



**Incident Report**

20 December 2018 / KHRG #18-51-I2

**Hpapun Incident Report: Land confiscation by armed actors impede refugee return in Dwe Lo Township, February 2018**

*This Incident Report is about a case of land confiscation in Dwe Lo Township, Hpapun district. Upon returning home, a refugee found out that his land had been confiscated by a KNU/KNLA-PC soldier. He reported the case to the Karen National Union, but they have yet to resolve the issue.*

**Incident Report | Dwe Lo Township, Hpapun District (February 2018)**

*The following Incident Report was written by a community member in Hpapun District who has been trained by KHRG to monitor local human rights conditions.<sup>1</sup>*

**Part 1 – Incident Details**

<b>Type of Incident</b>	Land Confiscation
<b>Date of Incident(s)</b>	7 February 2018
<b>Incident Location (Village, Township and District)</b>	Ohn Taw Section #2, Ka Ma Maung Town [Dwe Lo Township, Hpapun District]

<b>Victim Information</b>	
<b>Name</b>	Saw Y---
<b>Age</b>	47
<b>Sex</b>	Male

<sup>1</sup> KHRG trains community members in southeastern Burma/Myanmar to document individual incidents of abuse 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 incident reports, community members are encouraged to document incidents of abuse that they consider to be important, by verifying information from multiple sources, assessing for potential biases and comparing to local trends.

<b>Ethnicity</b>	Karen
<b>Family</b>	Married
<b>Occupation</b>	Farmer
<b>Religion</b>	Christian
<b>Village</b>	Ohn Taw Section #2, Ka Ma Maung Town

<b>Perpetrator Information</b>				
<b>Name(s)</b>	<b>Rank</b>	<b>Unit</b>	<b>Base</b>	<b>Commander's Name</b>
Saw Nyun Htun	Soldier	KNU/KNLA-PC	Hto Kaw Ko area	Operation Area #3, Company Commander Saw Soe Win

## **Part 2 - Information Quality**

### **1. Explain in detail how you collected this information.**

I interviewed the victim of the land confiscation case.

### **2. Explain how the source verified this information.**

The victim of the land confiscation himself provided this information.

## **Part 3 – Complete Description of the Incident**

### **Describe the Incident(s) in complete detail.**

This incident happened on 7 February 2018 in Ohn Taw Section #2, K'Ma Maung Town [Ohn Taw section, Htee Tha Daw Hta village tract, Bu Tho Township, Hpapun district].

In 2013, a KNU/KNLA-Peace Council<sup>2</sup> soldier, Saw Nyun Htun, confiscated 4.68 acres of land belonging to a local villager who had fled to Thailand. When the villager returned to his home in 2018, he reported the land confiscation to the Karen National Union. When he found out about this, Saw Nyun Htun threatened him.

Saw Y--- lived in Ohn Taw section #2, but his family fled to Thailand when the conflict in the area escalated after the creation of the Democratic Karen Buddhist Army (“DKBA”)<sup>3</sup>

<sup>2</sup> The KNU/KNLA Peace Council (also called the Karen Peace Council or KPC), is an armed group based in Htoh Kaw Koh, Hpa-an District, which split from the Karen National Union (KNU) and signed a ceasefire agreement with the SPDC government in 2007. The KNU/KNLA-PC subsequently refused to comply with orders from the then-SPDC government to transform into a Tatmadaw Border Guard Force in 2010. The KNU/KNLA-PC signed a preliminary ceasefire agreement with the Burma/Myanmar government on February 7<sup>th</sup> 2012, and the Nationwide Ceasefire Agreement (NCA) on October 15<sup>th</sup> 2015.

