers in a KNU-controlled area of Toungoo District report that they rely on a “KNU hospital”, though, given that villagers describe this as a basic care facility, it is better characterised as a clinic. While it is possible that they were referring to clinics run by the KNU-affiliated KDHWS, it is also possible that the villager was referring to a clinic run by the independent BMA, as villagers often describe both types of clinics as KNU facilities; see Source #262.

⁷⁷⁶ Villagers in Bu Tho Township, Hpapun District reported that the KNLA and the KNU distributed medicines to the villagers twice between July and October 2012; see Source #147.

⁷⁷⁷ For instance, in April 2013, KNU leaders and FBR members jointly decided to build a new hospital in Toungoo District; see Source #262.

⁷⁷⁸ For an example of FBR providing healthcare in a KNU-controlled area, in Ta Khaw Hkoh village, Meh Pree village Tract, Hpapun District, see Source #245; and in a mixed-controlled area of Kyaukkyi Township, Nyaunglebin District, see Source #265.

⁷⁷⁹ See Source #354.

⁷⁸⁰ In Lu Thaw Township, Hpapun District, villagers reported that they did not build clinics in their villages because the Tatmadaw are always active in the area; see Source #366.

⁷⁸¹ Constitution of the Republic of the Union of Myanmar, Article 28(c).

⁷⁸² Id., Article 366.

⁷⁸³ *Millennium Development Goals Report*, Republic of the Union of Myanmar 2013, p. 34.

⁷⁸⁴ Id., pp. 34-36.

⁷⁸⁵ Id., p. 38.

⁷⁸⁶ Id., p. 40.

Schools in Myanmar also suffer from other failings which prevent students from accessing an adequate education. An academic study published in 2013 found that Myanmar government schools were severely underfunded, with government spending less than half of the ASEAN average, as a percentage of GDP, on education.⁷⁸⁷ Among the results of this underfunding are exceptionally low teacher salaries, which prevent top university graduates from pursuing careers in teaching.⁷⁸⁸ In addition to these recruiting failures, a centralised and patronage-based recruiting system makes it difficult to reward successful teachers or create incentives for less successful teachers to improve.⁷⁸⁹ Moreover, the system is designed to identify and promote the most talented students, with little regard for the prospects of many other students. This problem is exemplified by the 2/3 failure rate on Myanmar's college matriculation exam.⁷⁹⁰

In addition to government schools, schools in areas of Southeast Myanmar that are controlled by the KNU, and some schools in areas of mixed-control, are administered and/or supported by the KNU's Karen Education Department (KED).⁷⁹¹ KED has developed "*a culturally relevant curriculum, including teaching aids that incorporate indigenous Karen culture and knowledge.*"⁷⁹²

In February 2014, KED, the Karen Teacher's Working Group (KTWG) and the Karen Women's Organisation (KWO) joined with 19 other ethnic organisations from throughout Myanmar to form the Myanmar Indigenous Network for Education (MINE), in order to promote education in ethnic languages in Myanmar.⁷⁹³ While independent statistics on KED sponsored schools are not available, KED is part of a consortium known as the Karen State Education Assistance Group (KSEAG), which was founded in 2005, and also includes KTWG, and the international NGO Partners Relief and Development.⁷⁹⁴

According to KSEAG, the schools supported by KSEAG enrolled over 140,000 students in the 2013-14 school year.⁷⁹⁵ More than 40% of these students were enrolled in schools in Doooplaya District.⁷⁹⁶ Many of the students counted in this total attend schools that receive funding from both KSEAG and the Myanmar government. While KSEAG has not publicised the number of jointly-supported schools, it estimates that 32% of teachers in the schools KSEAG supports have their salaries funded by the Government.⁷⁹⁷ KSEAG reports that since the ceasefire, it has faced new challenges, as many international NGOs have come into its areas of operations to support schools, and paid teachers up to ten times the salary that KSEAG could afford to provide. Simultaneously, some funders have shifted their funding from cross-border groups to organisations that operate exclusively within Myanmar, causing funding challenges for KSEAG.⁷⁹⁸

⁷⁸⁷ Myanmar spends the equivalent of 1.7 of its GDP on education, as compared with an ASEAN average of 3.5%. See Martin Hayden and Richard Martin, *Recovery of the education system in Myanmar*, Journal of International and Comparative Education 2013, Vol.2, Issue 2, p. 51.

⁷⁸⁸ Id.

⁷⁸⁹ Id., p. 52.

⁷⁹⁰ Id., pp. 52-53.

⁷⁹¹ See "What we do," Karen Education Department.

⁷⁹² Id.

⁷⁹³ Samantha Michael, "Pan-ethnic network launches to promote multilingual education in Burma," Irrawaddy, February 21st 2014.

⁷⁹⁴ Marie Lall and Ashley South, *Education, conflict and identity: Non-state ethnic education regimes in Burma*, March 2012, p. 19.

⁷⁹⁵ *KSEAG narrative report October 2013*, Karen State Education Assistance Group, slide 6.

⁷⁹⁶ KSEAG statistics show that for the 2013-14 school year, 42% of students in KSEAG supported schools were registered in Doooplaya District. 17% in Thaton, 16% in Hpapun District, 10% in Mergui-Tavoy District, 9% in Hpa-an District, and 3% each in Nyaunglebin and Toungoo districts; see *KSEAG narrative report October 2013*, Karen State Education Assistance Group, slide 8.

⁷⁹⁷ Id., slide 7.

⁷⁹⁸ Id., slide 13.

In addition to government and KED/KSEAG run schools, many children from KHRG research areas cross into Thailand in order to take advantage of educational opportunities in the refugee camps there. Because schools in the camps have access to substantial funding and other resources from international NGOs and intergovernmental organizations, they are often viewed by people from Southeast Myanmar as superior to the other options available.⁷⁹⁹ These schools, along with KED schools inside of Myanmar, have been criticized for promoting a “separatist identity” by emphasizing Karen interpretations of Myanmar’s history, and de-emphasizing Burmese language skills.⁸⁰⁰

Access to education since January 2012

Since January 2012, villagers and KHRG researchers have raised concerns related to education across all seven Karen districts in Southeast Myanmar.⁸⁰¹ During the reporting period, villagers’ attributed the inadequacy of local education resources to local governing officials, including the Myanmar government,⁸⁰² as well as the KNU⁸⁰³ and other armed groups.⁸⁰⁴

Villagers in Southeast Myanmar rely on government schools,⁸⁰⁵ schools which are run by the KNU through the KED,⁸⁰⁶ non-governmental organisation-run schools⁸⁰⁷ or, where none of these options are available, basic schools which the villagers build on their own and for which they hire and pay teachers independently,⁸⁰⁸ to fulfill the educational needs of school-age children.

While in government and mixed-control areas, primary school lasts until fourth grade, in areas outside of government control, schools typically only go to grade three, and are often built by villagers without outside support.

“Villages that are under [government] control mostly have schools that go up to grade four. ... For people who live outside of [government] control, most schools go up to grade three. In order for their children to be able to read and write, parents must find a teacher

⁷⁹⁹ See Marie Lall and Ashley South, *Education, Conflict and Identity: Non-state ethnic education regimes in Burma*, March 2012, p. 22.

⁸⁰⁰ Id.

⁸⁰¹ For example, villagers in Thaton District reported that schools do not have sufficient teachers; see Source #19. A village secretary in Toungoo District reported that in his area, primary school education is not free, making it difficult for children to attend; see Source #28. A villager in Nyaunglebin District reported that local schools are underfunded, and that some students do not attend school because it is too expensive; see Source #38. In Mergui-Tavoy District, education fees are so high that parents cannot afford send their children to school; see Source #272. At one school in Hpapun District, teachers often do not show up to work, leaving children without effective schooling; see Source #333. In Dooplaya District, some schools do not get support and teachers only receive rice as salary; see Source document #240. In Hpa-an District, villagers reported that the local school only went to fourth grade and required young students to walk a substantial distance; see Source #199.

⁸⁰² For example, villagers in Dooplaya District recounted that they needed to provide a substantial amount of support for teachers in the local school, and did not receive any government funding; see Source #240.

⁸⁰³ For example, villagers in Htee Th’Daw Hta village tract, Bu Tho Township, Hpapun District reported that the KNU ran too few schools to serve the needs of the local children; see Source #312.

⁸⁰⁴ For example, a drunk DKBA soldier demanded funds earmarked for schools in Hpa-an District; see Source #241.

⁸⁰⁵ For an example of the situation in Bu Tho Township, Hpapun District, see Source #147.

