



## News Bulletin

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## Pa'an Situation Update: September 2011 to January 2012

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*This report includes a situation update submitted to KHRG in January 2012 by a villager describing events occurring in Pa'an District between September 2011 and January 2012, and contains updated information concerning military activity in the area, specifically Border Guard Battalion #1017's use of forced labour and their planting of landmines. In September 2011, over 200 villagers from Th---, Sh---, G--- and M--- were forced to harvest beans and corn, an incident which is also described in the report "Pa'an Situation Update: September 2011", published by KHRG on November 25<sup>th</sup> 2011. Villagers are also described as being forced to porter rations, ammunition and landmines, and carry out various tasks at Battalion #1017's camp. The pervasive presence of landmines has resulted in the deaths of two villagers and injuries to eight others in Sh--- and K--- village tracts, as well as the deaths of villagers' livestock. Information is also provided on the Democratic Karen Buddhist Army (DKBA) ceasefire with the Tatmadaw and their subsequent transformation into the Border Guard, and how this has reduced the capacity of soldiers to engage in mining and logging enterprises. The subsequent increase in pressure on villagers by DKBA and Karen National Liberation Army (KNLA) troops to resist Border Guard military recruitment demands had meant that village heads often fled, rather than serve their one-year term. Villagers' perspectives on the January 2012 ceasefire agreement between the Karen National Union (KNU) and the Burma government are also outlined, as are villagers' responses to abuses, including the introduction of a village head system that rotates on a monthly basis.*

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## Situation Update | T'Nay Hsah Township, Pa'an District (September 2011 to January 2012)

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*The following situation update was written by a villager in Pa'an District who has been trained by KHRG to monitor human rights conditions. It is presented below translated exactly as originally written, save for minor edits for clarity and security.<sup>1</sup>*

### **Border Guard Battalion #1017's use of forced labour**

On September 26<sup>th</sup> 2011, Border Guard Officer Dih Dih and Second Officer Kyaw Naw, of Battalion #1017, which is based in Za Ya Phyu [village] beside Meh Breh village, forced the villagers of Th---, Sh---, G--- and M--- to work.<sup>2</sup> The people of these four villages had to harvest corn. There were two hundred villagers, including women and

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<sup>1</sup> KHRG trains villagers in eastern Burma 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, villagers 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.

<sup>2</sup> This incident of forced labour is also described in a previously published report, "Pa'an Situation Update: September 2011," KHRG, October 2011.

children, who had to work. On September 27<sup>th</sup> 2011, all two hundred villagers went to work for them, but the next day less than two hundred villagers went, so they [Border Guard soldiers] forced the villagers to stand in the sun for two hours, and then made them work. The villagers said that Officer Dih Dih was very aggressive. He made the villagers work like the SPDC Army [Tatmadaw]<sup>3</sup> does, ordering villagers to harvest beans and corn. Whenever they come, they force the villagers to carry bullets, landmines, and rice and other food. When they [the Border Guard soldiers] were planting landmines, they ordered villagers to carry the landmines for them. They order villagers [to porter] every day because their camp is on Kler Law Seh hill slope. The villagers have to carry water and cook food for them, and five villagers have to go every day. They force the villagers to repair their camp, to cut firewood and build a fence around their camp. Villagers who are not available have to hire other villagers to go for them and they have to pay them 3,000 kyat (US \$3.67)<sup>4</sup> per day.

