



Karen Human Rights Group

Documenting the voices of villagers in rural Burma

Report from the Field

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Threats to human rights, obstacles to protection: Conditions for civilians seeking refuge in Phop Phra District, Thailand

Amid ongoing Tatmadaw-DKBA conflict, civilians in eastern Dooplaya District are struggling to balance the need to protect their crops, livelihoods and property with the need to protect themselves and their families from conflict and conflict-related abuse. For many villagers, temporary but consistent access to protection in Thailand while they monitor the situation in Burma is vital to addressing these protection needs, until the situation stabilises and they feel it is safe to return home. Restrictions on or inconsistent access to protection and hasty, coercive returns of refugees by authorities of the Royal Thai Government are increasing the vulnerability of villagers seeking protection and undermining their efforts to address threats to their security, human rights, and livelihoods.

Conflict between Burma's state army, the Tatmadaw, and the Democratic Karen Buddhist Army (DKBA) continues following major clashes on November 8th and 9th 2010 in the large towns of Myawaddy and Three Pagodas Pass, on the Thailand-Burma border. These clashes initially caused at least 20,000 people to flee to Thailand. More than 12,000 people sought refuge in Mae Sot, opposite Myawaddy on the Thai side of the Moei River; 10,000 sought refuge on the Thai side of Three Pagodas Pass, and another 2,500 attempted to find protection in Thailand opposite the large village of Waw Lay, then headquarters of the commander leading the breakaway DKBA forces fighting with the Tatmadaw.¹ These refugees – the largest influx in 25 years – were largely able to access protection at temporary sites in Thailand.



This photo, taken on November 28th 2010, shows villagers from Palu village bringing agricultural products to the Burma bank of the Moei river. They explained to a KHRG researcher that they worried that they would lose their harvest if fighting in the village continued. Mortar fire in Palu has been audible from the Thai side of the river in the two days since this photo was taken. [Photo: KHRG]

Fighting has continued in the weeks since, and the Tatmadaw and DKBA, as well as other armed Karen groups such as the Karen National Liberation Army (KNLA), continue to engage each other in open conflict. Ceasefire negotiations between the Tatmadaw and DKBA, including a meeting mediated by the Royal Thai Government (RTG) on November 11th, have

¹ Burma's State Peace and Development Council (SPDC) government exerted heavy pressure on the DKBA to transform into a government controlled border guard force. While a large segment of the DKBA has agreed to this transition, Na Kha Mway is leading a faction which has refused. Tensions between Na Kha Mway's DKBA and Tatmadaw ratcheted up following this refusal, eventually leading to fighting in early November.

been unsuccessful. The nature of the conflict has shifted from large battles in major towns to frequent skirmishes, shelling and guerrilla style attacks throughout area opposite Tak and Kanchanaburi provinces, Thailand. Officers from the DKBA and other armed Karen groups including the KNLA have said that they expect fighting to continue. “If we [DKBA and Tatmadaw soldiers] see each other,” a DKBA officer told KHRG last week, “fighting will happen.”² While the Tatmadaw appears to have offered Na Kha Mway a new deadline for disarming or transforming into a government controlled Border Guard Force,³ this has not halted conflict: as KHRG conducted interviews today, shelling and gunfire was audible from Thailand.

Amid this ongoing conflict, groups of refugees have criss-crossed the Thailand-Burma border on a daily basis over the past three weeks, often in small groups but sometimes in single-day influxes as large as 1,000 civilians. The Royal Thai Army (RTA) has gone to considerable lengths to facilitate refuge for civilians fleeing while shelling or gunfire is immediately audible. Refugees, community members supporting them and staff from international and national organisations have, however, described the RTA repeatedly obstructing refugees as they attempted to enter Thailand, and coercing refugees to return in spite of significant threats to their security and human rights.

Civilians attempting to flee due to fears of conflict and conflict-related abuses say they are exhausted. Some have crossed the border repeatedly over the last few days, each time being told soon after that it was safe for them to return. Many desire to return home to monitor their property or attempt to finish harvesting crops before they spoil, in spite of the physical dangers involved in doing so. Many others, particularly children, the elderly and those that believe they face heightened risk of reprisals and/or arrest as porters, are in dire need of protection in Thailand. It is imperative that they be allowed access to refuge, and that they be allowed to remain in Thailand temporarily until they feel it is safe to return home – and remain there.

We want to stay here temporarily. Although we are asked to go back, we dare not to go back. We will continue fleeing... We fled back twice including this time. Even though we did not dare to go back yesterday, they told us to go back. It was likely Thai citizen because [he] could not speak Karen fluently when [he] gave a speech [in the monastery]... people are still fighting each other recently. Till this morning, they fought each other. The fighting happened [again] when we crossed to the other side of the river [into Burma] and just reached [to the other side of the river]. Even though we dared not to go back [at that moment], we had to go back because we were asked to go back.