⁸⁰⁶ In Bu Tho Township, Hpapun District, the KNU has set up schools, which are run through the KED; see Source #312.

⁸⁰⁷ In Htantabin Township, Toungoo District, a village leader explained that the local schools are supported by the monastery and Christian church; see Source #22.

⁸⁰⁸ In Htantabin Township, Toungoo District, a self-help school pays teachers’ salary in rice; see Source #240.

and build a school on their own. Parents gather money together to buy school materials. It is not easy for students who finish school to continue at other schools because they have to obtain a transfer document. It is not easy to get this, so some students leave school and help their parents with housework.”

Situation Update written by a KHRG researcher, Htantabin and Thandaunggyi townships, Toungoo District/Northern Kayin State (June 2012)⁸⁰⁹

Government schools in mixed-control areas

Since the ceasefire, villagers living in mixed-control areas have reported a number of positive and negative trends in access to government schools. In 2012, villagers from Toungoo District reported that students no longer need to pay fees for the local government primary school.⁸¹⁰ Also in 2012, villagers in Hpa-an Township, Thaton District, reported a government promise that school would be free.⁸¹¹ In 2013, KHRG researchers from the same district reported increased investment in education both by the Myanmar government and by international NGOs.⁸¹²

Villagers from mixed-controlled areas report substantial barriers to access to education, which fall into the same three general categories as barriers to healthcare: These reports relate to the (1) Physical availability; (2) Financial and transportation accessibility; and/or (3) Quality of schools.

Physical availability of schools

Reports from villagers in mixed-control areas indicate that government-run village primary schools only go through grade four.⁸¹³ These are the schools that are easily accessible to students, as any further education requires travel, typically on foot, to villages that are up to six hours from the student's home village.⁸¹⁴ In some villages, where there is no school, even access to education up to the fourth grade requires students to walk long distances.⁸¹⁵

Financial accessibility of schools

Villagers in mixed-control areas of Southeast Myanmar report that they have to pay substantial fees for some government primary schools that go to fourth grade.⁸¹⁶ Nearly every report that

⁸⁰⁹ See Source document #32.

⁸¹⁰ Saw I--- from Chaw Na Hkwah village, Toungoo District said that students do not need to pay school fees for the Government primary school and that students were given school supplies. He also mentioned that the students carried bags with the UNHCR logo; see Source #25.

⁸¹¹ See Source #18.

⁸¹² In Hpa-an Township, Thaton District, the government has started to support schools by paying the teachers' salaries and for school supplies for the students; see Source #361.

⁸¹³ That most Government run primary schools only run to fourth grade was confirmed by a number different KHRG researchers and villagers. For an example in Noh Kay village tract, Hpa-an Township, see Source #199. For an example in Thraw Meh village, K'dee Poo village tract, Thaton District, see Source #8. For an example in Thaton Township, Thaton District, see Source #11. For examples in Toungoo District, see Sources #26, #32 and #262. For example in Mone Township, Nyaunglebin District, see Sources #37 and #38.

⁸¹⁴ In Thandaunggyi Township, Toungoo District, students have to travel for six hours to reach schools that teach beyond the fourth standard; see Source #26.

⁸¹⁵ In Noh Kay village Tract, Nabu Township, Hpa-an District, schools that run up to fourth grade are far away from many villages; see Source #199.

⁸¹⁶ In Ler Ghee Hko village, Toungoo Township, the government pays the salary of one of the two teachers at the village school, leaving villagers to fund the other one; see Source #26. In Nyaunglebin District, a villager reported that while the local through-grade-four school received some government help, it was also directly funded by local villagers; see Source #38. In Doooplaya District, villagers reported that, as of February 2013,

mentions government schools offering education beyond grade four includes complaints of high fees or expenses.⁸¹⁷ Villagers reported that parents could not afford to have their children learn past fourth grade⁸¹⁸ because they cannot afford school fees,⁸¹⁹ cannot afford school supplies⁸²⁰ or because they need their children to assist with livelihood activities.⁸²¹

“If people who attend government schools finish grade four in the village and [want] to continue study, is not easy because it is expensive. Moreover, they will also have to stay in a boarding house and they also have to pay [living costs], which will be more expensive. So, a lot of children who [have] finished grade four leave school as their parents cannot send them anymore.”

Situation Update written by a KHRG researcher, Htantabin and Thandaunggyi townships, Toungoo District/Northern Kayin State (June 2012)⁸²²

Quality of schools

Villagers report that the funds available for government schools in mixed-control areas of Southeast Myanmar are insufficient.⁸²³ As a result, schools have no teachers, or an insufficient number of teachers.⁸²⁴ Villagers also report that teachers who have been contracted to teach in government schools often do not fulfill their professional obligations, disappearing for months at a time,⁸²⁵ or only coming to teach 2-3 days a week.⁸²⁶ Villagers also complain that government-provided teachers do not teach in the Karen language.⁸²⁷

the Lan Pa Khyang Pya School in Kawkaik Township received no funding from the government; see Source #240.

⁸¹⁷ For this complaint from J--- village, Thaton District, see Source #5; for a report in Toungoo District that mentions the fees that students generally have to pay for school after the fourth grade, see Source #32; for a specific story from a village in Toungoo, see Source #29; For an example in Bu Tho Township, Hpapun District, see Source #147; and for an exception of free access to schools until the tenth grade in Aaw Soh Moh village, Nyaunglebin District, see Source #39.

⁸¹⁸ In Thaton Township, Thaton District, a villager explains that some parents are not able to financially cover their children’s expenses past the fourth grade; see Source #10.

⁸¹⁹ In Thandaunggyi Township, Toungoo District, a Church committee member explains that some parents cannot pay the fees that would allow their children to attend school; see Source #29.

⁸²⁰ In Thandaunggyi and Htantabin Townships, Toungoo District, a KHRG researcher explains that parents have to pay stationary themselves, and are therefore sometimes not able to send their children to school; see Source #36.

⁸²¹ In Kyaukkyi Township, Nyaunglebin District, a farmer explains that some children have to work for their family instead of attending school; see Source #10.

⁸²² See Source #32.

⁸²³ A school in K--- village, Meh P’Ree village tract, Bu Tho Township, Hpapun District reportedly does not get support from any organisation; see Source #350.

⁸²⁴ In L--- village, Thaton District, teachers in a government school do not receive adequate salaries and there are not enough supplies; see Source #5. In Hpa-an Township, Thaton District, though the government pays teacher salaries, villagers are responsible for feeding teachers and paying for their transportation; see Source #361. Villagers report that in Thandaunggyi and Htantabin Townships, Toungoo District there are no teachers available for some of the schools in the villages; see Source #262. In Bu Tho Township, Hpapun District, some teachers only teach 2-3 days per week because they do not receive sufficient salaries.

⁸²⁵ Villagers from Hpa-an Township, Thaton District reported that the teachers in their local village school went to city to take their salaries and disappeared without explanation for one or two weeks; see Sources #368 and #361.

⁸²⁶ In Kyaukkyi Township, Nyaunglebin District, a KHRG researcher reported that five government schools have been set up. The teachers of these schools are paid a higher salary than previous teachers, but teach only two or three days most weeks; see #308.

⁸²⁷ See Source #361.



The left photo was taken on May 28th 2012 in T--- village, Meh Klaw village tract, Hpapun District. The photo shows Saw Ab---, who reported that in the local government school, government-assigned teachers are absent from work for prolonged periods without explanation.⁸²⁸ [Photo: KHRG]



The above photos were taken on February 15th 2012 by a KHRG researcher. The photo on the right shows a school classroom from M--- village, western Day Loh village tract, Thandaunggyi Township, Toungoo District. The school is a Myanmar government-run school but, according to villagers in the area, it does not get enough financial support to run properly. The left photo shows a school from N--- village, A Htoo Day Tha village tract, Thandaunggyi Township, Toungoo District. This is a school set up by the government but, because there are no teachers who come and teach, the students cannot go to school. A village head reported that the village must provide funds to the government for teachers' salary every year, but the teachers did not arrive at their village for the previous school year.⁸²⁹ [Photos: KHRG]

"The schools are not open regularly. They open one year and close the next year in our district because some of the parents of the students cannot afford to pay for the salary of teachers and they cannot find teachers [to teach in the school]. The parents of the students said that the government teachers do not come to school regularly. There are some students whose parents cannot afford to send them to school. Some of the students leave school after they finish grade four and help their parents with the house work."

