



Karen Human Rights Group

Documenting the voices of villagers in rural Burma

Interview

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Toungoo Interview: Saw A---, January 2016

This Interview with Saw A--- describes an arbitrary arrest that occurred in Htantabin Township, Toungoo District, in January 2016. Saw A--- describes how he was arrested and sued because of a demonstration, which he and other people held against Kaung Myanmar Aung Company on January 12th 2016 after the company confiscated villagers' lands. Saw A--- faces criminal charges for using a loudspeaker, as it broke the law against the disturbance of public peace. Chief of Police, Aye Zaw from No. 2 Police Station, Toungoo District, submitted the charge against him as a complainant.

Interview | Saw A---, (male, 36), B--- village, Htantabin Township, Toungoo District (2016)

The following Interview was conducted by a community member trained by KHRG to monitor local human rights conditions. It was conducted in Toungoo District on January 31st 2016 and is presented below translated exactly as it was received, save for minor edits for clarity and security.¹ This interview was received along with other information from Toungoo District, including 9 other interviews.²

Ethnicity: Karen

Religion: Christian

Marital Status: Married

Occupation: Farmer

Position: Villager

What is your name?

Saw³ A---

How old are you?

I'm 36 years old.

And your ethnicity is?

¹ KHRG trains community members in southeastern 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 conducting interviews, community members are trained to use loose question guidelines, but also to encourage interviewees to speak freely about recent events, raise issues that they consider to be important and share their opinions or perspectives on abuse and other local dynamics.

² In order to increase the transparency of KHRG methodology and more directly communicate the experiences and perspectives of villagers in southeastern 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 Saw is a S'gaw Karen male honorific title used before a person's name.

Karen.

What about the religion?

I believe in Christianity.

What is your profession?

I am working on land and cultivation as a farmer.

Are you married?

Yes I am.

How many family members do you have?

I have seven family members. I have five children.

Where do you live?

I live in Bago Division, Toungoo Township, Seik Pue Toung village tract, B--- village.

I have already conducted an interview with you actually, but I heard that you held a demonstration on January 12th 2016, so I just want to know what happened afterwards?

On January 12th 2016, at the time when we held the demonstration, I was sued for using a loud speaker because it broke one of the disturbances of the public peace laws.⁴ Chief of [Burma/Myanmar] Police, Aye Zaw from No. 2 Police Station, submitted the charge against me as a complainant. At the moment, I am not able to bring the loud speaker as evidence, so the case cannot be submitted to the Township Court yet. However, on January 25th 2016 I went [to the police station] and signed the pledge to be arrested. On the day when I can bring the loud speaker for evidence, they [the police from No. 2 Police Station] will sue me in the Township Court and the plaintiff is Officer Aye Zaw, Chief of the No. 2 Police Station. This is the current situation that I am facing at the moment.

Aye Zaw is the Chief of Police?

Yes, Aye Zaw is the Chief of Police from No. 2 Police Station.

How did you sign the pledge to be arrested by the police?

It is just to prove that they [police] are allowed to arrest me since I have signed the pledge, although I am not able to bring the evidence at the moment.

Did you have to go and sign at the police station?

Yes, I had to go and sign at the police station, and I also had to provide a recommendation [guarantee] from two people.

What do you mean by recommendation?

It means that two guarantors had to approve that I would not escape.

How did they inform you that you have to sign the pledge? Did they come to your house and inform you about that

I was initially informed by Bo⁵ Lay, as he is a person who deals with this kind of issue. So I went and asked Bo Lay, *'I heard that I was in the arrest warrants, is that true?'*, and he replied 'Yes'. And then I told him not to give me prior notification of the arrest warrant [letter], about when I will be arrested, and come to arrest me at my house. Just let me know on what day I will be

⁴Although it is not clear what specific law this is referring to, there is evidence that the Burma/Myanmar government authorities have used legislation to limit opposition and peaceful protest. To find out more on this issue please see, [“They Can Arrest You at Any Time: The Criminalization of Peaceful Expression in Burma,”](#) Human Rights Watch, June 2016.