Naw --- (female, 30), Palu village, Kawkareik Township (interviewed in Thailand November 30th 2010)

If we are asked to go back again, fine. Give us a kind of medicine that causes death five minutes after you drink it. It ends. Give a tablet for each person. We are exhausted... You dare not to stay when the army enters to the village because they are the army. You cannot stay with them... if the fighting still happens and more troops continue coming... When we stayed there, we could hear people fighting... We had to flee and carry our children. We couldn't carry any food. We had to flee with only the clothes that we are wearing.

Naw --- (female, 55), Palu village, Kawkareik Township (interviewed in Thailand, November 30th 2010)⁴

² For analysis of the military context, including predictions of future conflict by military leaders from a variety of groups in the area, see “Protection concerns expressed by civilians amidst conflict in Dooplaya and Pa'an districts,” KHRG, November 2010.

³ “Burma army threatens all-out assault,” *Democratic Voice of Burma*, November 2010.

⁴ Further background to these quotes and quotes from villagers who fled Palu village and sought protection in Thailand are available in the subsection of this report titled ‘Palu village, November 27th to 30th 2010.’

Protection concerns for civilians in Dooplaya District

Many communities in Dooplaya were adept at negotiating the difficult, overlapping patchwork of armed actors that existed in the area prior to conflict over the last three weeks. This patchwork resulted in intermittent skirmishes as well as exploitative abuse that frequently gave rise to significant threats to civilians' human rights and security. Despite these threats, civilians had established strategies for managing life and remaining in their homes amidst this long-running low-intensity conflict; these strategies have recently been upended as tensions between the Tatmadaw and the DKBA have risen since some factions of the DKBA refused to transform into government-controlled Border Guard battalions.

In 22 interviews conducted with villagers on November 13th and 14th, civilians described to KHRG a variety of concerns related to instability and continued armed conflict, as well as increased militarization, including the functionally indiscriminate use of mortars and small arms in civilian areas, arrests, reprisals, sexual violence and forced labour portering military equipment, acting as guides or acting as human minesweepers.⁵

Villagers interviewed over the last two weeks report that these threats continue to be acute in areas south of Myawaddy town, opposite Phop Phra and Umphang districts, Tak Province, Thailand. Risks to civilians from continued use of mortars, as well as small arms and landmines have been reported by KHRG, including the death or injury of 19 villagers since November 8th 2010; these issues continue to be a risk for civilians, with the most recent injury to a villager documented on November 27th.⁶

Other human rights abuses continue to be a major risk for civilians, including arrests and threats of reprisals, looting, movement restrictions and forced labour as porters, guides or human minesweepers. Villagers also continue to report that they are treated with intense suspicion by Tatmadaw troops. This suspicion is both exposing civilians to risks of human rights abuses, such as arbitrary arrest and detention, and limiting the ability of community leaders to negotiate protection for civilians.⁷ Movement restrictions enforced by the Tatmadaw are limiting villagers' ability to access fields or purchase food, as well as obtain information that they can use to evaluate security threats to their families.⁸

In spite of security risks, most villagers that have fled to Thailand over the last three weeks have at various points returned to their homes. That some villagers are opting to stay in dangerous areas like Palu, or return just a short time after seeking protection in Thailand, should not be presumptively interpreted as evidence that civilians feel conditions are safe to return. It is important to emphasise that risks, and the willingness to confront certain risks, are different for civilians depending on who they are or where they are from.

That some refugees have felt safe to return to their homes also does not mean it is safe for all refugees to do so. Many civilians in Myawaddy could return home safely upon the withdrawal of DKBA forces in the second week of November, after which fighting near the town subsided.

⁵ For more details on these concerns, as well as full transcripts of 18 interviews with villagers, see "Protection concerns expressed by civilians amidst conflict in Dooplaya and Pa'an districts," KHRG, November 2010.

⁶ See: "Villager injured, community flees: Conflict continues to impact civilians in Dooplaya District," KHRG, November 2010.

⁷ "Arrest, looting and flight: Conflict continues to impact civilians in Dooplaya District," KHRG, November 2010. "More arrests and movement restrictions: Conflict continues to impact civilians in Dooplaya District," KHRG, November 2010.

⁸ "School closures and movement restrictions: conflict continues to impact civilians in Dooplaya District," KHRG, November 2010. "More arrests and movement restrictions: Conflict continues to impact civilians in Dooplaya District," KHRG, November 2010.

Civilians in places such as Waw Lay and Palu, however, remain in danger as clashes between the DKBA and Tatmadaw continue. Risks are also different for refugees depending on who they are; family members of DKBA or those suspected of supporting the DKBA have been targeted by Tatmadaw forces. Following return to Myawaddy, for example, villagers told KHRG that they witnessed DKBA family members being rounded up and taken away in trucks. Individual villagers in Waw Lay and Palu, meanwhile, have described specific reasons that they should fear encountering the Tatmadaw, including accusations of supporting the DKBA or threats related to some villagers' positions of prominence or responsibility.⁹

Individual calculations about threats faced in Burma should also be understood in the context of overwhelming pressure rural farmers feel to protect their scant material and agricultural resources, and the extreme dangers they are willing to brave to do so. Fields of corn and beans are currently ready to be harvested, and farmers risk losing entire crops if they are left to rot in the field. Loss of a whole crop would be devastating to most farmers in rural Burma, as farmers work and invest up to a year's worth of labour and finance into their agricultural projects under the assumption that debt accrued will be paid off following the harvest. Villagers have also reported fears that their livestock, homes and other property will be looted if they do not return home to monitor them.