Situation Update written by a KHRG researcher, Thandaunggyi and Htantabin townships, Toungoo District/Northern Kayin State (August 2013)⁸³⁰

"The parents themselves have to pay for the [school supplies] that students need. Furthermore, in Htaw Hta Saw area, government teachers who were supposed to teach there [left in the middle of the year and] did not teach until the end of the year. They went back to town for half of the year and didn't come back, so it has caused problems for the

⁸²⁸ See Source #333.

⁸²⁹ See Source #320.

⁸³⁰ See Source #262.

students' future studies. One of the villages, Ho Thaw Pa Lo village, in Daw Pah Koh [Thandaunggyi] Township, Toungoo District, still does not have a teacher. Children [who were] to go to school that year paid school fees to the government but the teacher didn't come so there are still no classes [even] now..."

Situation Update written by a KHRG researcher, Thandaunggyi and Htantabin townships, Toungoo District/Northern Kayin State (June 2012)⁸³¹

Villagers have reported that these impediments to education, taken together, have caused a growing lack of respect for education among students, which has led some students to drop out of school.⁸³²

EAGs and NGOs services in mixed-control areas

"As for education, there is a low rate of literacy due to the Nay Pyi Taw government not having established any schools. The mother organisation [KNU] has set up schools, which have received some support from the Karen Education Department [KED], but no government organisations have provided any support to schools. In this area, it is not true that there are no schools for children to access education. Children do have some schools for their studies. The level of schooling is: villagers managed to set up primary schools that go up to fourth standard. After children graduate from fourth standard in their village, they try to go to the Nay Pyi Taw government schools for further study, but Nay Pyi Taw government schools do not accept them. They can also go to KED schools and KED school teachers accept them."

Situation Update written by a KHRG researcher, Bu Tho Township, Hpapun District/Northeastern Kayin State (November 2012)⁸³³

Villagers have reported EAG activities in support of education in mixed-control areas. The KNU is trying to build two new high schools in a mixed-control areas of Toungoo District⁸³⁴ and a college was established in Nyaunglebin District with the participation of the KNU.⁸³⁵ According to villagers, some schools have received support from local DKBA and BGF units including school equipment, teachers and financial supports in an area where they share political control.⁸³⁶ However, for some villagers in mixed-control areas where schools do not receive government support, villagers report great difficulties funding schools even with help from the KED.⁸³⁷ Villagers reported that teachers in a school in Lu Thaw Township, Hpapun District are paid salaries by the KED that locals consider insufficient to make a living.⁸³⁸ Furthermore, villagers report that children who have finished independent, villager-run schools, schools run by the KED or schools in refugee camps do not have the opportunity to continue their studies in government schools, as the Government does not acknowledge the education from these non-

⁸³¹ See Source #32.

⁸³² A KHRG researcher in Thandaunggyi and Htantabin townships reported that students in Toungoo District have lost respect for school; see source # 262.

⁸³³ See Source #312.

⁸³⁴ In 2013, KNU leaders established two high schools; one in Htantabin Township and the other in Thandaunggyi Township; see Source #262.

⁸³⁵ In July 2013, a Kler Lwee Htoo College was opened in Shwegyin Township, Nyaunglebin District by the community and the KNU leaders; see Source #252.

⁸³⁶ The local armed authorities BGF and DKBA supported the villagers with 1,000,000 kyat (US \$1,013) in order to repair a school from Tha Main Doot village, Kyonedoe Township, Doooplaya District; see Source #377.

⁸³⁷ In a village in Doooplaya District, for instance, the KED provides funding only for school supplies, not for teacher salaries; see Source #240.

⁸³⁸ Schoolteachers from Lu Thaw Township, Hpapun District get 3,000 baht (US \$93.40) salary for a whole year, which is not sufficient for them in order to support their family; see Source #82.

government schools.⁸³⁹

IDPs face particular issues accessing education. In one instance where villagers were displaced by development projects or military expansion, the local school was forced to close, and a new school was not founded promptly in resettlement sites.⁸⁴⁰

Villagers have also reported positive actions by non-governmental organisations. As humanitarian organisations have more chances to access rural areas under mixed-control after the ceasefire agreement, they are helping to improve the villagers' standard of education by providing school materials, financial support and by building schools for villagers.⁸⁴¹ Moreover, some corporations are also reportedly building new schools.⁸⁴²



The above photo was taken on June 16th 2012 by a KHRG researcher in Th'Dah Der village, Tay Muh Der village tract, Bu Tho Township, Hpapun District. The photo shows children who are helping their parents with agricultural labour. In this village, some students have to work in order to afford school fees.⁸⁴³ [Photo: KHRG]

Local response

Villagers in mixed-control areas have responded to the lack of accessible and affordable schools by building and running their own schools,⁸⁴⁴ and by providing additional resources to schools which the government has underfunded,⁸⁴⁵ including providing food and transportation expenses to government-employed teachers.⁸⁴⁶ One villager reported that villagers tried to build their own school in a village without any government schools, but after they finished building the school, government officials claimed credit for building the school and designated it a government school.⁸⁴⁷ Some students also work during school breaks to pay school fees.⁸⁴⁸

⁸³⁹ A KHRG researcher from Bu Tho Township, Hpapun District reported that local schools established by the KED finish after fourth grade, and that students who try to continue their educations at government schools are not allowed to do so; see Sources #312 and #331.

⁸⁴⁰ In O--- village, Thandaunggyi Township, Toungoo District, villagers relocated because of the threat posed by a nearby Tatmadaw camp in the years before the ceasefire, leading the remaining villagers to close the local school; see Source #27. Also in Toungoo District, villagers from Muh Duh village were forced to relocate in 2006 by a dam project, and, as of 2012, had not replaced their school; see Source #20.

⁸⁴¹ A situation update from Thaton Township, Thaton District for January to June 2012 reported that KSEAG supported the school from the area with notebooks, pens, pencils and many kinds of games. They also provided teachers with pocket money; see Source #19.

⁸⁴² Lucky Deparoma Company built a school for Bweh Paw (Nay Pu San) village, Mae Ka Law village tract, Bu Tho Township, Hpapun District; see Source #242.

⁸⁴³ See Source #333.

⁸⁴⁴ An example of a self-help school can be found in Nabu Township, Hpa-an District; see Source #160. For another example in Hpa-an Township, Thaton District, see Source #18.

⁸⁴⁵ In Mone Township, Nyaunglebin District, a farmer explains that the local school was partly constructed by villagers; see Source #38.

⁸⁴⁶ In P--- village, Hpa-an Township, Thaton District, villagers cover the food and transportation costs of the government teachers; see Source #361.

⁸⁴⁷ This incident occurred in Q--- village, Nabu Township, Hpa-an District; see source #235.

⁸⁴⁸ In Ler Mu Plaw, Tha'Dah Der and Thay Muh Der village tract, Lu Thaw Township, Hpapun District, some students have to work to be able to afford the school fees; see Source #334.



The above photos were taken on April 1st 2013 in Thaw Taw village, Nabu Township, Hpapun District. The photos illustrate a school built by local villagers. After the school was built, the government came, took photos of the school and reported to their leaders that they had built the school.⁸⁴⁹ [Photos: KHRG]

Health and Education Recommendations

Any actor who identifies as the local governing authority, whether KNU, Government, or other actors, should provide adequate and accessible healthcare and education, which includes ensuring that health and education workers are qualified and committed to providing high-quality services. Health and education workers at government, KNU and CBO clinics and schools should be paid sufficient salaries, and paid on time. Myanmar government authorities and international organisations supporting health and education should recognise and support established, community-led, health and education institutions. The Government, KNU and local and national health and education organisations must coordinate effectively to deliver adequate healthcare and education in Karen areas. International governments and organisations should build the capacity of these local institutions. Before villagers are given treatment, any diagnoses, treatment plans, and medicines should be fully explained by health workers. Qualifications of teachers and medics from refugee and migrant schools who have the requisite skills and training should be acknowledged by the Government.



This photo was taken on July 23rd 2013, during the opening ceremony of Kler Lwee Htu College, in Ta Keh, Shwegyin Township, Nyaunglebin District. This college is supported by the community and local KNU leaders.⁸⁵⁰ [Photo: KHRG]



This photo was taken on March 26th 2013. It shows the Kyun Kyi village primary school in Kyuakkyi Township, Nyaunglebin District. At the time of the photo, the school was being built by the Myanmar government and local villagers together.⁸⁵¹ [Photo: KHRG]

⁸⁴⁹ See Source #235.

⁸⁵⁰ Kyaukkyi Township, Nyaunglebin District; see Source #252.

⁸⁵¹ Kyaukkyi, Nyaunglebin; see Source #233.

