



Situation Update

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Toungoo Situation Update: Thandaunggyi and Htantabin townships, November 2014

This Situation Update describes events occurring in Thandaunggyi Township and Htantabin Township, Toungoo District in November 2014, and includes issues of land confiscation, violent abuse, ongoing militarisation and fighting among armed groups.

- *This report describes land confiscation for the purpose of road construction for regional development, building hotels, natural resource extraction, the extension of military camps and agricultural projects. As a result, villagers have experienced displacement, unemployment and are more vulnerable to human trafficking. Villagers were not compensated for their land.*
 - *Villagers have taken advantage of new Burma/Myanmar government transparency initiatives, gaining information from the land administration office and cooperating with non-governmental organisations (NGOs). The Karen National Union (KNU) also completed new land surveys.*
 - *Saw A--- was violently abused by Tatmadaw soldiers from Light Infantry Battalion (LIB) #590 and needed medical attention to treat his wounds.*
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Situation Update | Thandaunggyi and Htantabin Township, Toungoo District (November 2014)

The following Situation Update was received by KHRG in November 2014. It was written by a community member in Toungoo District who has been trained by KHRG to monitor local human rights conditions. It is presented below translated exactly as originally written, save for minor edits for clarity and security.¹ This report was received along with other information from Toungoo District, including four incident reports, 25 interviews, 311 photographs and two video clips.²

Types of land confiscation after the ceasefire³

¹ KHRG trains community members in eastern Burma/Myanmar to document individual human rights abuses using a standardised reporting format; conduct interviews with other villagers; and write general updates on the situation in areas with which they are familiar. When writing situation updates, community members are encouraged to summarise recent events, raise issues that they consider to be important, and present their opinions or perspective on abuse and other local dynamics in their area.

² In order to increase the transparency of KHRG methodology and more directly communicate the experiences and perspectives of villagers in eastern Burma/Myanmar, KHRG aims to make all field information received available on the KHRG website once it has been processed and translated, subject only to security considerations. For additional reports categorised by Type, Issue, Location and Year, please see the Related Readings component following each report on KHRG's Website.

³ On January 12th 2012, a preliminary ceasefire agreement was signed between the KNU and Burma/Myanmar government in Hpa-an. Negotiations for a longer-term peace plan are still under way. For updates on the peace process, see the KNU Stakeholder webpage on the Myanmar Peace Monitor website.

[Regarding] the land that the [Burma/Myanmar] government confiscated in the past, they have [now] given it to companies. They [Burma/Myanmar government] have more of a project implementation [business] approach. Former [Tatmadaw] military officers allocate the land for long-term plantation use, for building more army buildings and for building departmental offices. Moreover, the lands that have not been registered were labelled as forest land⁴ and were confiscated by the [Burma/Myanmar] government for long-term plantation use. There is also land confiscation for the purpose of road construction for regional development, extending the road area and for building hotels. In addition, there is land confiscation for the mining of natural resources. When they extended the land area for the [Tatmadaw] military camp buildings it also included land for agricultural [use by the military].

Consequences from land confiscation

The villagers whose lands have been confiscated, their land area [property] is [now] smaller. Some [villagers] have no land, [others] have to go away from their home area for work. They [Burma/Myanmar government and corporations] do not pay compensation for the confiscated land and they [villagers] have no land to stay on. They have no replacement land, become unemployed, work for the rich people hand to mouth, migrate, and are subject to human trafficking. It generates unwanted social problems.

The villagers' response

After their land was confiscated, they [villagers] started protecting their land and now [since the ceasefire] the [Burma/Myanmar] government announced that there is a transparent [process] to get back their land. After [villagers] asked for information from the Thandaunggyi Township land office, NGOs [non-governmental organisations], human rights workers, human rights educators, and land law educators came in. Some people asked for advice from the [Kayin] state parliament, parliament ministers and land lawyers. The KNU [Karen National Union] carried out a land survey on the land that had not been surveyed and on the land that they [KNU] wanted to survey. [Villagers] do not know how the Myanmar government will manage the land.