This morning [November 28th 2010], we fled to here but some villagers are still in the village. They haven't fled yet. Villagers who have left, they don't want to come here [to Thailand] because they haven't finished harvesting. Moreover, they worry that people will go to their houses and steal things and animals if they flee to here. But they don't dare to stay in the village. They stay outside of the village where there is no SPDC [Tatmadaw] army.

Naw C--- (female), Palu village, Kawkareik Township (Interviewed in Thailand, November 28th 2010)

For the livelihoods, they have not harvested their farms, corn, beans yet. For the current situation, we just have to wait and see the situation. We will go back [to Burma] when we dare to go back. If we dare not to go back, we have to stay like this. We worked for the whole year and now we cannot harvest any more."

Naw Af--- (female, 45), Waw Lay village, Kawkareik Township (Interviewed in Thailand November 13th 2010)

Villagers in Palu, Waw Lay and other areas are struggling to balance their need to protect their homes from looting and harvest their crops with the need to protect themselves and their families from conflict and conflict-related abuses. In interviews, refugees have consistently expressed the desire to remain in Thailand until the situation in their home areas stabilises. While refugees have made clear that they hope to stay in Thailand for the shortest amount of time necessary, depending on the military context in their home areas, however, they have also made clear that they wish to take temporary shelter in Thailand so that they can monitor the situation safely. Some have also expressed a desire for more vulnerable family members, such as children, to stay in Thailand while adults monitor the situation at home.

If we are asked to go back [to Burma], we have to think about it. I want to wait and see the situation for two or three days and then go back. I dare not go back now because if we go back now, the situation is not stable and we will have to flee again... But we are forced to go out from here [Thailand], we have to move around. I don't know where we should go, but we have to find a place to hide.

Saw --- (Male), Waw Lay village, Kawkareik Township (Interviewed in Thailand at 7 am November 17th 2010)

⁹ "More arrests and movement restrictions: Conflict continues to impact civilians in Dooplaya District," KHRG, November 2010.

For the livelihoods, they have not harvested their farms, corn, beans yet. For the current situation, we just have to wait and see the situation. We will go back [to Burma] when we dare to go back. If we dare not to go back, we have to stay like this. We worked for the whole year and now we cannot harvest any more."

Naw Af--- (female, 45), Waw Lay village, Kawkareik Township (Interviewed in Thailand November 13th 2010)

Guns were fired this morning [Nov 28th 2010] and I fled to Thailand, but I couldn't bring my old father and mother. They are still in our field hut [outside the village]. They can't walk because they are too old. We will have to go back and look the situation and then carry them back by tractor. But we dare not go back now.

Saw T--- (male), Palu village, Kawkareik Township (Interviewed in Thailand, November 28th 2010)

Obstacles to protection in Thailand



This photo, taken on November 28th 2010, shows refugees from Palu receiving support from community members at their temporary protection site in Kay Thoo Kloh, Phop Phra District. An RTA soldier looks on; Palu villagers seeking protection in Thailand previously described to KHRG feeling that they were closely guarded by RTA soldiers.¹⁰ [Photo: KHRG]



This photo, taken on November 28th 2010, shows refugees from Palu village carrying belongings in Y---, Phop Phra District. These villagers told KHRG they were staying with friends or family instead of at a nearby monastery where other refugees were sheltering, because their movement would be restricted by RTA soldiers guarding that site. [Photo: KHRG]

The ongoing threats to civilians in eastern Dooplaya have continued to cause groups of villagers to seek refuge in Thailand. In many cases, however, they have been unable to do so freely. It is important to note that many local authorities and members of communities along the border have, in many contexts, gone to great lengths to support refugees seeking protection. In some cases, RTG authorities have even facilitated protection or relief activities, at the same time that other authorities have sought to return refugees. In other cases, soldiers of the Royal Thai Army (RTA) have responded with compassion, and gone to great lengths to help refugees fleeing fighting. It is equally important to note, however, that Thai authorities appear to be viewing threats to civilians in the narrowest manner possible: when fighting is audible or visible from Thailand, refugees report being able to enter Thailand. When individual clashes end – sometimes just hours after the sound of gunfire has subsided – refugees report being told it is safe for them to return, and that they must do so.

The Thais did not allow us to flee before the guns fired... The Thai Army also told us before that they would not let us die. When the attack happened, you could flee to here.