⁵Bo is a Burmese title meaning ‘officer.’

arrested by the police and I will go to the police station and pledge to be arrested. There is no point in you coming and arresting me. If it is obvious that I committed a crime I will go and be arrested, and I will bravely face whatever.

The day they asked me to go to the police station was after two days of demonstrating, around the 14th or 15th [of January 2016], and I went and met with the Chief of Police, Aye Zaw. He asked me to bring the evidence materials, such as the loud speaker, but the fact is the loud speaker that I used during the demonstration did not belong to me. I borrowed it from someone, so I could not submit it to the police station. However, he [Aye Zaw] told me that, *“Although you just borrowed it [loud speaker] from someone you have responsibility for it because you led this demonstration. So you have responsibility and accountability for whatever.”* Then he took my phone number and said, *“Do come when I phone you”*. So on the 25th [January 2016] I signed the pledge to be arrested, and before that day I phoned him [Aye Zaw] and informed him that I had got a loud speaker as a sample. It was not the one that I used during demonstration because I didn't know where the person who I borrowed the loud speaker from was. Now I have to find a new loud speaker to submit as evidence and I have to buy it with my own money, but this will have to wait because I have financial difficulty. I bought one loud speaker and I submitted it to the police, but they did not accept it and they asked me to submit it fully, such as with a sound box and microphone. So they asked me to submit it when I have a fully equipped loud speaker.

So where did you get that loudspeaker?

From U Myint Soe, who is a labour agent, and he is currently included in the list of people who were sued. He also borrowed the loudspeaker from somebody else, and the person he borrowed the loudspeaker from was a GTC [Government of Technological College] student. When he contacted that person he was not reach able them and the loudspeaker could not be returned. So the Chief of Police asked for that person's phone number, but he [Chief of Police] was only focused on me. I just have to present it [loudspeaker] as a sample of evidence, so I need to buy a fully equipped loudspeaker. I have bought a sound box, which cost me around 100,000 kyat [\$73.79]⁶, and for the loudspeaker, even if you buy an old one, the price is from 150,000 kyat [\$110.69] up to over 200,000 kyat [\$147.59], but now I have financial difficulty buying the fully equipped loudspeaker.

So it means that the loudspeaker that you used for the demonstration does not belong to you, so has the person who lent you the loudspeaker also been sued by the police?

No, they [police] only sued me because I led the demonstration.

So what are the laws that prohibited using the loudspeaker?

There are some rules that they [police] have set up for the demonstrations, such as no more than five slogans are allowed to be shouted, only megaphones can be in used, no loudspeaker is allowed to be used because it causes a public disturbance, so it [loudspeaker] is totally not allowed. So according to the rules of peaceful demonstrations the loudspeaker is totally not permitted to be used.

By using a loudspeaker during the demonstration does it cause public attention or public disturbance?

I personally would say that if you use the megaphone I don't think that people around the downtown can hear us, because not everyone within our demonstration team will be able to hear [the voice from the loud speaker]. So you have to listen carefully in order to be able to hear the voice because of the surrounding noise, such as the sound of cars and motorcycle engines. Although people, or any organisation [such as the media], are interested in our demonstration

⁶ All conversion estimates for the kyat in this report are based on the 26th January 2017 official market rate of 1355 kyat to US \$1.

they cannot hear us, that is why we used a loudspeaker in order to let the media and the people hear us clearly, so that they can pay more attention to us.

Do you mean that your demonstration will be more successful when you use a loudspeaker, because you get more attention?

Yes, I think like that because the loudspeaker can produce a louder voice and we can hold our activities successfully. But it seems like they [police] don't want us to hold the demonstration successfully, so maybe they find us the problem for this reason. At the moment we really like holding demonstrations with a loudspeaker and it brings us a lot of success

Let me ask you again, because I am not clear about success. What do you mean by success?