D. Religious and ethnic discrimination

The right to be free from discrimination on the basis of religious or ethnic identity is established by numerous human rights instruments, including the Universal Declaration of Human Rights⁸⁵² and the UN Charter.⁸⁵³ Over the last twenty years, KHRG has reported discrimination against and persecution of Muslim minorities, including the destruction of mosques and the forced relocation of Muslim villagers. KHRG has also documented attempts by the DKBA to force Muslims to worship Buddhist monks and build Buddhist altars.⁸⁵⁴

During the reporting period, widespread violence and persecution of Muslims across Myanmar attracted significant international attention. The violence has been most extreme, most frequent, and most widely reported in the western Myanmar state of Rakhine.⁸⁵⁵ Violence has also been documented in central Myanmar, and in Shan and Kachin ethnic areas. These abuses were typically rooted in local circumstances⁸⁵⁶ but coincided with a popular, national, monk-led anti-Muslim campaign.⁸⁵⁷ While the abuses in Karen areas reported to KHRG do not approach the severity reported in other regions of Myanmar, they nonetheless reflect an organised campaign against Muslim residents in Karen areas.

This chapter includes cases where local military, political or religious leaders promoted discrimination on the basis of religion or ethnicity and cases where government or military actors pressured members of religious or ethnic minorities to identify as members of the majority.

Religious and ethnic discrimination since January 2012

Since January 2012, villagers and KHRG researchers raised the issue of religious and ethnic discrimination, in Nyaunglebin,⁸⁵⁸ Hpapun,⁸⁵⁹ Dooplaya⁸⁶⁰ and Hpa-an⁸⁶¹ districts in Southeast Myanmar. During the reporting period, religious and ethnic discrimination were perpetrated by BGFs,⁸⁶² religious leaders⁸⁶³ and Myanmar government officials.⁸⁶⁴ Most prominently, religious

⁸⁵² Universal Declaration of Human Rights, Article 7.

⁸⁵³ See Charter of the United Nations, Articles 1(3), 55(C), 56.

⁸⁵⁴ See *Easy targets: The persecution of Muslims in Burma*, KHRG, November 2011.

⁸⁵⁵ For background on ongoing violence against Muslims in Rakhine State, see *Policies of Persecution*, Fortify Rights, February 25th 2014.

⁸⁵⁶ For details of anti-Muslim incidents in Rakhine State, as well as in the central Myanmar towns of Meiktila, see “Q & A: Communal Violence in Burma,” BBC, January 24th 2014. For further information on these attacks, as well as incidents in Shan and Kachin states, see “Are invisible forces orchestrating Myanmar anti-Muslim violence?,” Al-Jazeera, October 9th 2013.

⁸⁵⁷ See “Buddhist monk uses racism and rumours to spread hatred in Burma,” The Guardian, April 18th 2013.

⁸⁵⁸ For an example of religious discrimination in Nyaunglebin District in which villagers’ religious title were recorded as Buddhist instead of Animist on their ID card; see Source #43.

⁸⁵⁹ For an example of religious discrimination in Hpapun District, in which rules prohibiting certain interactions between Buddhists and Muslims were distributed among Buddhist villagers, see Source #276.

⁸⁶⁰ For an example of religious discrimination in Dooplaya District, in which a Muslim villager without identification was arrested by the police, and subsequently violently abused, see Source #112.

⁸⁶¹ For an example of religious discrimination in Hpa-an District against a Muslim shopkeeper, see Source #149.

⁸⁶² In September 2012, a Border Guard Force, commanded by Company Commander Saw Ba Yoh, posted four rules regulating Buddhist villager’s interactions with Muslims on trees. During a subsequent meeting, villagers were informed by monks that if any villager breaks these rules, they would have to pay a fine; see Source #89.

⁸⁶³ On December 7th 2012, monks based in Hpa-an District asked villagers from Noh Yaw Thaw village, Thih Wah village, Noh Kyaw village and Noh Kay village to gather at their Monastery to review the four rules restricting their relations with Muslims villagers; there were 41 villagers who attended the meeting and the meeting took 37 minutes; see Source #202.

⁸⁶⁴ In 2012, when the government distributed identification cards to villagers, the religion of some of the villagers was recorded as Buddhist instead of animist; see Source #43.

discrimination was promoted by Buddhist monks and affiliated armed actors, who sought to prohibit a range of day-to-day interactions between Muslims and Buddhists.⁸⁶⁵ Villagers also reported a different form of religious discrimination, as animist citizens were compelled to accept government identity cards identifying them as Buddhists,⁸⁶⁶ as well as pressures on ethnic minority members to conform to Myanmar's Burman majority culture.⁸⁶⁷

Discrimination against Muslims in Hpa-an, Hpapun, and Nyaunglebin districts

Since January 2012, KHRG has received detailed reports of discrimination against Muslims in parts of Hpapun and Hpa-an districts, as well as unconfirmed reports of discrimination against Muslims in Nyaunglebin District.⁸⁶⁸ In August 2012, Buddhist monks developed "Four Principles" against Muslims at a meeting at Meh Baw Monastery in Hpa-an Town.⁸⁶⁹

The "Four Principles" are: *"(1) Prohibition on selling orchards and farms to Muslims; (2) Prohibition on Buddhists marrying Muslims; (3) Buddhists are not allowed to buy and sell things in Muslims' shops; They have to patronise only Buddhists shops; and (4) Prohibition on Buddhists using their name to buy things for Muslims."*⁸⁷⁰

In September 2012, Buddhist monks in Hpapun District began to disseminate lists of "Four Principles" to prevent interaction between Buddhists and Muslims. In K'Ter Tee village, the "Four Principles" were posted on trees by soldiers under the command of BGF Battalion #1013 Company Commander Saw Bah Yoh.⁸⁷¹

In November 2012, the impact of the "Four Principles" began to be felt in Hpa-an District as well. On December 5th 2012, a KHRG researcher conducted a group interview with three Muslim villagers from A--- village, Tha Yet Taung village tract, Nabu Township, Hpa-an District. One of these villagers, a local shop owner, described how in November 2012, Buddhist village children and adults who had frequented his store over a long period of time suddenly stopped coming. The ones who continued to go to the store told the shop owner that they came despite the risk that they might be fined by local monks. The Muslim villagers were also banned from selling goods during Buddhist celebrations, and one described being shunned by a long-time friend who was Buddhist.⁸⁷² The villagers reported that the discrimination was directly linked to the anti-Muslim incitement related to the conflict in Rakhine State. Videos of anti-Muslim propaganda from Rakhine State had made their way to the village and shortly after monks and Buddhist villagers saw them, the discriminatory principles were released.⁸⁷³ The villagers also described how some villagers, a monk, and a KNLA officer spoke out against discrimination among the villagers.⁸⁷⁴

⁸⁶⁵ See Sources #149 and #276.

⁸⁶⁶ See Source #43.

⁸⁶⁷ Karen individuals in Dooplaya District felt pressure to change their names to Burmese names in order to pursue employment; see Source #304.

⁸⁶⁸ A KHRG researcher had heard reports that Muslim villagers in Nyaunglebin District were denied government ID cards, but was not able to confirm those reports.

⁸⁶⁹ See Source #202.

⁸⁷⁰ See Source #202.

⁸⁷¹ See Source #276.

⁸⁷² A--- villagers living in Tha Yet Taung village tract, Nabu Township, Hpa-an District; see Source #149.

⁸⁷³ See Source #202. For background on ongoing violence against Muslims in Rakhine State, see *Policies of Persecution*, Fortify Rights, February 2014.

⁸⁷⁴ See Source #149.

"We heard that they would be fined [for purchasing goods at Muslim-owned stores]. But we are not sure whether they will really be fined or not. Someone came to my shop and bought a product. While he was purchasing it, he told another friend that, 'I'm buying at this shop and if the elders want to fine me, it's fine'. [Other villagers] were talking to each other and saying that none of them are allowed to buy products at my shop. They were talking in Karen. We only want to live peacefully as we used to live in the past. We want to live like family with Karen people. In the past, a Karen [KNLA] commander came to drink tea at my shop and talked about how we should be united and not to discriminate against each other. So, I would like to say that I want to live like what he said."

