



News Bulletin

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SPDC soldiers arrest and kill villagers on allegations of contacting KNU/KNLA

Using sweeping powers to confine civilians without charge, SPDC forces operating in Dooplaya District in southern Karen State have detained, tortured and in some cases killed villagers. The grounds for these actions have been alleged contact with the KNU, which the SPDC deems an illegal organisation. As the SPDC seeks to arbitrarily and violently utilise the civilian population to locate KNU personnel, many civilians have responded by fleeing to Thailand in the hopes of finding sanctuary. This report includes testimonies from four villagers who fled from Kawkareik Township, Dooplaya District following such persecution by SPDC personnel.

On allegation of having had contact with members of the Karen National Union (KNU) or Karen National Liberation Army (KNLA), military personnel of the State Peace and Development Council (SPDC) have been arbitrarily detaining, torturing and in some cases killing civilians in Dooplaya District of southern Karen State. Beginning in the end of 2007, SPDC soldiers have stepped up operations amongst villagers in Dooplaya in an aggressive effort to eradicate the district's remaining KNU/KNLA presence. In December of 2007 these activities led some villagers who had little or no connection to the KNU or KNLA to flee their homes and seek sanctuary in Thailand.

While Dooplaya has largely been under SPDC control ever since the military regime seized the area in a 1997 offensive, the KNU/KNLA remains active in all townships within the district. Many villagers thus come into contact with KNLA soldiers or other KNU personnel irrespective of whether or not they support the group. While some villagers may have family members actively serving in the KNU/KNLA, few would be able to serve as effective guides in locating the shifting KNLA patrols. Nevertheless, SPDC army units operating in Dooplaya District have been attempting to use the civilian population as a means of tracking down KNLA camps.

Four testimonies, quoted in length below, illustrate the abusive character of the SPDC's arbitrary detention of civilians on the grounds of having had contact with the KNU or KNLA. All of these testimonies refer to arbitrary detentions which SPDC personnel perpetrated in December 2007.

Local SPDC personnel operating in Karen State have not generally referred in an explicit way to any legal basis for the detention of purported KNU affiliates. Nevertheless, Burma's 1908 Unlawful Associations Act serves as an institutionalised basis for the arbitrary detention, relocation and control of civilians across Burma. As the regime includes the KNU amongst other "anti-government groups"¹, the Army can freely detain any civilian in Karen

¹ SPDC Press Conference, June 11th 2006. Accessed at www.myanmar.com/press_conference/2006/11-6a.html on January 16th 2008.

State with full domestic legal backing on the grounds that she or he “in any way assists the operations of any such association.”²

On December 9th 2007, soldiers of the SPDC Light Infantry Division (LID) #22 detained Saw K--- of P--- village in Kawkareik township, Dooplaya District and ordered him to meet with their column commander. When Saw K--- left his home the soldiers tied him up and violently interrogated him over alleged contact with the KNU. Along the way, Saw K--- was able to loosen the rope that bound him and flee from the patrol, although he was shot in the thigh during the escape. With the help of several villagers along the way Saw K--- was able to reach Noh Poe refugee camp in Thailand where he is now recovering from his injuries. The following is Saw K---’s testimony about his initial capture, interrogation and subsequent escape.

"I was detained by [SPDC soldiers from] LID #22. It was a military column and there were around 10 soldiers in that military column. They caught me at 6:30 in the evening [of December 9th 2007]. At first they arrived at my home and told me that I had to meet with the column commander. So I left my home and followed them. On the way they tied my hands with rope and asked me, 'Do you work with the KNU?' And I answered, 'No I'm just a simple villager and work on a farm. Even now I haven't finished harvesting my paddy at my farm.' They punched me and kicked my back with their boots and also hit the back of my neck with a gun. They didn't believe me. They accused me of working together with the KNU. I thought that it wasn't a good situation for me so, reciting a mantra, I loosened the ropes. Given the questions which the soldiers had asked, I realised for myself that they wouldn't let me remain alive; that they would really kill me. So I tried to escape from them. There were ten guns shooting at me and I was hurt [shot] in my thigh. I have never seen guns like those before. They looked like M-16s and also like AKs [AK-47s]. They were modern guns. Even though my thigh was hurt I tried to run and I passed an old hillside farm field. They tried to follow me and I saw a road for cows and I thought that if I took a rest in a hut, my blood would cool down and I wouldn't be able to run again. So I turned towards a village and I called out to a house owner and asked him for help. And then I asked him to send me to Kw--- village. He didn't refuse my request and he took me to Kw--- village. When I arrived at Kw--- I asked another person to take me to Bper Kler village [a Thai village situated along the Thai-Burma border] but he only took me to K--- village. I have a mother there [an older 'motherly' woman; not a blood relative]. When she saw me she took pity on me and so she asked a nurse to inject me with medicine. After that the K--- village head ordered people to carry me to Bper Kler. They dared not let me sleep in the village so during that same night they took me to a Thai village called Bper Kler. I slept there for a night and in the morning they took me to Noh Poe [refugee] camp [in Thailand] at around 7 o'clock. They took me directly to the hospital and the medics sent me to Umphang Hospital. I dared not return to my village. I was afraid that they would kill me. I have already decided for myself that I will stay here [in Thailand]. My wife and my children also escaped from the SPDC column soldiers, but now they are staying with me. When they came and arrested me my wife was not in the house with me but my children were staying with me they were small so they