### **The Border Guard planted landmines, which caused problems for the villagers, and their buffalos and cows**

On September 23<sup>rd</sup> 2011, Border Guard troops [from Battalion #1017] raided a KNLA [Karen National Liberation Army] camp on Sh--- hill slope. After they raided [the camp], they began to plant one hundred landmines around Sh--- village near the villagers' huts. They also planted landmines in K--- village tract, but I don't know how many. In Th--- village, a 28-year-old villager named Saw Gk--- stepped on a landmine. I don't know the exact day, but it was in October 2011. On December 2<sup>nd</sup> 2011, a Sh--- villager's legs were cut off. I don't know her real name, but people call her Naw R--- and she is 32-years-old. In K--- village tract, seven villagers were injured: (1) Saw Y--- aged 35, from M--- village; (2) Saw N--- aged 28, from M--- village; (3) Saw H--- aged 48, from A--- village; (4) Saw E--- aged 36, from Ny---; (5) Saw L--- aged 37, from T---, (6) Saw U--- aged 37, from Ny---, who stepped on a landmine when he went to his farm, but couldn't deal with the pain so he shot himself with his musket; and (7) Naw P--- aged 8, from Ny--- village. Two Muslim people who came to buy cows were also killed. The two Muslims' names and villages were unknown so their bodies were left in the place where they died. These two Muslim people had stepped on the same landmine and were killed together.

### **The Border Guard landmines injured the villagers' livestock**

Naw S--- lives in Ny--- village, and one of her buffalos and one cow [were killed by landmines]. Two cows [belonging to] Saw T---, and one goat and one cow belonging to Saw W--- [were killed by landmines]. Many of the other villagers also lost their cows and buffalos, but they do not know if it was because of the landmines or something else. They heard explosions, sometimes once a day, and sometimes twice, and sometimes even four times a day. Because Border Guard [Battalion #1017] planted landmines the villagers have to keep their cows in a cattle pen and their animals don't get enough food to eat.

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<sup>3</sup>In Karen, the Burmese phrases *Na Ah Pa* (SPDC) and *Na Wa Ta* (SLORC) are commonly used to refer to the Burmese government or to Burma's state army, the Tatmadaw. Many older Karen villagers who were accustomed to using the phrase *Na Wa Ta* (SLORC) before 1997 continue to use that phrase, even though the SLORC has not officially existed since 1997. Similarly, despite the official dissolution of the SPDC in March 2011, many Karen villagers continue to use the phrase *Na Ah Pa* (SPDC) to refer to the Burmese government or to the Tatmadaw; see: "Mission Accomplished as SPDC 'dissolved'," Myanmar Times, April 4-10th 2011. The term *Na Ah Pa* was used by the villager who wrote this report and "SPDC" is therefore retained in the translation of this report.

<sup>4</sup>As of May 2<sup>nd</sup> 2012, all conversion estimates for the kyat in this report/interview are based on a rate of 818 kyat to US \$1. This reflects new measures taken by Burma's central bank on April 2nd 2012 to initiate a managed float of the kyat, thus replacing the previous fixed rate of 6.5 kyat to US \$1.

## **The Border Guard planted landmines in K---, M--- and N---village tracts**

Officer Dih Dih of Border Guard Battalion #1017 is based near Meh Preh Bridge at Za Ya Phyu camp. The name of Battalion #1017's second officer is Kyaw Naw. They are responsible for the region of P---, and K--- and M--- [village tracts]. On September 4<sup>th</sup> 2011, Second Officer Kyaw Naw ordered the villagers to recruit more soldiers. In these three areas [of P---, K--- and M--- village tracts], is the KNLA Battalion #101 and DKBA [Democratic Karen Buddhist Army] soldiers [commanded by] Na Kha Mway<sup>5</sup>. The KNLA and DKBA soldiers have stopped the villagers from giving [their villagers to serve as soldiers] to the Border Guard because they have become 'Burmese dogs': "*Pgha k'kyaw may aw twee nuh htee nay a'tha law twee say kaw law*" [literally 'if a human drinks dog milk their heart also becomes like that of a dog']. They [KNLA and DKBA soldiers] also told [villagers from] S---, K--- and L--- village tracts not to give any people to them [the Border Guard]. As a result, the Border Guard planted a lot of landmines beside the village, near people's farm huts, where the villagers collect leaves [for making thatch shingles], and beside wells.