¹⁰ See: "Villager injured, community flees: Conflict continues to impact civilians in Dooplaya District," KHRG, November 2010

So, when the attack happened, the Thai Army called us to come, too... When it became quiet, the Thais asked [the refugees] to go back and so they had to go back. Even though they went back, they dare not stay there so they took their things and came back here [to Thailand] again.

Naw Af--- (female, 45), Waw Lay village, Kawkareik Township (November 13th 2010)

The Thai soldiers said [to villagers] 'If you go back, go back and stay there [in your villages]. Don't travel [back and forth]. You can stay here [in Thailand] for one or two days. But you can go back and stay there [in your villages], and come back when the fighting happens again.'

Saw F--- (male, 38), Waw Lay village, Kawkareik Township (November 13th 2010)

The consistent practice of RTA authorities, reported by refugees as well as community members providing them support, has been to approach refugees and tell them that it is safe to return to their homes. This message is being communicated by soldiers carrying weapons; even in cases where an explicit demand to return to Burma is not made, refugees have reported being intimidated and interpreting the notification as an order that they must leave Thailand. If forced return is not the intent of these notifications, refugees report that they are not receiving clarifications that they have the option of remaining in Thailand. RTA soldiers have also, however, told refugees that because it is safe for them to return home, they must do so, and that to stay in Thailand risks arrest as illegal migrant workers.

I really dare not go back but the last time we were told by the Thai soldiers 'Pai, Pai, Pai [Go, go, go]' and we had to go back because we are afraid of them and they had guns in their hands. We went back [to Burma] and now you see we have to come back [to Thailand] again. So, there is no safety at all if we go back [to Burma] again.

Naw --- (Female, approximately age 30), Waw Lay village, Kawkareik Township
(Interviewed in Thailand at 7 am November 17th 2010)

Families interviewed by KHRG have described repeatedly crossing into Thailand because they felt unsafe; being told to leave by Thai authorities; and then coming back to Thailand again, or avoiding return and slipping away into other hiding places. Groups of refugees are also now staying on the Burma side of the Moei River, which forms the border between Tak Province and Burma in the areas of fighting. On the night of November 22nd 2010, for example, groups of refugees were gathering in makeshift sites at L---, near Waw Lay, and T---, near Umphang, and were without food or shelter. When KHRG confirmed the presence of the groups, civilians in L-- - numbered 294 people from 72 families and the group in T--- around 160, from 40 families. These families had previously sought refuge in Thailand and been told to return to Burma, but could not safely return home.¹¹

We dare not go back now because we do not feel safe in Burma. The last time, the Thai authorities forced us to go back. They didn't let us stay here. After the fighting happened again, we came back a second time. We have many difficulties.

Saw --- (Male), Waw Lay village, Kawkareik Township (Interviewed in Thailand at 7 am
November 17th 2010)

The situation continues to change frequently, with refugees criss-crossing the Moei River and hiding in small groups. On November 23rd, for example, nearly the entire population of Waw Lay village fled to hide in the nearby forest or into hiding places in Thailand, following warnings from the Tatmadaw that the village would likely be shelled that night. Fortunately, civilians from Waw Lay report that they were not obstructed from entering Thailand; according to villagers that spoke with KHRG, no RTA soldiers were present along the Moei River as they crossed. This

¹¹ For more on the situation for these villagers, see "Arrest, looting and flight: conflict continues to impact civilians in Dooplaya District," KHRG, November 2010.

flight was, however, highly discreet; community members in Thailand reported not noticing any major influx. Villagers that spoke with KHRG at 8:40 am the following morning, meanwhile, said that they were returning to their homes, but would likely sleep outside the village at nightfall. In the following quote, Saw H--- describes the situation in Waw Lay on November 23rd 2010:

The village head told me before that there were more than 400 households and more than 3,000 villagers in [Waw Lay village]. Yesterday [November 23rd 2010] around 3 pm, villagers started fleeing the village, and I also fled to the Thai side [of the border]. Later around 5:30, I returned to the village. When I arrived in to village, I just saw a few people and I guess there were only 20 to 30 people continuing to stay in the village.¹²

It is not possible to compile complete information on the number of times refugees have been prevented from accessing protection in Thailand, or forced to return to areas where they will not be safe. The fact that civilians continue to hide in discreet, decentralised locations in Thailand, or remain as close as possible to Thailand on the Burma side of the Moei River, is however, conclusive evidence that they are unable to always access protection freely. Such a conclusion is also supported by clearly documented instances of refoulement or suspected refoulement:

Waw Lay village, November 9th to 16th 2010:

The first incident documented by KHRG occurred on the Thai side of Waw Lay village, in Phop Phra District, Tak Province. Just over the border in Burma is a large village also referred by the name Waw Lay, home to approximately 3,000 people. Fighting initially occurred in Waw Lay on November 9th and 10th; the village was the headquarters of Na Kha Mway, the DKBA commander that has been leading forces recently engaged in conflict with the Tatmadaw, and was the site of a major push by Tatmadaw forces that eventually took control the village. At least 2,500 civilians fled the fighting on November 9th and 10th, and took refuge in a number of places on the Thai side of Waw Lay, including a large cow pasture belonging to a Thai farmer.