Saw K---, pictured here on December 19th 2007, was shot in the leg by SPDC soldiers from LID #22 while escaping arbitrary detention earlier in December. [Photo: KHRG]

² The Unlawful Associations Act, Article 17. (1), accessed in English on the Burma Lawyers' Council website at www.blc-burma.org/html/Suppressive%20Law/ulaa_e.html on January 15th 2008.

didn't know anything. When they came to my house they didn't tie me up, but when they had passed all of the houses in the village they tied my hands with rope. As of now I haven't finished harvesting my paddy plants. Now the medics have told me that I must go back to Umphang Hospital on December 25th to check my wound. A military camp was set up beside P--- village. It belonged to LID #22. The battalion [which is subordinate to LID #22] is new; they arrived at the camp only a month ago."

- Saw K--- (male, 35), P--- village, Kawkareik township (December 2007)

Another villager, also from P--- village, suffered similar persecution. In December, SPDC soldiers accused Ma L--- of having contact with the KNU and returned to her home to interrogate her about this on a daily basis. Realising that this harassment would continue and possibly result in her detention by the soldiers, Ma L--- fled her village later in December and reached Noh Poe refugee camp in the same month where she now remains.



Ma L---, shown here on December 24th, fled from SPDC soldiers who were repeatedly interrogating her regarding the whereabouts of her husband. [Photo: KHRG]

"I came to Noh Poe refugee camp because the SPDC soldiers accused me of having contact with the Karen soldiers and they said that one of my younger brothers was a KNU member. So I had to leave my village and come to stay here. I really hate them. When they didn't know that one of my brothers was a KNU member they [the SPDC soldiers] were so friendly to me. They trusted me. They came and stayed in my house for the whole day and night. They just left their guns and bags in my house. Sometimes, my children played with the soldiers' guns and even though they saw they didn't say anything. I always had to feed them tea and soft drinks. It wasn't a problem for me. At first they didn't know that I had a brother who was a KNU member. They learned about it from other people. My husband has a saw mill. We thought that this year and in the coming years we would trade wood, but some other people were dissatisfied about our business. So they informed the SPDC soldiers that I had a brother who was a KNU member. Once they [the SPDC soldiers]

knew that I had brother who worked with the KNU, my husband dared not to stay in the house. They always came to my house and asked about my husband. Sometimes they stayed in my house day and night. In reality my husband stayed in the village. He didn't go anywhere. He just hid in our sugar cane field. I lied to them, saying that he had fled away from them. I sometimes visited my younger brother in Noh Poe camp. When I went back to my village they [SPDC soldiers] came to my house and said to me, 'People have told me that you went to Noh Poe camp and that you have already bought a house there, that you had to pay 7,000 baht for it.' And I responded them saying, 'Who told you that? I haven't gone there! I don't ever plan to stay in a refugee camp. I will stay here. I have a shop, a sugar cane field, a farm, a saw mill and I have a lot of property with me. I don't want to stay in a refugee camp. I can live in my homeland.' However, the soldiers didn't believe me and the soldiers came around to my house every day. So it was no good for my security and I left my village and came with my family to Noh Poe refugee camp."

- Ma L--- (female, 34), P--- village (December 2007)

The following two testimonies refer to the same incident at K--- village in Kawkareik township in December 2007 where the SPDC soldiers detained an older intellectually impaired man, accused him of falsely representing his condition and of contacting the KNU. The soldiers then forced him to travel along with their patrol and lead them to the location of a KNU site in the jungle. During the period of his detention, the SPDC violently beat the man; leaving behind bloodied clumps of hair which other villagers later found. The testimonies below are

accounts given by the man's son and brother, both of whom subsequently fled to Thailand due to fears that they would be similarly detained in the near future.