If the civilian can hear our voice clearly and exactly then they will know what difficulties, challenges and problems farmers face. And the media can also write up news when they hear our voice and they can also record our voice [for the media purpose]. So from these outcomes I consider that we can achieve success in our demonstration.

As you have mentioned, you were sued by them [police] regarding the loudspeaker usage. So for you it is not possible to submit [for the evidence of the case] the original loudspeaker, but if you bought the substitute one will they accept it?

They told me that they will accept it if the substitute one [type of loudspeaker] is similar to the one I used during the demonstration. But they said that the sound of the substitute should also be similar.

So you have to find a similar one [loudspeaker] yourself?

Yes

But it will not be the one that you used?

Yes, it will not be the original one.

But will the police still accept it?

Yes, because the original loudspeaker that I used I got from a labour agent and I don't know where he borrowed it or got it from. I did not bring that loudspeaker and I cannot even ask where that loudspeaker is originally from, and that is why I have to find it myself [in order to get the substitute one]. I asked the Chief of Police, Aye Zaw, "*If I could find a similar one would it be fine*"? and they replied yes, they told me that if the sound of the loudspeaker was similar it would be fine.

What I understood is only if there is evidence the case [defendant] can be sued, right?

That is right, without any evidence he [Chief of Police, Aye Zaw] cannot take action against me. At the moment, based on my case, I think I can be detained in a cell within 24 hours, like other cases such as theft, looting and killing cases. If there is evidence found and there is a conviction then they can apply directly to a court of law at the township level, and they will have the right to keep detaining me in the cell. But now I would say that my case is a little bit affiliated with politics, so they listed my name in the arrest warrant but not [arrested me] in person yet. However, what are they going to do to me if I fail to submit the evidence?

Does that mean that they need evidence to be able to arrest you?

I don't know yet, but after they submit the evidence, which will identify the articles I broke, then they will question me.

So I want to know clearly why they asked you to sign the pledge in the arrest warrant. I mean how did that happen? Can you explain to me in detail?

I think the reason I was asked to sign the pledge of arrest is because it [demonstration] broke one of the disturbances of the public peace laws. Actually, they [police] already knew [people

who were involved in the demonstration] and they also already saw the loudspeaker, but I don't know whether they are obligated to investigate the whole incident. But now I have signed for the pledge of arrest warrant, however until I am able to submit the evidence they cannot submit the case [to the court]. They are only able to sue me when I can provide them with evidence, but if I fail to do that I don't know how they will continue to oppress me to reveal the case, and I don't even know what work the police department do.

So on the day of 25th [January 2016], after you signed for the pledge of the arrest warrant, what happened? Have they [police] contacted you and informed you of anything else?

After I gave my signature they asked for my phone number and said that if they have anything they will inform me through a phone call. However, I always give them [police] an update of what is going on from my side [regarding finding the substitute loudspeaker for the evidence]. I have already informed them that I got one louder speaker, but they replied that they wanted the whole loudspeaker set. They told me to keep looking until it is fully equipped, including the microphone and sound box, and the sound should also be similar.

When they [police] told you about the arrest warrant did they say it by a phone call or by the notice letter?

No, they didn't release any summons letter, and I told them not to arrest me because what I did was not an iniquity, instead I did it because I thought I should do it. There is no reason that you have to arrest me, however, if you really want to arrest me then just let me know, and I will come to you and let myself be arrested. They also already have my phone number, so if they have anything they call my phone and I go to see them in person at a particular time and date to have an appointment. Since then, I went to meet them whenever they asked me to come and on the 25th [January 2016] I went to them and signed the pledge of the arrest warrant.

So it means that there was no official letter released when they asked you to sign the pledge of the arrest warrant, they just informed you by phone call. Is that right?

Yes, just by phone call.

So when you got their phone call, regarding that issue, did you inform your village administrator or anyone close to you about their phone call?

I did not inform the village administrator, but I discussed it with my fellow colleagues and farmers whose lands were confiscated.

How about the police? Did they also inform the village administrator that a villager in this village [as you are one of the villagers] was entangled with a law regarding the demonstration event [that you have held]?