A--- villagers, A--- village, Nabu Township, Hpa-an District/Central Kayin State
(Group Interview in December 2012)⁸⁷⁵

Villagers also reported that these policies, designed to divide people from each other on the basis of religion, were familiar to them from the divide and conquer tactics of the conflict period:

"The Karen people in the KNU are Christian and the Karen people in the DKBA are Buddhist... The Tatmadaw wants to control everyone so they started to divide the [Karen people by using religion].⁸⁷⁶ As they planned, they were able to divide the Karen people. So, in order not to be controlled by the Tatmadaw, we need to be united... The more they separate from each other, the happier the Tatmadaw will be. They can't separate us from each other unless they use religion. In Myanmar, Muslims are the minority. There weren't any problems regarding religion [before the pamphlets were distributed]... If the person did something wrong, they should only punish that person and not blame other people of the person's religion. ... If they do this in this way, there won't be any problem regarding the religion. But if they blame a whole religion for every mistake a person makes, there won't be any peace in our country."

A--- villagers, A--- village, Nabu Township, Hpa-an District/Central Kayin State
(Group Interview in December 2012)⁸⁷⁷

These observations demonstrate how in an environment of extreme skepticism regarding the government's intentions and commitment to peace, official, or officially tolerated, discrimination has the potential to re-spark religious conflict.

Just after the group interview with Muslim villagers, on December 7th 2012, also in A--- village, local Buddhist monks invited Buddhist villagers from the surrounding villages to a meeting to instruct them regarding the 'Four Principles' regulating their social and economic interactions with Muslims.⁸⁷⁸ At the meeting, the monks explained the principles in detail, urged the villagers

⁸⁷⁵ See Source #149.

⁸⁷⁶ The villagers are likely referring to 1994, when the predominantly Christian KNU and the predominantly Buddhist DKBA split, with the latter aligning itself shortly thereafter with the government against the KNU. The Democratic Karen Benevolent Army (DKBA), formerly the Democratic Karen Buddhist Army, was formed in December 1994 and was originally a breakaway group from the KNU/KNLA that signed a ceasefire agreement with the Myanmar government and directly cooperated at times with Tatmadaw forces. The formation of the DKBA was led by monk U Thuzana with the help and support of the State Law and Order Restoration Council (SLORC), the name of the military government in Myanmar at that time. For more information on the formation of the DKBA, see "Inside the DKBA," KHRG, 1996. The DKBA now refers to a splinter group from those DKBA forces reformed as Tatmadaw Border Guard Forces, also remaining independent of the KNLA. As of April 2012, the DKBA changed its name from "Buddhist" to "Benevolent" to reflect its secularity.

⁸⁷⁷ See Source #149.

⁸⁷⁸ On September 10th 2012, a monk from a monastery of Hpa-an Town called a meeting and developed the Four Principles against Muslims; see Source #276.

to follow them, and threatened to fine any Buddhist villagers who violated the Principles.⁸⁷⁹ KHRG received reports that this form of discrimination continued through the early months of 2013.⁸⁸⁰

"If you don't know it [the rule prohibiting buying from Muslims], because monks and village heads have not informed you about it, you have to give only 50,000 kyat (US \$50.66)⁸⁸¹ as a fine. Right here, I informed you already. If people see you [buying from Muslims] and if you are a civilian, you have to give 100,000 kyat (US \$101.32). If you are a monk and if you buy things from a Muslim shop, you have to give 300,000 kyat (US \$303.95)."

A Buddhist monk videotaped by a KHRG researcher, Nabu Township, Hpa-an District/
Central Kayin State (Recorded in December 2012)⁸⁸²

"On December 7th 2012, ... the monks called the four villages to [attend] a meeting in the A--- Monastery compound. I saw 41 villagers in attendance at the meeting.... There was only one monk and he took out the order letter that includes the four points [principles]. When they met, they discussed the four points in the meeting. ... When the meeting ended, I asked some villagers secretly regarding their opinion on the order letter, and they said that, 'People will ask us to fight against each other again; in the past, the Baptists and the Buddhists,⁸⁸³ now, the Muslims and the Buddhists'."

Situation Update written by a KHRG researcher, Nabu Township, Hpa-an District/
Central Kayin State (December 2012)⁸⁸⁴

KHRG researchers reported that local leaders in these two districts increased their efforts to combat discrimination. In Hpapun District, in September 2012, monks and armed actors, including some Tatmadaw and KNU leaders, reacted to the "Four Principles" by urging people not to discriminate against each other on the basis of religion.⁸⁸⁵ However, Muslim villagers remain subjects of suspicion. When local water supplies suddenly turned green in B--- village, Kyaw Phah village tract, Hpapun Township, rumours circulated that three Muslim men had been seen near the water supply. These men were blamed by some villagers for poisoning the water supply.⁸⁸⁶

"In the meeting, the [Tatmadaw] operations commander told all of the villagers that whether [someone] is a Buddhist or Muslim, everyone has to treat each other as they used to treat each other in the past. They will have to return to their good relationship again and live peacefully together, as before. They also told the villagers not to hate each other."

Incident Report written by a KHRG Researcher, Dwe Lo Township, Hpapun District/
Northeastern Kayin State (April 2012)⁸⁸⁷

⁸⁷⁹ See Source #151.

⁸⁸⁰ See Source #276.

⁸⁸¹ As of January 13th 2014, all conversion estimates for the Kyat in this report are based on the official market rate of 987 kyat to the US \$1.

⁸⁸² For the transcript of this video, see Source #151.

⁸⁸³ This is likely a reference to the split between the KNU/KNLA and the DKBA in 1994.

⁸⁸⁴ See Source #202.

⁸⁸⁵ According to local villagers, after the four rules were distributed among the villagers Muslims and Buddhists were afraid to communicate with each other. However, after the KNU and Tatmadaw spoke with the community and encouraged the community live peacefully among each other in the past, Muslims and the Buddhists were able to rebuild their relationship; see Source #276.

⁸⁸⁶ See Source #245.

⁸⁸⁷ This incident report refers to a meeting arranged in September 2012 by a Tatmadaw operations commander; see Source #89.

In Nabu Township, Hpa-an District, in June 2013, the villagers and the monks also had a meeting designed to combat religious discrimination.⁸⁸⁸ According to a KHRG researcher from Hpa-an, these anti-discrimination efforts were successful in part because the villagers never fully understood who developed the Principles and why they should be forced to pay a fine if they broke these rules. While villagers had been told that they must pay a fine to the local monks if they broke the “Four Principles”, the monks had not enforced the fine. KHRG researchers in Hpa-an District have not received reports of ongoing discrimination subsequent to the June meeting, and are optimistic that discrimination is no longer a problem in that area.⁸⁸⁹



The photo on the left was taken by a KHRG researcher on December 8th 2012, and shows a Burmese language document containing the “Four Principles” developed first by Buddhist monks in Hpa-an District, which restrict the social and economic interactions of Buddhist and Muslim villagers. Below the list of rules, the document states, “for the ones who do not follow the above principles, action will be effectively taken.” The photo on the right was taken on December 7th 2013, and shows a meeting held in A--- village monastery, Noh Kay village tract, Nabu Township. During the meeting, the monk read out the four principles and informed the attending villagers that, if they do not follow the principles, they would be fined.⁸⁹⁰ [Photos: KHRG]



The above photos were taken on June 1st 2013 in Nabu Township, Hpa-an District by a KHRG researcher. The photos show a meeting during which local villagers and Buddhist monks discussed the problems caused by the distribution of rules regulating the behavior of Buddhists towards Muslims, which were distributed among the villagers. They discussed the situation in their area from a human rights perspective and they are working toward solutions to solve all of the human rights problems. In the meeting, they came up with a solution, which is to build an office where people can report to organisations or to media.⁸⁹¹ [Photos: KHRG]

⁸⁸⁸ In June 1st 2013, villagers, village leaders and the monks from Htee Hpoh Kyaw village, Htee Hpoh Kyaw village tract, Nabu Township, Hpa-an District had a meeting regarding the Four Principles and how to solve the problem of religious hatred; see Source #241.

⁸⁸⁹ This information comes from a meeting with KHRG researchers in November 2013.

⁸⁹⁰ See Source #360.

⁸⁹¹ See Source #241.

Minorities feeling pressure to change

In Nyaunglebin District, an animist villager reported that the Government issued him an identity card which marks him as Buddhist against his wishes; these actions are perceived by the villager to be part of a possible campaign to impose a Buddhist identity on as many villagers as possible.⁸⁹²

“They want to eradicate our religion and they put us in the Buddhist [religion]. Therefore, they just write “Buddhist” on the ID cards, not traditional [animist]. It affects our religious and ethnic rights. As Karen people, we don’t want other people to harm our rights and we don’t want them to harm the Karen people’s rights. We hope that somebody will help us and put our religion as animist [on our ID cards], and not to harm our religious rights.”