"I have two brothers and two sisters. I am the eldest and the youngest is 19 years old... Some of them work with the KNU and some are farmers like me. The SPDC military soldiers came and arrested my father. They accused him of not really being a fool [intellectually impaired] but only pretending to be so. They said that he had a relationship with the KNU because his son was a KNU member. They called him to lead the way to the location of the KNU in the jungle. To be honest, my father really was a fool [intellectually impaired]. I was surprised that they killed him without any reason. If they were dissatisfied with his son they should to go and find him [the son]. They were so cruel to him [the father]. Before, they killed my father they called him to find the KNU location in the area around the village. They beat him with bamboo sticks. They pulled out his hair. A monk in the village told us that he saw the bamboo poles sticky with hair and blood. We dared not follow after him. And the village head also gave a lot of evidence to the SPDC Army soldiers in order for him to be released, but the soldiers didn't listen to the village head. When he [the father] followed along with the SPDC Army soldiers he had to climb mountains and cross valleys. A few days ago, I heard that he was killed. He was caught and killed in December 2007. He was arrested on Tuesday evening and was killed on Saturday evening. My father was taken by a military column from LID #22. There were around 30 soldiers in the military column. This column was active everywhere; they didn't stay stable in the village. But the army unit is based at P--- village. It is LID #22, IB #283. I have decided that I won't go back to my village. I dare not return there because they will accuse me of having a brother in the KNU. If I go back, I will end up like my father."

- Saw K--- (male, 26), K--- village, Kawkareik township (December 2007)



26-year-old Saw K--- fled from SPDC soldiers in December 2007 after they killed his father upon allegations that he had contacted the KNU. [Photo: KHRG]

"I have family and I have six children. The eldest child is 22 years old and the youngest one is 8 years old. The eldest one doesn't attend school and the others are attending school here [in Noh Poe refugee camp]. The reason for coming here, having fled from the Burmese soldiers, is that if they caught me or any people in my family, they would kill us. So I escaped here on my own. At first, the KNU soldiers arrested one Burmese soldier whom they kept at a location near to my house. So the Burmese soldiers suspected that we were in contact with the KNU. They [the SPDC] arrested one of my brothers, he was a fool [intellectually impaired]. He didn't know how to escape, so the Burmese soldiers killed him. The following morning after the Burmese soldiers arrested my brother, me and my family left our village and fled to Noh Poe camp. The military unit which tried to arrest us was LID #22 and the name of the column commander was Win Zaw."

- Saw B--- (male, 44), P--- village, Kawkareik township (December 2007)



Saw B---, pictured here on December 24th, fled from SPDC forces operating around his village in Dooplaya District after they killed his older brother. [Photo: KHRG]