According to staff working for international organisations providing support to villagers seeking refuge in Phop Phra, RTA soldiers forced most of these civilians to return against their will on November 10th 2010. On November 12th, a large international relief organisation active in Thailand drew a similar, strongly-worded conclusion denouncing returns carried out on November 10th and 11th as refoulement. This conclusion was supported by a group of attendees at a large meeting of humanitarian organisations in Bangkok soon after, and witnessed by a variety of other international organisations and United Nations agencies.

Many of the civilians forced to leave the Thai village of Waw Lay on November 10th returned home to Burma, or went into hiding elsewhere in Phop Phra District. Conflict between the Tatmadaw and DKBA continued, however, causing many of those that returned to flee again over the next few days. During another clash four days later, on November 14th, shells fell inside the village, injuring one civilian and causing many to again flee. While some villagers told KHRG that Thai soldiers prevented them from crossing the river into Thailand, others were able to find safety, including a group of 780 that returned to the cow pasture which had housed refugees on November 9th and 10th.

On November 16th 2010, local authorities informally notified groups providing support to refugees in the cow pasture at Waw Lay that they would be returning the group to Burma the following morning. Early in the morning on November 17th 2010, in separate interviews organised by local community members, five different refugees confirmed that they did not wish to return to Burma, and that they did not believe it was safe to do so. These brief interviews are fully translated and included in Appendix 1 to this report; three of the interviews were captured on video and the other two were audio recorded. Footage of the video interviews, with faces

¹² For more information on this incident, see “Arrest, looting and flight: conflict continues to impact civilians in Dooplaya District,” KHRG, November 2010.

blurred for security, is available on request. By 9 am on November 17th, these five refugees as well as the other 775 villagers in the cow pasture had been returned to Waw Lay.

Many people fled to Waw Lay, on the Thai side, because we are afraid of the mortar's shelling and the fighting. We heard that the Thai army allows us to come and flee. So I came here. The last time we fled here, we were allowed to stay only one night and we were asked to go back. Then, we stayed in our village one night and had to flee back here again... Now, I heard that we will be sent back or move to another place... I dare not go back because the SPDC troops are still taking position in our village. I don't know how many the SPDC soldiers, but they are many. I can't count.

Naw --- (Female, approximately age 30), Waw Lay village, Kawkareik Township
(Interviewed in Thailand at 7 am November 17th 2010)

There is no stability yet in our village. There are many troops and many soldiers are still at the monastery. If it is safe, we will go back. But now it's not safe, we have to be afraid of bullets and soldiers.

Naw --- (Female), Waw Lay village, Kawkareik Township (Interviewed in Thailand at 7 am November 17th 2010)

I will have to find a place that will have more safety and hide because I dare not go back to my village yet. I felt I really would like to die because of this fighting and many difficulties. If the soldiers see us, they shoot without asking anything.

Saw --- (Male), Waw Lay village, Kawkareik Township (Interviewed in Thailand at 7 AM November 17th 2010)

Palu village, November 27th to 30th 2010:

Following multiple clashes in the Waw Lay area since November 8th, last week DKBA troops blocked operations by Tatmadaw soldiers attempting to resupply units engaged in Waw Lay and further south in Dooplaya District. According to DKBA officers that spoke with KHRG, this pushed Tatmadaw units to take positions at the village of Palu, north of Waw Lay along the border between Dooplaya District and Phop Phra. Beginning on Thursday November 25th 2010, villagers in Palu were reporting that the DKBA was warning them to leave the area because fighting was expected. Many civilians left Palu over the next two days and by November 28th 2010, the majority of the village had fled to Thailand; relief workers confirmed that by 5 pm, at least 900 people were taking refuge in a monastery, while other villagers were hiding with relatives and in decentralised locations nearby. At least some villagers attempting to flee to Thailand, however, were blocked by Tatmadaw soldiers. One villager who remained in Palu, Saw Ht---, was wounded by mortar fire on November 27th 2010.¹³

Yesterday [November 27th 2010], I had not [yet] fled [to Thailand]. Many villagers were still left [in Palu]. The fighting went on at night time. And this morning [November 28th 2010] the guns were fired again and we heard that more Burmese [Tatmadaw] army would come so we did not dare to stay anymore. We have our small children. We are afraid of heavy weapons [mortars] and we are afraid the SPDC [Tatmadaw] army who come will arrest us. So we fled to here [Thailand].