Saw A--- (male, 40), Kyaukkyi Township, Nyaunglebin District/Eastern Bago Region
(Interviewed in July 2012)⁸⁹³

Individuals with Karen names and animists also felt pressure to move away from their chosen identities. In April 2012, villagers in Dooplaya District reported that they were not allowed to teach in the Karen language.⁸⁹⁴ In the early months of the ceasefire, villagers from Hpapun District complained that, because the only schools available in their areas are government schools, which teach only in Burmese, students were not able to learn in their own language. Moreover, ethnic minority students believed that they needed to adopt a Burmese name in order to get a job.⁸⁹⁵

In what may be another example of government armed actors attempting to enforce Buddhist norms, KHRG received a report of Buddhist monks supervising a substantial construction project at an animist shrine in Bilin Township, Thaton District. Monks worked with BGF soldiers under Commander Chit Thu,⁸⁹⁶ and told the locals that they were “repairing” the temple.⁸⁹⁷

⁸⁹² During 2012, the Myanmar government provided identification cards for the villagers from Kyaukkyi Township, Nyaunglebin District, and recorded the religion of some of the villagers as Buddhist, instead of Animist; see Source #43.

⁸⁹³ See Source #43.

⁸⁹⁴ In C--- village, Kawkareik Township, Dooplaya District, a teacher mentioned that the Tatmadaw soldiers do not allow the teachers to teach Karen language in school; see Source #128.

⁸⁹⁵ Karen people from Bu Tho Township, Hpapun District, who are studying or graduated from primary schools in Myanmar are reportedly changing their names to Burmese names in order to continue their study or to find a job; see Source #304.

⁸⁹⁶ Maung Chit Thu, commonly referred to as Chit Thu, was the operations commander of Democratic Karen Buddhist Army (DKBA) Battalion #999 prior to the DKBA transformation into the Tatmadaw Border Guard Force, which began in September 2010. His role has grown considerably since the transformation, and he is now second in command of Tatmadaw BGF forces, overseeing BGF battalions #1017, #1018, #1019 and #1012 based in Ko Ko, Hpa-an District. Abuses committed by Maung Chit Thu have been cited in previous KHRG reports, including ordering the forcible relocation of villagers from eight villages in Lu Pleh Township in July 2011, while acting as a Border Guard commander, see, “Pa’an Situation Update: June to August 2011,” KHRG, October 2011.

⁸⁹⁷ Villagers also reported that the monks may have looted the temple of precious stones; see Source # 203.

Recommendations

All people should be able to practice their religion freely, and should be free to build places of worship such as churches, temples, mosques and animist shrines. State and non-state authorities should identify settlements or regions where religious tensions are apparent and provide protection for potential victims of violence. Local civilian, EAG and government actors should undertake awareness-raising activities to promote religious freedom for all people and promote tolerance of other religions as a way to prevent tension and violence from occurring. Government, Tatmadaw, EAG and religious actors should not attempt to impose any restrictions on interaction based on religion or ethnicity. Villagers should not be prevented from obtaining identification cards or have to pay bribes on the basis of their religion or ethnicity.

E. Drug production, use and social impacts

Since the ceasefire, KHRG has received an increasing number of reports about serious abuses related to methamphetamine sale and use. For decades, Myanmar-based actors have been major players in the international drug trade. Beginning in the 1970s, the “Golden Triangle” region at the meeting of Myanmar, Laos, and Thailand has been a world center for heroin distribution and trafficking. The areas of the Golden Triangle in Myanmar encompass parts of Shan State, which is located several hundred kilometers northeast of KHRG’s reporting areas. The Myanmar government has acknowledged that drug trafficking exists within the country, and committed domestically and internationally to work against drug trafficking. Myanmar acceded to the ‘United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances’ in June 1991, which committed the Government to enact and enforce laws against drug trafficking.⁸⁹⁸ The Myanmar government has repeatedly cited “*the elimination of narcotic drugs*” as one of the aims of its transition to peace.⁸⁹⁹ This is particularly notable because, in the past, ceasefires have provided opportunities for armed actors to develop their drug-trafficking business, as they no longer had to fear interference from state actors.⁹⁰⁰

In recent years, the drug distributors of the Golden Triangle have diversified into methamphetamine production and distribution.⁹⁰¹ In 2008, Myanmar’s combined methamphetamine and opium products were worth between one billion and two billion dollars annually.⁹⁰² More recent estimates have put drug exports at 40% of Myanmar’s total exports by value.⁹⁰³ As of 2009, areas along the Chinese-Myanmar border controlled by the United Wa State Party, the dominant narcotrafficking organisation in that region, were the primary locations of methamphetamine production in Myanmar. During the same time period, some international actors determined that the Myanmar armed forces were complicit in the drug trade.⁹⁰⁴ Further evidence that the Myanmar government had not succeeded in combatting the effects of drugs came when the United States government declared in September 2012, and again in September 2013, that, “*During the past 12 months the Government of Burma has failed demonstrably to make sufficient efforts to meet its international obligations under international counternarcotic agreements.*”⁹⁰⁵ It is in this context that KHRG began to receive reports of substantial social impacts of methamphetamine use in KHRG research areas.

At the same time, human rights advocates in Mon ethnic areas, some of which border KHRG research areas, began to report on the social impacts of rapidly increasing drug use in those

⁸⁹⁸ See United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

⁸⁹⁹ See Adam Cooper, *Peacemaking in Myanmar: Progress to date and challenges ahead*, Oslo Forum, 2012; Increasing Drug Trade, Myanmar Peace Monitor.

⁹⁰⁰ Joshua Kurlantzick, *Myanmar’s Drug Problem*, Council on Foreign Relations, February 2012,

⁹⁰¹ Phil Thornton, “*Myanmar’s rising drug trade*”, The Bangkok Post, February 12th 2012. In 2008, the US Congressional Record Service cited evidence that Myanmar had become the biggest methamphetamine producer in the world; see Liana Sun Wyler, *Burma and Transnational Crime*, Congressional Record Service, p.10, August 2008.

⁹⁰² Liana Sun Wyler, *Burma and Transnational Crime*, Congressional Record Service, p. 10 August 2008.

⁹⁰³ Phil Thornton, “*Myanmar’s rising drug trade*,” The Bangkok Post, February 12th 2012.

⁹⁰⁴ Tom Kramer, *Neither war nor peace: the future of the ceasefire agreements in Burma*, Transnational Institute, July 2009, p. 29.

⁹⁰⁵ For Fiscal Year 2013, see *Memorandum of justification for major illicit drug transit or illicit drug producing countries*. For Fiscal Year 2014, see *Presidential Determination -- Major Drug Transit and Drug Producing Countries*. In each of these instances, US President Obama used his discretionary authority to exempt Myanmar from the sanctions that are meant to accompany this determination. Though the US does not publish detailed findings to support these determinations, the decision not to apply sanctions indicates that the determination to criticise Myanmar’s record on drugs likely was not made out of a political desire to punish Myanmar.

areas.⁹⁰⁶ Use in these areas has reportedly increased because of an influx of very cheap, widely distributed methamphetamine, which has often been distributed by members of EAGs.⁹⁰⁷

There have also been allegations that EAGs in Karen areas have been involved in the drug trade. In April 2012, the Thai government placed the leader of the DKBA, General Na Khan Mway,⁹⁰⁸ on its list of most wanted criminals, on the basis of an incident that occurred in 2003⁹⁰⁹ and offered a 2,000,000 baht (US \$62,500)⁹¹⁰ reward for his capture.⁹¹¹ It is unclear whether this designation was primarily the result of an impartial drug investigation, or whether it was politically motivated.⁹¹² Shortly after this announcement, the DKBA's political wing began a high-profile campaign against drugs in the areas they control, including declaring a section of Myawaddy Township, Hpa-an District a "drug-free zone".⁹¹³

Drug production, use and social impacts since January 2012

Since January 2012, reports regarding drug sales, drug use, and the consequences of both overwhelmingly came from Nabu and Paingkyon townships in Hpa-an District,⁹¹⁴ with a small number of reports from locally defined Nyaunglebin⁹¹⁵ and Hpapun⁹¹⁶ districts. During the reporting period, BGF commanders and soldiers⁹¹⁷ were the most commonly reported perpetrators of drug-related abuse, with abuses also committed by Tatmadaw,⁹¹⁸ DKBA,⁹¹⁹ KPF,⁹²⁰ the KNU/KNLA⁹²¹ and the KNU/KNLA-PC.⁹²² KHRG also received one report of a combined Myanmar

⁹⁰⁶ *Bitter pills: Breaking the silence surrounding drug problems in the Mon community*, Human Rights Foundation of Monland-Burma, June 2013.