I have not heard about that.

So they just directly contacted you through a phone call?

Yes, they just made direct communication with me through a phone call. I went to see them in person when they called me and answered the questions that they asked, and then I went back home. So currently I have to adapt to the situation and do as they say.

I have one concern about having communication by phone, because it can be either official or unofficial. So do you think it would be more official if they released a letter or statement?

Actually, if they do the process by releasing a statement or letter it would be more official. But now, they have just communicated with me through phone calls, which actually don't make the communication effective. However, I have a concern that if they release the statement or letter to the village or village administrator it would make other villagers ask questions about what unlawful things I have committed, why a statement arrived to our village, and so on. So I don't want this happen, that is why I prefer letting them contact me by phone, then if they want to

arrest me they won't come to my home, instead I will go to them. And also if they have anything to ask me, rather than they come and ask, I will go to them and answer their questions.

What I have seen is that the police go and arrest people who act for the farmer, such as an agent. But now in your area the police do not need to come and arrest [an agent], instead a villager like you goes to them [the police] to be arrested. So I would say there is difference regarding this because the case can be done through only phone calls.

Yes, now the case is done like that.

So based on the case that you face for leading the demonstration, what would you like to be done in the future?

I will struggle [fight] for my right to hold the demonstration, even if I have to face difficulties. However, I'll try my best until I, including all farmers, get the land back. I will do my best as much as I can, and if I have to hold demonstrations again then I will continue until U Khin Maung Aye [Chairman of Kaung Myanmar Aung Group of Companies] officially gives a signature that he returns the lands.⁷ We will keep doing what we have to do. I heard that yesterday they [U Khin Maung Aye] held a press conference at Kay Tu Ma Ni hall, which is the hotel owned by Kaung Myanmar Aung Company,⁸ with around 70 people. But I don't know who those 70 people are and when I asked the journalists about this they did not tell me anything. I also asked Chief of [local Burma/Myanmar] Police Aye Zaw about why U Khine Maung Aye held a press conference at his hotel yesterday, and he replied that he did not know about that, as he lived outside the hotel. That night Maung⁹ E---, who is a journalist at the Tha Bar Wa Journal, asked me about why I held the demonstration and I explained to him all the reasons why. Then he [journalist] kept asking me questions and I answered everything he asked, moreover, he criticised me saying that, "*Maybe you [farmers] have some background organisations [support] that pushed you to be able to respond like this*". Actually, it is just because the farmers were no longer able to tolerate what they have suffered, that is why we the farmers were able to respond like this. Whatever, tomorrow I'll go and submit the permission letter again to the number 2 police station for the demonstration. After that, on February 2nd and 8th 2016, I have two appointments at court. So after I am done with the court appointments, and when I get the permission, then I will start holding the demonstrations again. Furthermore, I will hold a press conference with my senior fellows at Yangon.

So what is the press conference in Yangon for?

We will analyse and criticise the land confiscation by U Khin Maung Aye, from Kaung Myanmar Aung Company. This is what we are going to talk about at the press conference.

So who do you mainly plan to involve in the press conference?

We mainly request farmers whose lands were confiscated to participate and I, including my senior fellows, will lead the press conference.

⁷ The demonstration for which Saw A--- has been charged was organised by villagers to demand their farmland be returned after 2400 acres of land was confiscated by Kaung Myanmar Aung Company. See, "[Toungoo Situation Update: Thandaunggi and Htantabin townships, November 2015 to January 2016](#)," July 2016.

⁸ Kaung Myanmar Aung Company (KMAC) or Kaung Myanmar Aung Group of Companies is a Myanmar-owned business group with investments in teak plantations in Toungoo District, and mining, agriculture, shipping, construction and real estate development within Myanmar. Their chairman is Mr Khin Maung Aye. KMAC have been implicated in land confiscation cases in southeast Myanmar which have included threats to villagers who were customary owners of the lands, see "[Toungoo Situation Update: Thandaunggyi and Htantabin townships, November 2014 to February 2015](#)," July 2015. Affected villagers held protests against the company in 2015 and early 2016 in order to demand the return of their lands, see "[Toungoo Situation Update: Thandaunggyi and Htantabin townships, November 2015 to January 2016](#)," July 2016. For information on a similar case with KMAC in Pyin Oo Lwin Township, Mandalay Division, see "[Presidential adviser sues 13 farmers for trespassing](#)," Myanmar Times, September 2nd, 2013.