<sup>3</sup> The Democratic Karen Buddhist Army (DKBA) was originally formed in 1994 as a breakaway group from the KNLA. Since its separation from the KNLA in 1994, it was known to frequently cooperate with and support the Tatmadaw in its conflict with the KNLA. The original group underwent major change in 2010 as the majority of the original DKBA was transformed into the BGF, which is under the control of the

in 1994. They registered as refugees in Mae La Ma Luang camp in Thailand. The DKBA took advantage of this situation to confiscate all their lands. Both the DKBA and the KNU/KNLA-PC confiscated land belonging to families that had fled the violence in the area.

After the signing of the preliminary ceasefire between the KNU and the Myanmar government in 2012 and the Nationwide Ceasefire Agreement in 2015, the situation in Karen State became more stable. Saw Y--- decided to return to his village after more than 20 years of living in a refugee camp. He is now 47 years old and has seven children. All of them have returned with him.

When Saw Y--- returned home, he wanted his land returned to him. Saw Y---- used to have official land ownership documents from the Myanmar government, but he lost them when he fled to Thailand. On his land, he had planted coconut and pomelo trees. He also had land in Ohn Taw section #4.

Saw Nyun Htun confiscated this land in 2013. In the past five years, he built a house on the land and planted many trees. He refused to return the land to the villager. [The Pinheiro Principles on Housing and Property Restitution for Refugees and Displaced Persons outline the rights of refugees to return to their original homes and lands. Widespread land confiscation by military actors and private companies impede the return of refugees, and contravene the Principles.]

Saw Y--- reported this land confiscation case to a KHRG researcher. He stated: “*Saw Nyun Htun confiscated this land over five years ago, and he planted many kinds of fruit trees. Those plants have grown well and he said I was disturbing him. He also told me that I was a Christian among Buddhists, so I should be careful and behave.*” [According to Amnesty International, religious minorities continue to face discrimination in Myanmar,<sup>4</sup> which may impede the return of non-Buddhist refugees.]

Although Saw Nyun Htun has since stopped threatening him, the villager still lives in fear of retaliation. The KNU referred this case to the local [KNU] village administrator [Ohn Taw section, Htee Tha Daw Hta village tract]. However, the dispute has yet to be solved.

In March 2018, the local KNU authorities told Saw Y--- that they would resolve the issue. They informed him that the Agriculture and Land Department of Mutraw [Hpapun] District would come to settle the case. Later on, one of their committee members, U Aung Zaw Oo, came to examine the case but did not take any action.

Saw Y--- is still waiting for the confiscated land to be returned to him.

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Burma/Myanmar government. The remainder of the original DKBA formed a smaller splinter group in 2010 and then changed its name in 2012 from the Democratic Karen *Buddhist* Army to the Democratic Karen *Benevolent* Army. Following this major change in 2010, the original DKBA is considered to no longer exist as a distinct entity as it has now been submerged within the BGF. This original DKBA (Buddhist) (1994 – 2010) should not be confused with either the DKBA (Benevolent) (2010 – present) which was formed as a breakaway group from the original DKBA, or with the DKBA (Buddhist) (2016 – present) which was formed as a splinter group from the DBKA (Benevolent) (2010 – present) in 2016. For more information on the formation of the DKBA, see “[Inside the DKBA](#),” KHRG, 1996.

<sup>4</sup> Amnesty International (2018), “[Myanmar 2017/2018](#)”.

## **Part 4 - Permission for Using the Details**

**Did the victim(s) provide permission to use this information? Explain how that permission was provided.**

Saw Y--- allowed KHRG to use and publish this information.

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

- “Hpapun Incident Report: Tatmadaw road construction results in the indiscriminate firing of mortars and displacement in Lu Thaw Township, March 2018”, (June 2018)
- “Hpapun Situation Update: Bu Tho Township and Dwe Lo Township, September 2017 and February 2018”, (June 2018)
- “Hpapun Situation Update: Lu Thaw Township, February to March 2018”, (May 2018)
- “Attacks on villagers, ongoing fighting and displacement in Hpapun and Toungoo districts from January to April 2018”, (May 2018)

# Mu Traw (Hpapun) District