Comments on land confiscation

The main issue is that the Myanmar government extends the [Tatmadaw's territory and bases]. They should measure and take only the area that they need and pay compensation. They should recognize the local people, respect the civilians and their traditional [practices] and value the local people's land. It is very important to prioritise the civilians' livelihoods. [The villagers] want them to think deeply for the future of the Myanmar nation, not only in the ethnic areas, but throughout Myanmar.

Armed group activity in Brigade 2, Toungoo District

For KHRG's analysis of changes in human rights conditions since the ceasefire, see [Truce or Transition? Trends in human rights abuse and local response since the 2012 ceasefire](#), KHRG, May 2014.

⁴ The perpetrator of this abuse may have been claiming authority under one of the Burma/Myanmar government laws that allows rights to land to be transferred from villagers to private entities. The Wasteland Instructions Law (1991) enabled both domestic and foreign investment in large-scale commercial enterprises through transfer of use rights to designated "wasteland" (or "vacant, fallow and virgin land"). This practice was recently reaffirmed by the Vacant, Fallow, Virgin Land Law (2012). As development has increased in southeastern Burma/Myanmar since the signing of the government-KNU ceasefire in January 2012, KHRG has received an increasing number of complaints of confiscation of "uncultivated land" or "wasteland." For KHRG documentation of land confiscation arising from development projects, see: [Losing Ground: Land conflicts and collective action in eastern Myanmar](#), KHRG, March 2013. For summary and analysis of the legal and policy framework relating to land management in Burma/Myanmar, see: [Legal Review of Recently Enacted Farmland Law and Vacant Fallow and Virgin Lands Management Law](#), Food Security Group - Land Core Group, November 2012.

In Toungoo District, the government soldiers from [Tatmadaw] Light Infantry Battalion (LIB)⁵ #590 punched and committed violent abuse against local resident Saw A--- in 2014 and [now] he [Saw A---] has to take medical treatment [due to the attack]. Also, the local militia [Thaundaung Peace Group]⁶ and their officer, Kyaw Win, punched and committed abuse against a man from C--- village in Leik Tho town. [Officer] Kyaw Win's subordinates pointed their guns and surrounded him. Moreover, the local militia [Thaundaung Peace Group] also smuggles drugs in their controlled area.

The [Thaundaung] Peace [Group] also extracts mineral and underground resources in the special area [area under their control] and the local people who live in the area are negatively affected [have their community disrupted]. The [Thaundaung] Peace Group does logging for their business. Because of this the forest is becoming smaller. If the local people [go to the forest] to cut down trees for building their houses, the [Thaundaung] Peace Group fines them. Because of these events, the local residents are harmed in many ways. Moreover, *Aye Chan Yay* [Peace Group]⁷ and the local militia [Thaundaung Peace Group] often argue over the land and the local residents worry that the two armed groups will fight over the dispute.

In the past [before the ceasefire] the Myanmar military [Tatmadaw] built their camps with bamboo. After 2012, they extended and repaired their camps on the front line. The [Tatmadaw] military is also sending rations [to their camps] and are active just like in the past.

In Toungoo District, Thandaunggyi Township, Than Mo Taung village tract, D--- village, 300 acres of land were confiscated by the local militia [Thaundaung Peace Group]. They not only [took] the land and cleared the land, but also conducted agriculture. Parliament representatives and rich people from Toungoo town, including U Htun Htun [a wealthy individual], confiscated the land and [now] conduct agriculture [on it]. Because of these

⁵ Light Infantry Battalion (Tatmadaw) comprised of 500 soldiers. However, most Light Infantry Battalions in the Tatmadaw are under-strength with less than 200 soldiers. Primarily for offensive operations but sometimes used for garrison duties.