## **The village heads of villages in Noh Kay, Htee Poh Kyaw and Htee Klay village tracts left their positions**

On September 4<sup>th</sup> 2011, the Border Guard [Battalion #1017] recruited new soldiers. People who have already been village heads did not dare to take the responsibility of village head. In the village, one person had to take on the responsibility of village head for one year. This year especially, villagers did not dare to serve as the village head because the DKBA combined with KNLA troops to stop the villagers from giving new soldiers [to the Border Guard]. So this year, the villagers have not dared to be the village heads and they have fled. [As a result] the villagers did not have village heads, so the villagers now pick a monthly village head, which can be a woman or a man. In that area [Noh Kay village tract], one villager told me about a village head Naw D---, from A---village, who the Border Guard had forced to go and look for the one-year village heads [that had run away]. [They said that] "*If you can't find them you will have to go and stay in Koh Koh [at the Border Guard base], and you won't be allowed to go back to your village. You will have to call five villagers each day to come and help you work in Koh*

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<sup>5</sup>DKBA forces in Pa'an and Dooplaya districts that refused to transform into Tatmadaw Border Guard battalions and which, in November 2010, began fighting Tatmadaw forces have been variously referred to as DKBA #907, *Klo Htoo Baw* (Golden Drum), and Brigade #5. Each of these terms refers to different configurations of DKBA units commanded by the brigadier general commonly known as Na Kha Mway, whose real name is Saw Lah Pwe. Na Kha Mway left the KNU/KNLA in 1997 and became the commander of DKBA Battalion #907; in 2007 he was promoted to head four DKBA battalions (#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 Dooplaya and Pa'an districts. In September 2011, it was reported that remaining DKBA forces were to be reconfigured into two tactical commands, *Klo Htoo Wah* and *Klo Htoo Lah*, and that Na Kha Mway would be the senior commander of these forces. Most recently, in early November 2011, Brigade #5 signed a ceasefire agreement with the Burmese government in which demands for its forces to transform into Border Guard units have been dropped, and the brigade has moved to reestablish its headquarters at Wah Lay, Kawkareik Township, Dooplaya District (Sone Seen Myaing, Myawaddy Township); see: "DKBA to accelerate military tactics," *The Irrawaddy*, September 8<sup>th</sup> 2011; and "DKBA Brigade 5 Reaches Ceasefire with Naypyidaw," *The Irrawaddy*, November 4<sup>th</sup> 2011. For more on the origins of the current conflict and the transformation of DKBA troops into Border Guard battalions, see: "Protection concerns expressed by civilians amidst conflict in Dooplaya and Pa'an districts," KHRG, November 2010.

Koh.” The work that Naw D--- had to do in Koh Koh included carrying water, cooking food, cutting firewood and clearing the vegetation within their camp perimeter. Naw D--- had to stay in Koh Koh for one month and after that the villagers elected a new village head, and Naw D--- was able to go back to [A---] village.

## **The KNLA, DKBA, KPF [Karen Peace Force] and the Border Guard cooperated and called the villagers to a meeting**

On January 2<sup>nd</sup> 2012, KNLA Battalion #101, the DKBA, Border Guard and KPF made peace and gathered the villagers and village heads from Htee Klay and Noh Kay village tracts at Meh Pah Leh monastery to tell them that they would not fight anymore and that they would live in peace. One of the village heads stood up and said *“If so, could you remove all the landmines that you have planted beside our village, in our farms and the places we collect leaves? I beg you. We don’t dare to go and work on our farms anymore; we don’t dare to let our cattle out or collect leaves. Please remove the landmines for us.”* As the village head mentioned this in the meeting, they [representatives from the armed groups mentioned] agreed to remove the landmines, but ten days have passed already and they have not come to remove them yet, and it’s causing problems for the village.