⁹ Maung is a Burmese male honorific title used before a person's name

How about media?

If we hold it in Yangon there will be a lot of media groups. But if we hold it [press conference] here in our area, I personally see that there are few media organisation that stand for the farmers. Here I don't mean to say just stand for the farmers, but if the farmer's actions are true just write the news correctly, and if the company is right or wrong just write the news correctly, and if the farmers are wrong just write according to reality. Just because the media does not write clearly about who is right and who is wrong, that is why we plan to hold a press conference in Yangon as there are more media groups here in Yangon.

So you want the media to write the truth?

Yes.

So do you think there will be media in Yangon that write the true information?

I am not sure about that, but recently some media organisations have interviewed me and the information wasn't published. I would say there was no information published although they have interviewed me many times. Now look at reporter Ko¹⁰ F---, he interviewed me many times, but I haven't seen that the information I gave was published in the journals or on the internet or on Facebook. When they publish the information they mostly stand for the company's side. Just listen to the audio file of U Khin Maung Aye speech; it is clearly apparent in the speech. He [U Khin Maung Aye] didn't even agree when the Administrator of Na Gar Mout [village] spoke about the true situation of the farmers. We said that "*We don't want the Farmers Development Party*".¹¹ We are daring to point this out, because we heard it in the speech that he [U Khin Maung Aye] gave during their celebration of the 50th anniversary of Kaung Myanmar Aung Company, through the audio file.¹²

He [Kyaw Soe Moe], from the Farmers Development Party [MFDP],¹³ talks about two people who are Saw C--- and Saw D---,¹⁴ these people are close to me. He said that Saw D---had planted the entire plantation on his plot of land, so he [Saw D---] could take his land back to work on it. But Saw C--- didn't have any plants on his land; this is what I cannot accept because they just stand for one side. Maybe they just follow the money [bribery/profit]. Saw D--- lives next to my land, which is really close to me, and I did not see any long term plantations on his land, I saw only seasonal plants on his land. Just look, in the year of 2015 he planted banana trees and corn trees on his land in this rainy season; however, he [Saw D---] can plant whatever trees on his land. I just want to point out what Kyaw Soe Moe mentioned, as he said Saw C--- doesn't have any plants on his land. So I want to hook his [Kyaw Soe Moe] ear with reaping hook or bull hook and show him Saw C---'s land, it is full of plants. He [Saw C---] also has a farm which produces two to three hundred baskets of rice, and he has coconut trees, marian plum trees, and rubber trees on the corner of his farm. So I would say that he has various plants on his farm and he planted some extra trees, such as bamboo trees, surrounding his farm in order to have shade for the long-term trees. Saw D---, as I have mentioned about him, most of his plantation is just seasonal trees and he has been working on his plot of land for long time. But he does not plant long term plantations and Saw C--- mostly plants long term plantations,

¹⁰ *Ko* is a Burmese title meaning older brother. It can be used for relative as well as non-relative.

¹¹ The Myanmar Farmers Development Party [MFDP] was formed in 2012 and has its headquarters in Yangon. The MFDP is chaired by U Kyaw Swar Soe. The party claims to represent the rural peasantry on a campaign bed based on the modernisation and mechanisation of agriculture. For more information see, "[Myanmar Farmers Development Party](#)," The Irrawaddy, October 2015.

¹² Here the interviewee refers to two separate interviews. One given at the 50th anniversary of the Kaung Myanmar Aung Company and one given by the Administrator of Na Gar Mout. It has not been specified when these speeches were given and what was said during the speeches.