⁶ *Htanay Phyithu Sitt A'pweh*, or 'Thaundaung Peace Group', is a local militia located in Toungoo District. The group split from the Karen National Union in 1997 and were initially led by Khe R'Mun. Reports from the field claim that they are currently led by General Bo Than Myin, have around 300 troops stationed at Leik Tho Base (Battalion Commander Bo Kyaw Win), in Leik Tho Township, and an additional 40 soldiers at Pya Sa Khan Base (Battalion Commander Khin Maung Lwin), near Thandaung town. It has been reported that they control a number of different illicit operations, including gambling and black market car licencing. They are also allegedly employed as security personnel by local companies and wealthy individuals involved in logging and mineral resource extraction, in addition to having direct involvement in the lumber and mineral business. *Htanay Phyithu Sitt A'pweh* should not be confused with *Nyein Chan Yay A'pweh*, which is occasionally translated as Peace Group but refers to the Karen Peace Army (KPA), aka the Karen Peace Force (KPF). Nor should it be conflated with *Aye Chan Yay*, another small militia group also operating in Toungoo District that the Thaundaung Peace Group has come into conflict with. It is also distinct from the KNU-KNLA-Peace Council, which is also sometimes translated as 'Peace Group'.

⁷ *Aye Chan Yay A'pweh*, which translates as 'Peace Group', is a government sponsored militia formed in 1998 and consisting of roughly 800 reserve soldiers and significantly less active members. Field reports indicate that the group is led by U Ko Gyi and operates mainly out of a base in the upper region of the Kyaung Haung area in Leik Tho Township, Toungoo District near the Kayah State border. They also have small camps in the Mya Tha Gone, Tat Sel Khyaung, Yay Ni and Myauk Lon Chaung areas in Thandaunggyi Township, Toungoo District. Researchers in the field have stated that they are involved in the rubber, teak and agarwood industry, and have accused them of illegal land confiscations and cases of forced labour. *Aye Chan Yay A'pweh* should not be confused with *Nyein Chan Yay A'pweh*, which can also be translated as 'Peace Group' but refers to the Karen Peace Army (KPA), aka the Karen Peace Force (KPF), nor *Htanay Pyithu Sitt A'pweh*, another militia also known as the Thaundaung Peace Group that has been in conflict with *Aye Chan Yay A'pweh* in Toungoo District. It is also distinct from the KNU-KNLA-Peace Council, which has, on occasion, been referred to as 'Peace Group'.

events, the locals lost their lands and work as day labourers for the rich people who confiscated the land.

In Thandaunggyi town, Toungoo District the [Tatmadaw] Bu Yin Naung military training centre based in the town increased its [number of] trainees more than [it had] in the past. On the civilian plantations in the military confiscated lands, they [military] have been doing heavy weapons target practice and the civilians are put in many dangerous situations when collecting cardamom in the plantation. LIB #124 confiscated the civilians' lands in 2014 and placed a sign board that said *Tat Piang Myay*, meaning 'military land'. They also fenced [off] the land. The civilians are trying to get back their lands which [have been] passed down from their grandparents.

In 2014, the villagers said that there was fighting between the Burma military [Tatmadaw] and the KNLA [Karen National Liberation Army] in Toungoo District, Htantabin Township, between Khoo Moo Doh [village] and Loh Ka Lah Doh [village]. The reason the fighting happened was because unknown troops under [Burma/Myanmar] government Military Operation Command [MOC]⁸ #20 control went over the boundary that they had agreed on and broke the rules that both sides agreed to. The local people said that there was fighting with the KNLA and that there was death on the government's side.

Further background reading on the situation in Toungoo District can be found in the following KHRG reports:

- "Ongoing militarisation of Southeastern Burma/Myanmar, since the January 2012 ceasefire agreement between the Karen National Union (KNU) and the Burma/Myanmar government," (February 2015)
- "Toungoo Situation Update: Thandaunggyi Township, April to June 2014," (December 2014)
- "Toungoo Situation Update: Thandaunggyi Township, July 2014," (December 2014)
- "Toungoo Incident Report: Arbitrary arrest and detention, and violent abuse in Thandaunggyi Township, December 2005," (October 2014)
- "Toungoo Field Report: January to December 2013," (August 2014)

⁸ Military Operations Command. Comprised of ten battalions for offensive operations. Most MOCs have three Tactical Operations Commands (TOCs), made up of three battalions each.

Taw Oo (Toungoo) District



Karen Human Rights Group (KHRG)