Conclusion

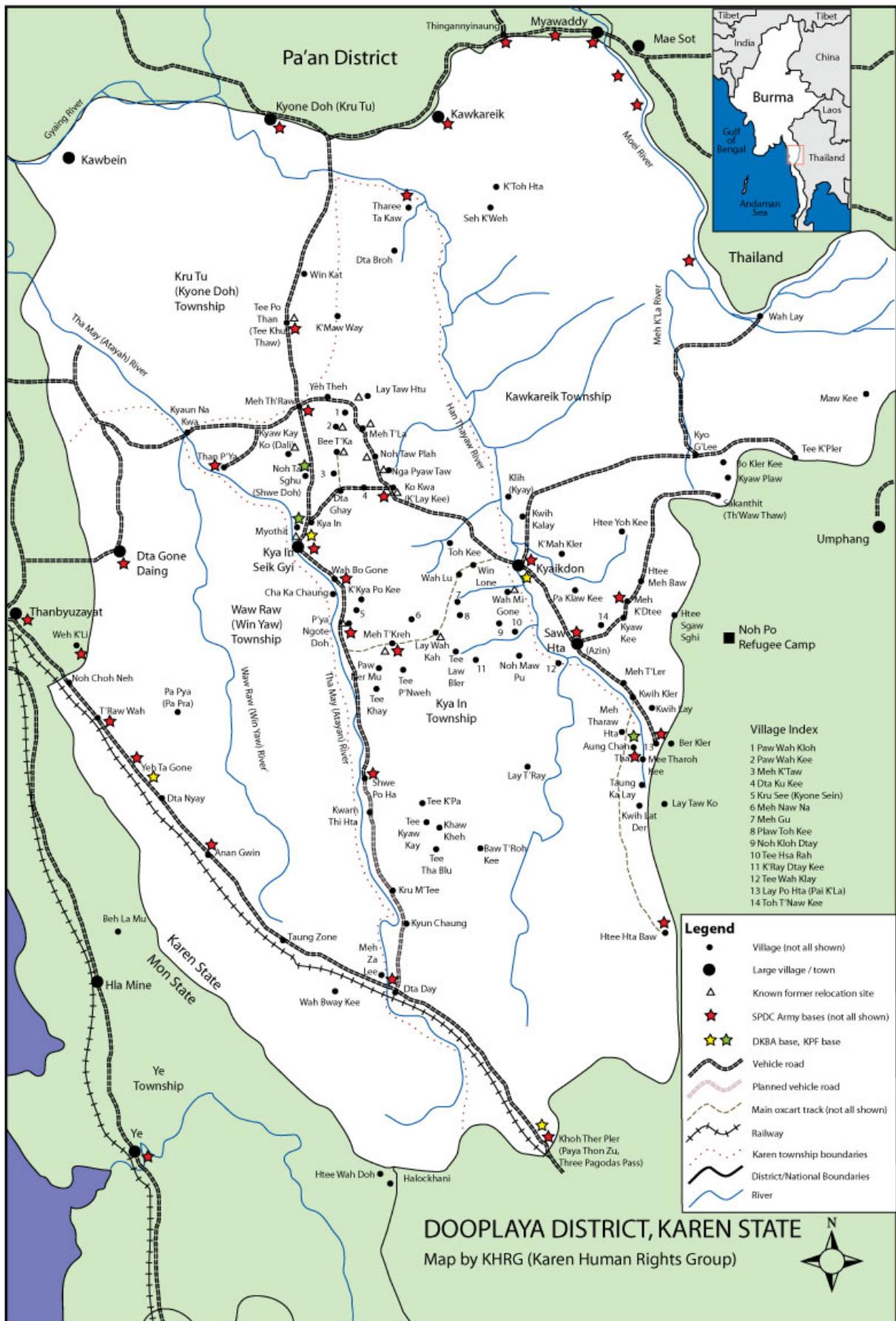
The SPDC's utilisation of the civilian population as a means of tracking down opposition forces is in blatant contravention of long established principles of International Humanitarian Law (IHL).³ Nevertheless, local SPDC forces continue to perpetrate such acts with impunity. The regime's restrictions on the access of the International Committee of the Red Cross (which operates with a mandate to monitor and promote adherence to IHL) in Karen State appear to be primarily enforced in order to prevent their witnessing of such violations of IHL. Nevertheless, the testimonies quoted in length above provide tangible evidence that SPDC forces operating in the area have no intention of abiding by established international legal principles so long as there is little or no pressure to do so.

Further background on the situation in Dooplaya can be found in the following KHRG reports:

- *Forced labour, extortion and the state of education in Dooplaya District* (KHRG, October 2007)
- *State repression and the creation of poverty in southern Karen State* (KHRG, February 2007)
- *Setting Up the Systems of Repression: The progressive regimentation of civilian life in Dooplaya District* (KHRG, September 2006)
- *Continued militarisation, killings and fear in Dooplaya District* (KHRG, June 2005)
- *Dooplaya District: Fighting and Human Rights Abuses Still Continue After Ceasefire* (KHRG, February 2005)
- *SPDC Violates the Ceasefire During Karen New Year Celebrations: The Attack on Kah Law Ghaw Village, Dooplaya District* (KHRG, February 2005)

Photos from Dooplaya can be seen in *KHRG Photo Gallery 2007*, *KHRG Photo Gallery 2006*, *Photo Gallery 2005*, and *KHRG Photo Set 2005A*, available on the KHRG web site (www.khrq.org).

³ Article 3 common to all four Geneva Conventions and representing well established rules of customary IHL prohibits “violence to life and person” and the “taking of hostages” of those “Persons taking no active part in the hostilities”. The full text of Article 3 is available at the ICRC website at www.icrc.org/ihl.nsf/FULL/380?OpenDocument. Accessed on January 16th 2008.



Karen Districts



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Scale: 1 cm to 22 km
1 in. to 35 miles