Saw G--- (male, mid 30s), Palu village, Kawkareik Township (Interviewed in Thailand, November 28th 2010)

Villagers in the monastery and surrounding area began returning to Palu on November 29th with the majority of refugees returned by 3 pm. Mortars and small arms fire resumed at approximately 3:15 pm on November 29th, however, and community members that spoke with KHRG said that they could still see groups of just-returned refugees standing on the riverbank

¹³ For more on this incident, see "Villager injured, community flees: Conflict continues to impact civilians in Dooplaya District," KHRG, November 2010.

as mortars and gunfire were audible from Thailand. Immediately following the resumption of shelling in the afternoon on November 29th 2010, villagers that had just returned to Palu began returning to Thailand. At least 50 villagers, however, were obstructed by Thai soldiers, who told them that they could not return to the monastery that had been used as a shelter on November 27th and 28th. Said one villager from the group:

“After all the people returned [to Palu], the fighting happened. And [so] we wanted to stay in the monastery, but they [RTA soldiers] did not allow us. I do not understand why they do not allow the people to [come back and] stay in the monastery.”

A community member helping the group of 50 villagers reported to KHRG that RTA soldiers told them the villagers could stay with relatives in Thailand, but could not return to the monastery. When KHRG spoke with the community member again two hours later, 20 of the group had gone to stay with relatives; the other 30 were hiding on a nearby farm. While allowing limited, unofficial access to protection for villagers with relatives in Thailand is certainly preferable to a broad denial of access to all civilians seeking protection in Thailand, it must be noted that such an approach increases the vulnerability of refugees without relatives in Thailand to human rights and other protection threats. This division will largely follow ethnic lines: Karen villagers with relatives in the Thai-Karen community are likely to have greater access to protection, while ethnic Burman or Arakanese villagers may find it harder to access protection.

At least one group of refugees from the Palu area was also entirely prevented from crossing the Moei River by RTA soldiers. Residents from the nearby village of Oo Krae Hta, who told KHRG they have also felt threatened by fighting in recent days, said they attempted to flee after mortars landed near their village at 5pm on November 28th 2010. Villagers from the group, who numbered 300 when they met with a KHRG researcher in the afternoon on November 29th 2010, said that the Thai soldiers that spoke with them told them that because shelling had stopped, they did not need to – and could not – enter into Thailand. As of the afternoon of November 29th 2010, the group did not feel safe to return home, choosing instead to remain at a temporary location inside Burma but near the Moei River.

Fighting in the Palu area continued on the night of November 29th and again in the morning on November 30th 2010, causing refugees that had gone back to Palu the previous day to return to Thailand. At least 270 of these refugees were received by RTA soldiers and taken to the same monastery opposite Palu where they had been sheltered days prior. Given that at least 1,000 had been present in Thailand the previous day, the whereabouts of at least 700 villagers that had needed protection on the previous day are unclear.

Based upon frustrations expressed by villagers to KHRG with being repeatedly returned to Thailand, as well as a desire to have the ability to freely monitor farm fields and homes, it is likely that many more residents from the area surrounding Palu are hiding in forests and field huts near their villages in Burma, or with relatives and in other discreet and decentralised locations in Thailand.



This picture, taken on November 29th 2010, shows villagers from Oo Khreh Htah hiding in a makeshift site in Burma. These families attempted to flee to Thailand at 5pm on November 28th when the DKBA shelled Tatmadaw forces near Oo Khreh Htah, but were denied entry by RTA soldiers. At the time of this photo, they told KHRG that they did not feel safe to return to their homes. [Photo: KHRG]

Based upon reports from refugees and community members, it is likely that these refugees desired to return home eventually, and that some desired to remain in Thailand temporarily while they monitored the situation. At least some interviews were conducted by UNHCR and other international humanitarian organisations on November 28th 2010, but the results of these interviews are not public. One relief worker that spoke with KHRG, however, said that refugees' most common response when asked whether they wanted to return was, "We don't know," implying a continued desire to monitor the situation. This is consistent with a report from a community member providing support to the refugees that spoke with KHRG on the evening of November 29th 2010:

"I was with them [the refugees] helping them carry their things [as they returned to Burma]... I spoke to some women, one young woman said she didn't dare to go back to her house because that area [Palu] is full of SPDC [Tatmadaw] troops and she's afraid not only of [being taken as a] porter but also of rape, so she said she will not go back to her house but [will go] to hide on her farm on the Burma side... When we spoke with people, they said they don't know why [they are returning to Palu] but they heard that they have to go back... I spoke with another woman, an older woman; she said she doesn't want to go back but she saw others going and heard that they have to go. So they had to carry their things and they left."

In another interview on the evening of November 29th 2010, a villager from Palu that was helping organise support for members of his community also described being told to return. A full transcript of this interview, which was audio recorded, is available in Appendix 1 to this report:

"The [Thai] army has to take responsibility to ask villagers to go back to the other side of the river... The villagers are afraid of getting injured by mortars, so they wanted to flee back here [to Thailand]. But, the Thai Army asked some villagers to wait and stay beside the river. They said, 'People aren't really fighting yet so the villagers don't need to come [to Thailand]'... For the Thai Army, they have to take responsibility to send these people back. I saw that the Thai Army told the villagers: 'The situation has now become okay and now you can go back.' The villagers just had to go back... They [RTA] said the situation became fine. They communicated with the Burmese Army [Tatmadaw] on the other side [of the border] and told each other that nothing will happen and [the refugees can] come back. After that, they announced, 'You can go back.'"