## **The DKBA made a ceasefire with the Burmese government**

On November 8<sup>th</sup> 2011, the DKBA was transformed into the Border Guard.<sup>6</sup> Some of the DKBA soldiers did not want to be transformed into the Border Guard so they ran to the KNLA, and some turned their guns back against the Burmese government. On October 4<sup>th</sup> 2011, they discussed a ceasefire with the Burmese government and on October 6<sup>th</sup> 2011, they confirmed and published a specific [ceasefire agreement]. The DKBA set up one office in Myawaddy. They named it [the office] the Liaison Office. On December 9<sup>th</sup> 2011, fighting happened [between an unidentified armed group and Tatmadaw Battalion #544] in a DKBA area in D--- village. A second lieutenant from the [Burmese] government [Tatmadaw] Battalion #544 was killed, and two corporals and five other soldiers were injured. The SPDC Army did not inform them [the DKBA] about their activities and they [the Tatmadaw] go wherever they want to, so no one knows who attacked them.

## **The DKBA transformation into the Border Guard and the impact on soldiers’ opportunities**

Since the military government transformed them [the DKBA units] into the Border Guard, the Border Guard no longer has the chance to do business. The [Burma] military government makes them make cement and do farming. They are not allowed to do business such as mining or logging so the Border Guard soldiers under their control try to find ways to avoid being soldiers. Some have to be Border Guard soldiers for one

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<sup>6</sup>While Tatmadaw and DKBA units have for years operated together, this operational hierarchy became formalised with the DKBA’s transformation into a ‘Border Guard Force’ under control of the Tatmadaw and containing a fixed number quota of Tatmadaw officers. This transformation dates to at least May 2009, when commanding officers stated in high-level meeting of DKBA officers that the DKBA would transform itself into a ‘Border Guard Force.’ Leaked minutes from the May 2009 meeting are retained by KHRG on file. Ceremonies attended by Tatmadaw commanders officially announced the transformation of large portions of the DKBA into Border Guard Forces in September 2010; see, for example: “Border Guard Forces of South-East Command formed in Paingkyon of Kayin State,” *New Light of Myanmar*, August 22<sup>nd</sup> 2010; and “Border Guard Force formed at Atwinkwinkalay region, Myawady Township, Kayin State,” *New Light of Myanmar*, August 25<sup>th</sup> 2010.

year, six months, or three years, and some for seven years. The military government does not allow them to recruit more soldiers. One of villagers said that the Border Guard soldiers will last no longer than three years and that it [the Border Guard] will disappear. They [the soldiers] just want to complete their months and years [contract].

### **Civilian's opinions on the KNU ceasefire agreement [with the Burma government]**

On January 11<sup>th</sup> 2012, at 8:00 the KNU travelled from Myawaddy to Pa'an to sign a ceasefire agreement, which they signed on January 12<sup>th</sup> 2012. On January 13<sup>th</sup> 2012, they left for Nay Pyi Daw. This ceasefire project made some of villagers so happy because they have experienced conflict and their villages had been destroyed. Some have had to flee, some people have died, some have had had their legs and hands blown off, and some have also had their houses burnt down so they really wish for the ceasefire to happen. However, some of the villagers questioned how the Burmese [government] will treat the KNU. The Burmese [government] is good at lying so I will wait and see what will happen because they have tried to do this so many times [already] but it has never come true. I asked them, "*If the ceasefire really happens, will there still be forced labour in the area or will there be no more forced labour?*" Some of the forced labour will decrease, such as the villagers will not have to porter during conflict. In the area, there will no more villagers who are arrested and forced to porter. The portering of rations to the army camps will decrease. Recruitment [into the military] will also lessen. The forcing of villagers to work will also decrease. The rule of law will become better, which will mean that the abuses against villagers will decrease.

Further background on the current situation in Pa'an District can be found in the following KHRG reports:

- "Villagers used as human shields in Pa'an District, October 2011," (March 2012)
- "Pa'an Interview Transcript: Naw D---, November 2011," (March 2012)
- "Pa'an Interview: Naw G---, November 2011," (January 2012)
- "Pa'an Interview: Naw K---, September 2011," (January 2012)
- "Incident Report: Villager shot and killed in Pa'an District", October 2011 (December 2011)
- "Pa'an Interview: Saw C---, October 2011", (December 2011)
- "Pa'an Situation Update: September 2011" (October 2011)