⁹⁰⁷ *Id.*, p. 22.

⁹⁰⁸ Na Khan Mway, whose real name is Saw Lah Pwe, is the leader of the Democratic Karen Benevolent Army (DKBA). He left the KNU/KNLA in 1997 and became the commander of DKBA Battalion #907. In 2007 he was promoted to head four DKBA battalions (#s 901, 906, 907 and a security battalion) as the commander of the Klo Htoo Baw (Golden Drum) Tactical Command. In May 2009 this unit was reconfigured as DKBA Brigade #5, with Na Kha Mway commanding battalions #s 901, 905, 906, 907 and 909; Brigade #5 was active in the Kyainseikgyi, Kawkareik and Myawaddy areas of Dooplaya and Hpa-an districts. Na Khan Mway is wanted in Thailand on drug trafficking allegations.

⁹⁰⁹ Francis Wade, "The curious case of Thailand's 'Most Wanted'," *Asian Correspondent*, May 11th 2012.

⁹¹⁰ As of March 18th 2014, all conversion estimates for the Baht in this report are based on the official market rate of 32 baht to US \$1.

⁹¹¹ Saw Yan Naing, "DKBA leader on Thailand's most-wanted list," *Irrawaddy*, April 25th 2012.

⁹¹² Francis Wade, "The curious case of Thailand's 'Most Wanted'," *Asian Correspondent*, May 11th 2012.

⁹¹³ "DKBA (KKO) declares Myawaddy Township a drug free zone," *Democracy for Burma*, May 24th 2012.

⁹¹⁴ For an example in Nabu Township, Hpa-an District, villagers describe the negative impact of the widespread sale and use of drugs on the health and lives of their children, see Sources #164, #241, #155 and #159.

⁹¹⁵ For example, in 2013, the Tatmadaw ordered villagers from Nyaunglebin District to traffic marijuana from Hpapun District back to Nyaunglebin District. The Tatmadaw also asked villagers to grow marijuana in Hpapun and Nyaunglebin districts; see Source #275.

⁹¹⁶ For example, in 2013, the Tatmadaw asked villagers to grow marijuana in Hpapun and Nyaunglebin districts. They also imported methamphetamine through Ta Kaw Hta area and continued to promote widespread drug use in Hpapun District; see Source #275.

⁹¹⁷ KHRG received multiple reports of abuses by BGFs responsible for producing and selling methamphetamine in Nabu Township, Hpa-an District; see, for example, Source #199.

⁹¹⁸ For example Tatmadaw soldiers ordered villager to grow and transport marijuana in Nyaunglebin and Hpapun Districts; see Source #275.

⁹¹⁹ For example in February 2013, a DKBA soldier randomly fired his gun while high on drugs in A---village, Nabu Township, Hpa-an District; see Source #155.

⁹²⁰ For an example in B--- village, Noh Hta Baw village tract, Nabu Township, Hpa-an District, villagers reported that members of KPF families sometimes sell methamphetamine; see Source #241.

⁹²¹ See Source #164.

⁹²² For example the KNU/KNLA-PC is reportedly involved in the methamphetamine trade in Yaw Kuh village tract, Nabu Township, Hpa-an District; see Source #164.

Police and KNU anti-drug action in Mergui-Tavoy District, where they burned a large amount of the narcotic leaf kratom,⁹²³ and in Kyaikto Township, Thaton District, where the KNU reportedly shut down a gambling parlour to combat the impact of substance abuse.⁹²⁴

Since the ceasefire, KHRG has seen an increase in reports of abuses related to drugs.⁹²⁵ These reported abuses likely represent a small percentage of the abuses related to drugs to which villagers in Southeast Myanmar have been subjected. KHRG has heard repeatedly from researchers that villagers are more reluctant to speak about abuses related to drugs than they are about other abuses. In addition to the information referenced below, researchers have had many conversations with villagers who insisted that none of the details of the conversations be publicly reported.

One researcher reported that even a villager who was willing to talk to him was very nervous, and said that, *"If people know that I told you this, they will kill me."*⁹²⁶

Villagers reported the following three trends which contributed to drug related negative impacts on villagers in 2012 and 2013: drug use;⁹²⁷ drug production;⁹²⁸ and drug sale by or with the permission of armed actors.⁹²⁹ Negative impacts have included killings related to drugs;⁹³⁰ and impacts on youth or the community, including addiction and mental health problems.⁹³¹ KHRG also received one report each of a drug-related rape,⁹³² and threats to villagers' safety from armed actors on drugs.⁹³³ In addition, KHRG received one report of the destruction of drugs.⁹³⁴

⁹²³ Kratom, also referred to as *beh htee* in Karen, produces a mildly narcotic sensation in users when its leaves are chewed. Kratom is outlawed in Myanmar and Thailand. In Tanintharyi Township, Mergui-Tavoy, the Myanmar government police officers and KNU leaders started to implement a plan to destroy a large harvest of the drug kratom, known locally as *beh htee* on January 20th 2013; see Source #272.

⁹²⁴ For example, the KNU reportedly shut down a gambling parlour in Kyaikto Township, Thaton District, to combat the social impact of substance abuse; see Source #203.

⁹²⁵ KHRG did not publish a single report regarding drugs in the five years before the ceasefire, but has received dozens of reports since the ceasefire.

⁹²⁶ See Source #164.

⁹²⁷ For a report of widespread drug use and its negative consequences in Nabu Township, Hpa-an District, see Source #155.

⁹²⁸ For example local drug production led to increased drug use, with negative social impacts in Nabu Township, Hpa-an District, see Source #155.

⁹²⁹ For a report of widespread drug sales in Nabu Township, Hpa-an District throughout 2012-2013, see Source #155.

⁹³⁰ Two killings were reported to KHRG, both in March 2013, in Nabu Township, Hpa-an District, see Source #164.

⁹³¹ For example, in C--- village, Noh Kay village tract, Nabu Township, Hpa-an District, widespread use of methamphetamines by young people has led to at least one drug-fueled rampage, during which a young man destroyed a substantial amount of property belonging to villagers; see Source #155.

⁹³² In October 2012, a 21-year-old woman named Naw A---, who was from A--- village, Nabu Township, Hpa-an District, was raped and killed by a 23-year-old man named Saw Pah Thoo Lay who was known to use methamphetamine; see Source #144.

⁹³³ In February 2013, a DKBA soldier randomly fired his gun while high on drugs in A---village, Nabu Township, Hpa-an District; see Source #155.

⁹³⁴ In Tanintharyi Township, Mergui-Tavoy District, the Myanmar government police officers and KNU leaders destroyed crops of the drug *beh htee* in January 2013; see Source #272.

The most serious reported drug-related problems took place in the neighbouring Nabu and Paingkyon townships, Hpa-an District. In these townships, villagers complain that methamphetamine pills are widely available at many small shops, causing addiction and related social problems.⁹³⁵ BGF soldiers were primarily responsible for the production and sale of drugs, and for drug related violence in this area,⁹³⁶ though the KNU/KNLA, KNU/KNLA-PC, Tatmadaw,⁹³⁷ KPF⁹³⁸ and villagers affiliated with BGFs also sold and used drugs.⁹³⁹

“A 16-year-old student who used [methamphetamines] spent all of his money on the drug and then pawned his motorbike [to trade it for methamphetamine pills sold by BGF soldiers]. His parents asked him, ‘Where are you keeping your motorbike?’ His father asked him this continuously, so he told him. His father said, ‘My son, I bought this motorbike for you with 38,000 baht (US \$1,187.50)⁹⁴⁰ and you traded it for 30 k’thee k’thay [methamphetamine pills]. So, here is the money, go and redeem your motorbike’. ... Then, the boy ... went to the place where he pawned his motorbike. He met the seller of the drug [BGF soldier] and asked for his motorbike; they were worried that the news would go public after he’d given the money to them. So, they arrested the boy, and then beat and killed him with a piece of brick.”

Situation Update written by a KHRG researcher, E--- village, Nabu Township, Hpa-an District/Central Kayin State (March to May 2013)⁹⁴¹

In a separate incident in Nabu Township, a 62-year-old woman who publicly confronted BGF Battalion #1016 soldiers about their drug trafficking activities was reportedly killed by soldiers from that battalion to prevent her from reporting on their activities.⁹⁴² Villagers in this township have also reported that they have been subjected to threats from government-affiliated and ethnic armed actors if they complain of the negative impact of drugs on their community. These frighten the villagers, make them feel insecure, and decrease their ability to complain to NGOs, CBOs, the Myanmar government and EAGs about the impact of drugs.⁹⁴³

“We dare not speak carelessly. If we were to say so, we are afraid that people would come and kill us. We do not want it [drug dealing and use], but we cannot do [anything].”