On Tuesday evening, meanwhile, a group of women interviewed near the bank of the Moei River expressed their deep frustration with being forced to repeatedly flee conflict near their homes, and then repeatedly return to Burma. Full transcripts of three of these brief interviews are available in Appendix 2. Video recordings of the interviews, faces censored for security, are also available on request.

It should be [that we return] when there is really peace. Even though we were asked to go back when we stayed in the monastery, we dared not to go back [to our homes]. We will continue fleeing. As we flee again and again and carry our things longer and longer, we become very tired. We are with our children and have to sleep in the fields.

Naw --- (female, 30), Palu village, Kawkareik Township (Interviewed in Thailand, November 30th 2010)

There is a lot of shelling so we dare not to stay. If it injures you... [We] will not go back [to Palu] anymore. [We] will move and stay temporarily like this. We will wait and see the situation until there is peace, then we will go back. If there is not peace, we will not go back anymore. I am fed up with fleeing.

Naw --- (female, 45), Palu village, Kawkareik Township (Interviewed in Thailand, November 30th 2010)

“[We returned] because people told us to go back. So, we went back. They also told us that they would keep us in the army camp. Then, I said we were told that we could go back. We went back to stay and slept on the shore of the river... It was people told us that we could go back and we had to go back. Then, other people [villagers] went back and we followed, too. At first, we thought whether it is safe to return or not. But, when other people went back [Burma], we just followed them... [We came back to Thailand] because the fighting happened. We are afraid. Our hands and legs shook and I am with my grandson. We cannot do it anymore... I will not go back anymore. I dare not to go back. The Burmese Army is staying in the village. We came here yesterday and returned. We came here again in this morning.

Naw --- (female, 55), Palu village, Kawkareik Township (Interviewed in Thailand, November 30th 2010)

Other incidents:

Information from interviews with 15 community members also helps to establish that the events opposite Waw Lay and Palu are part of a general pattern. These community members have described a number of incidents in which they knew or had strong reason to believe that refugees were forced to return; details of the strongest six incidents described by community members are provided in the table below. Note that all 15 of the community members mentioned incidents in which refugees were returned to Burma; many referred to the same incidents. Note also that this information should be taken as further examples of a broader practice, and is not comprehensive. Locations have been censored to protect refugees:

Date	Location	Number of persons	Details
November 16, 2010	M---	95	Three refugees interviewed in this group said they would continue to evade RTA soldiers because they feared being forced to return to Burma.
November 14, 2010	U---	135	Seven refugees interviewed in this location said that RTA soldiers told them they should return to their village, but could return later if “bombs were dropping in their village.” This group was able to find another hiding place in Thailand.
November 14, 2010	O--- Church	7	At 6:30 PM, one family hiding in a Church in O--- were returned to Waw Lay by Thai authorities. At 7 PM, shelling in Waw Lay resumed.
November 12, 2010	K---	165	Refugees that spoke with community members said they would continue to evade RTA soldiers because they feared being forced to return to Burma.
November 12, 2010	T---	150	Community members providing food to refugees arrived to find the entire group sitting in organised rows. When asked why, refugees responded that they had been ordered to do so and would soon be returned to Burma.

November 10, 2010	H---	100	Community members witnessed Thai authorities telling refugees that it was safe for them to return to Burma, and that they would be arrested as illegal migrants if they stayed in Thailand. The area was empty the next morning.
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Conclusion