¹³ The Myanmar Farmers Development Party is a Myanmar based political party. It was established in 2012, and contested the 2015 election claiming to represent impoverished farmers. For a brief outline of the political party please see, "[Myanmar Farmers Development Party](#)", The Irrawaddy.

¹⁴ The interviewee is now referring to a separate speech to the two already mentioned. It is not specified when this speech by the Farmers Development Party was given.

and his rubber and marian plum trees have grown very big. He [Saw C---] has his house on that plot of land and he works on it. What Kyaw Soe Moe [from the MFDP] has said is that Saw C--- doesn't have any plantations, which I can't accept. So this means that they are speaking without any analysis from going to the fields and observing the situation on the ground. They do whatever they want to with their paper. So if I have to then I can meet with them in person and I can point out these facts.

Can you clarify the land issue of these people [Saw C--- and Saw D---] you have pointed out? What are the different issues between them?

What I have pointed out is, by looking at the different situations of these two people, the Farmers Development Party is not working properly. So I think their actions are not right.

So does this mean that the person [Saw C---], who planted the plantation on the land, has a small size of land?

Yes, the land size is small.

So they want to leave [not confiscate] the lands that are a small size?

Exactly, because that person [Saw D---] is a member of the Farmers Development Party, which means they don't treat people equally. They try to protect their members, and we can say that because that person's land is in the village where they put their sign board. So they just protect the villager where they are allowed to put their sign board. For Saw C---, because he is not in the village where the Farmers Development Party put their sign board, he wasn't cared for by those people [the Farmers Development Party].

You are facing many problems regarding the land issue at the moment. So is this related to the company or can you explain to me what the root cause of this land problem is?

The main perpetrator that caused the land problem is the Kaung Myanmar Aung Company; especially because what U Khin Maung Aye is doing is wrong. So I have to deal with the government department related to this land problem. So just because of their actions I am facing this problem [land confiscation and criminal charges].

I have asked you a lot of questions but it may not cover everything, so if you have anything on your mind I now give you time to speak out.

We are the people who live in the rural area and also we are farmers. We mainly rely on our lands for our livelihoods, our children's education, social [community activities] and so on. So we want to get our land back. More than that, we want the Kaung Myanmar Aung Company, who unfairly confiscated our land, to return the land officially to the owners. This is what we want to happen and until they do that we will keep moving on with what we have to do, according to the law.

Is there anything else you would like to add?

Nothing special, as I have mentioned many things already, but there will be something that is missing. However, what we would like is for the relevant government department, or the recent government, or the new government that will come up later, to solve this land problem for us because we are mainly relying on these lands. We, the farmers, have worked on this land since our ancestors' era, and we have to say that they [KMAC] forcedly confiscated our lands and we cannot suffer because of this. That is why we will keep trying to get back our lands. What I want to say is just this.

Thank you very much for explaining this to me, like this.

I also thank you too.

So do you give us permission to use your information for KHRG?

Yes, I do.

So thank you.
Yes, thank you.



This photo was taken on January 31, 2016 in Toungoo District, Toungoo Town and it is a photo of Saw A---, the local farmer who led a demonstration against land confiscation by Kaung Myanmar Aung Company. Following the demonstration he was asked to sign the pledge for his own arrest warrant and provide evidence of the loudspeakers that he used during the demonstration to the police station. In this photo Saw A--- is submitting the evidence of the loudspeakers to the Number 2 Police station in Toungoo Town on the afternoon of January 31, 2016. *[Photo: KHRG]*

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

- “Toungoo Field Report: Slow transitions towards real change, January to December 2015” (January 2017)
- “Toungoo Interview: Saw A---, December 2015,” (November 2016)
- “Toungoo Interview: Saw A---, October 2016,” (November 2016)
- “Toungoo Interview: Ma A---, April 2016,” (October 2016)
- “Hidden Strengths, Hidden Struggles: Women’s testimonies from southeast Myanmar” (August 2016)

Taw Oo (Toungoo) District



Karen Human Rights Group (KHRG)