Situation Update written by a KHRG researcher, Yaw Kuh village tract, Nabu Township, Hpa-an District/Central Kayin State (March to May 2013)⁹⁴⁴

⁹³⁵ For the widespread availability of drugs in local stores, and how that availability results in addiction and negative consequences, see Source #360.

⁹³⁶ For example, one villager reported that the biggest issue is methamphetamine, which is manufactured by the BGF Battalion #1016’s commander, Mya Khaing, packaged similarly to candy, and then is sold everywhere in the area in Nabu and Paingkyon townships; see Source #336

⁹³⁷ For references to Tatmadaw, KNLA, and KNU-PC involvement in drug related abuses, see Source #164.

⁹³⁸ See Source #241.

⁹³⁹ In Yaw Kuh village tract, Nabu Township, Hpa-an District villagers reported in May 2013 that some villagers were selling methamphetamine on behalf of the BGF; see Source #164.

⁹⁴⁰ As of March 18th 2014, all conversion estimates for the Baht in this report are based on the official market rate of 32 baht to US \$1.

⁹⁴¹ See Source #164.

⁹⁴² See Source #164.

⁹⁴³ See Source #155.

⁹⁴⁴ See Source #164.

In one instance, a BGF soldier who sells the drug publicly announced explicit threats to deter villagers in Nabu Township from reporting about the issue.

“We will not give any punishment or imprisonment to those who are using, selling and producing drugs, but we will give serious punishment to those who are telling or reporting.”

Situation Update written by a KHRG researcher, Nabu Township, Hpa-an District/
Central Kayin State (September 2013)⁹⁴⁵

Villagers in Nabu Township also report that they are unable to stop the widespread use of drugs,⁹⁴⁶ and that many villagers have become poorer because of their drug use, or drug use by a family member.⁹⁴⁷ Even soldiers have limited ability to intervene. One member of the KNLA told a KHRG researcher that his unit did not wish to provoke conflict between armed actors by confronting drug traffickers.⁹⁴⁸ In other areas, however, authorities are willing to act against drugs, as when the Myanmar Police and local KNU leaders burned a large amount of the narcotic leaf kratom in Mergui-Tavoy District.⁹⁴⁹



These two photos were taken on December 4th 2012 by a KHRG researcher in D--- village, Yaw Kuh village tract, Nabu Township, Hpa-an District. The photo on the left shows a small shop where the shopkeeper sells watermelons, some snacks and methamphetamine pills as well. In the photo on the right, you can see a school near the shop, whose students reportedly buy drugs at the shop.⁹⁵⁰ [Photos: KHRG]

⁹⁴⁵ See Source #170.

⁹⁴⁶ Villagers in H--- and G--- villages, Nabu Township, Hpa-an District, do not like the impact of drugs on their towns, but cannot act because drug dealers are armed. See Source #159.

⁹⁴⁷ Villagers in Nabu Township, Hpa-an District, complained that many villagers had become poorer because of drugs; see Sources #199 and #144.

⁹⁴⁸ In Nabu Township, Hpa-an District; see Source #159. It is not clear to what extent these statements reflect a genuine desire to combat drug trafficking, and to what extent the ceasefire offers an excuse not to deal with the problem. For a similar account of a KNLA officer who declared that his group was opposed to drugs, but could not act for fear of upsetting the ceasefire, see also *Bitter pills: Breaking the silence surrounding drug problems in the Mon community*, Human Rights Foundation of Monland-Burma, June 2013, p. 54.

⁹⁴⁹ In Tanintharyi Township, Mergui-Tavoy District, the Myanmar government police officers and KNU leaders destroyed a large harvest of the drug kratom, known locally as *beh htee* on January 20th 2013; see Source #272.

⁹⁵⁰ See Source #360.



These two photos were taken on June 27th 2012 in F--- village, Mya Pa Taing Nee village tract, Nabu Township, Hpa-an District by a KHRG researcher. The photos depict methamphetamine tablets, which are manufactured by soldiers under the supervision of the BGF Battalion #1016's commander, Mya Khaing. According to the KHRG researcher, it is packaged similarly to candy and then sold everywhere in the area in Nabu and Paingkyon townships.⁹⁵¹ [Photos: KHRG]



This photo was taken on December 5th 2012 by a KHRG researcher in A--- village, Noh T'Pweh village tract, Nabu Township, Hpa-an District. The photo shows two houses built of brick with tin roofs. Drugs are sold from these houses, which belong to a BGF #1016 Commander Saw Toh Noh. BGF Battalion #1016 is based in Kyeh Paw K'Lah Koh under the command of Mya Hkaing.⁹⁵² [Photo: KHRG]



This photo was taken on April 24th 2013 in A--- village, Noh Kay village tract, Nabu Township by a KHRG researcher. It depicts methamphetamines in pill form after being packaged for individual sale. According to the researcher who spoke with villagers affected by the sale of this drug, members of the BGF manufacture and sell the drug to many villages throughout Nabu and Paingkyon townships. The pills are manufactured on the Nabu and Noh Hta Baw cliffs. In July 2012, a different villager from G--- village reported that the drug is distributed and sold widely by family members of BGF soldiers and, as a result, other villagers have become afraid to sell the drug.⁹⁵³ [Photo: KHRG]

⁹⁵¹ See Source #336.

⁹⁵² See Source #360.

⁹⁵³ See Source #235.

Recommendations

The Government must take responsibility for the production and sale of drugs by Tatmadaw-BGF soldiers and enforce existing laws to hold commanders accountable. Because drugs are often produced by local armed authorities, international organisations can play an important role in hearing and publicising complaints. Additionally, local and international drug addiction and rehabilitation experts should provide information about the short and long-term consequences of using methamphetamines on a person's health and on the community, as well as by provide rehabilitation services for those individuals already affected. Religious leaders should play a role in combatting the negative impacts of drugs, because they are less vulnerable to the explicit threats of violence for reporting drug issues made by Tatmadaw-BGF soldiers.



Human rights conditions have been transformed on the ground in rural Southeast Myanmar since the signing of a preliminary ceasefire agreement between the Myanmar government and the Karen National Union in January 2012. While some forms of human rights abuse documented by KHRG since 1992 remain of serious concern, others have almost disappeared. At the same time, new forms of abuse and local concerns are emerging in the evolving security environment. In this new context, there is speculation at the local level over whether the January 2012 agreement marks only a temporary truce, or a viable transition to peace and stability for local communities. Drawing on a dataset of 388 oral testimonies and pieces of documentation from a total of 1,404 collected over the past two years by villagers trained to monitor human rights conditions in their own communities, this report presents analysis of 16 categories of human rights abuse or related issues. This analysis places recent testimony in the context of 20 years of abusive practices, quantifies occurrence across KHRG's seven research areas and identifies common perpetrators of abuse or related actors. Since the ceasefire, changes in the prevalence of human rights abuse and local responses to such abuse have not been systematically documented. Local perceptions of threats to the ceasefire process remain similarly unknown. This report therefore aims to provide an update from the ground in rural Karen areas of Southeast Myanmar that will allow local, national and international actors to base programming and policy decisions related to this post-conflict region more closely around the experiences of local people, and better support villagers by understanding their concerns and priorities.

"To be able to live in peace, we want the ceasefire and related agreements to be signed between the Tatmadaw and the KNU. If they could hold hands forever, civilians' lives would be improved – with no fighting and the ability to travel."

Aung J— (male, 42), R— village, Thaton Township, Thaton District (Interviewed in May 2012)

"Since 1998 until today in 2013, we have been hiding in other peoples' villages. We can't bear it anymore. So, we would like to request to all of you to make the Tatmadaw [troops] move away from the villages quickly. We are requesting this in order for us to be able to return and take care of our lands and other belongings."

Saw B—, C— village, Lu Thaw Township, Hpapun District (Interviewed in June 2013)

Founded in 1992, KHRG is an independent local organisation committed to improving the human rights situation in Burma by training and equipping local people to document their stories and gather evidence of human rights abuses; disseminating this information worldwide; and working directly with local villagers to enhance their strategies for protecting themselves from abuse and the effects of abuse. Examples of our work can be seen online at www.khrgh.org.



Karen Human Rights Group
Documenting the voices of villagers in rural Burma