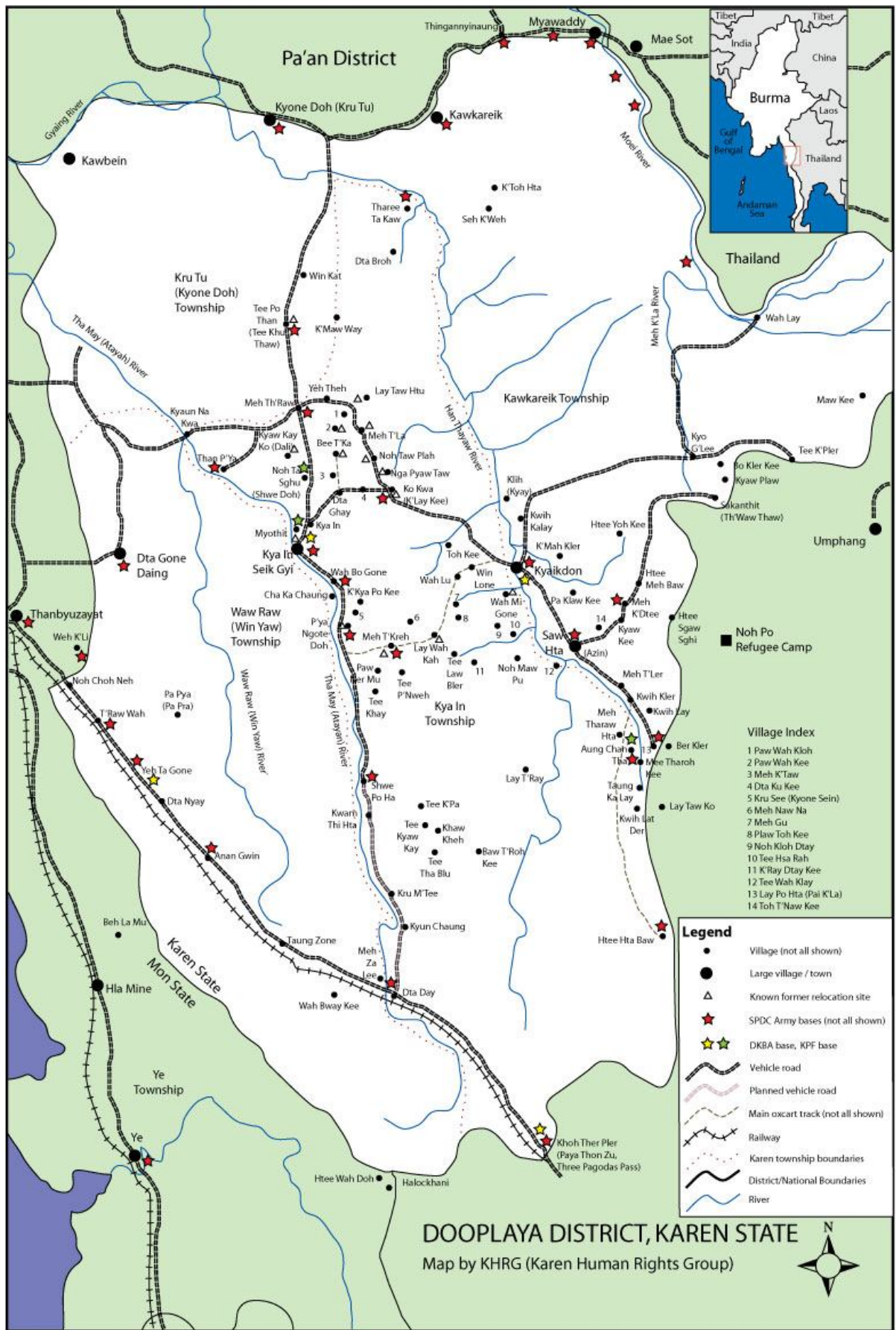
Civilians in Dooplaya are desperately attempting to complete their harvests, preserve their livelihoods, and protect their property from looting. They also have serious, legitimate concerns for the safety and human rights of themselves and their families. These concerns will continue to exist until the military context stabilises; apparent, momentary absence of visible conflict does not equate to safety for civilians. As one community member that spoke with KHRG said of the situation: “*Silence is not peace.*” In many cases, temporary displacement remains civilians’ best option for addressing these protection concerns; villagers are attempting to find refuge in locations that enable them to avoid risks from conflict while still maintaining access to their homes and fields. For many civilians, this means temporary refuge to Thailand.

The consistent practice of the RTA in Phop Phra over the last three weeks, however, appears to be to narrowly interpret security concerns for refugees seeking protection in Thailand. While refugees are often – but not always – being allowed to cross the Moei River, they are being encouraged to return almost immediately after. Because threats from conflict and conflict-related abuses continue to be a serious concern, refugees coerced into returning to Burma are repeatedly coming back to Thailand, where they are again likely to be coerced into returning. It is imperative that stable refuge be made available to civilians until they can safely and sustainably return to their homes. Extending and withdrawing protection based on a narrow interpretation of threats to civilians, or doing so arbitrarily, and coercing civilians to return to their villages before they feel safe to do undermines villagers’ efforts to address the security, human rights, and livelihoods threats they face from the current conflict and instability in their home villages.

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

- *More arrests and movement restrictions: Conflict continues to impact civilians in Dooplaya District, KHRG, November 2010.*
- *Shelling injures villager, community flees: Conflict continues to impact civilians in Dooplaya District (November 2010)*
- *Arrest, looting and flight: Conflict continues to impact civilians in Dooplaya District (November 2010)*
- *School closures and movement restrictions: Conflict continues to impact civilians in Dooplaya District (November 2010)*
- *Protection concerns expressed by civilians amidst conflict in Dooplaya and Pa’an Districts (November 2010)*
- *Civilians at risk from continued SPDC-DKBA conflict in Dooplaya District (November 2010)*
- *DKBA burns village and forces residents to relocate in Pa’an District (June 2010)*
- *SPDC shelling destroys villagers’ rubber plantations in Dooplaya District (May 2010)*

Recent photos from the area are presented in *KHRG Photo Gallery 2009* and *KHRG Photo Gallery 2008*. These and other KHRG reports and maps of the region can be found on the KHRG web site at <http://www.khrg.org>.



Karen Districts



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