



# Karen Human Rights Group

Documenting the voices of villagers in rural Burma

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## Report from the Field

November 17, 2010 / KHRG #2010-F9

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### Protection concerns expressed by civilians amidst conflict in Dooplaya and Pa'an districts

*Civilians continue to be at risk of conflict and conflict-related abuse in Dooplaya and Pa'an districts as fighting continues following new hostilities between the Tatmadaw and DKBA. Fighting since November 7<sup>th</sup> 2010 has caused the largest single exodus of refugees fleeing to Thailand in more than 12 years. Villagers attempting to protect themselves inside Burma, as well as villagers already seeking refuge in adjacent areas in Thailand, have described to KHRG a variety of concerns: instability and continued armed conflict, as well as risks related to 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. An Appendix containing 18 full transcripts of these interviews is also available on the KHRG website. Until their concerns are addressed, civilians in Dooplaya and Pa'an will continue need support that facilitates their protection from acute harm, including the option of temporary refuge in Thailand.*

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Civilians in Dooplaya and Pa'an districts continue to be at risk due to conflict between Burma's state army, the Tatmadaw, and the Democratic Karen Buddhist Army (DKBA), as well as other armed Karen groups in the area. Troop movements and the significant reinforcements sent to the area by the Tatmadaw, as well as statements made by all parties to the conflict, indicate that the situation remains highly unstable. Villagers continue to have serious protection concerns including instability and continued armed conflict, as well as risks related to 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. In spite of attempts by civilians to protect themselves and their livelihoods from harm, villagers from the area will likely continue to need to access protection in Thailand.



This photo, taken on November 13<sup>th</sup> 2010, shows civilians from Dooplaya District at a hiding place in Tak Province, Thailand. They told a KHRG researcher they were in Thailand to avoid conflict between the Tatmadaw and the DKBA, but were afraid of being sent back to Burma by Thai authorities. [photo: KHRG]

Civilians in Dooplaya and southern Pa'an have lived with conflict for decades, but in recent years this had been confined to infrequent skirmishes between the Tatmadaw and the 6<sup>th</sup>

Brigade of the Karen National Liberation Army (KNLA);<sup>1</sup> civilians mostly experienced conflict through frequent exploitative demands from a variety of state and non-state armed groups in the area, including the Tatmadaw, DKBA, KNLA and others.<sup>2</sup> Many communities in Dooplaya had become accustomed to negotiating this difficult, overlapping patchwork of armed actors, doing their best to survive in the face of abuse.

Civilians' established strategies for managing life amidst a long-running low-intensity conflict<sup>3</sup> 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. While a significant portion of the DKBA had agreed to this transition,<sup>4</sup> sections of the DKBA in Dooplaya had refused. This faction has been led by Na Kha Mway, who controls a force variously referred to by the names Battalion #907, 'Klo Htoo Baw',<sup>5</sup> and 5<sup>th</sup> Brigade.<sup>6</sup>

On November 7<sup>th</sup> 2010 DKBA troops under the control of Na Kha Mway entered Myawaddy Town, Pa'an District, during voting for Burma's first election in 20 years. Heavy fighting occurred in Myawaddy the next day as Tatmadaw soldiers attempted to retake the town, as well as farther south in Three Pagodas Pass Town, Dooplaya District. Fighting between the two groups led an estimated 12,000 refugees to flee Myawaddy and seek temporary refuge in the adjacent town of Mae Sot, in Thailand's Tak Province. At least 10,000 also fled Three Pagodas Pass, taking refuge in Thailand and in nearby territory controlled by the New Mon State Party,<sup>7</sup> which has thus far stayed staunchly neutral.<sup>8</sup> Both groups of refugees were larger than any single exodus of refugees since 1997. Fighting also occurred at the large village of Waw Lay, home to DKBA commander Na Kha Mway and located in Dooplaya District, approximately halfway between Myawaddy and Three Pagodas along the Thailand-Burma border. This

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<sup>1</sup> The KNLA formally adopted the use of guerrilla tactics in 1998 at a military conference in Mae Hta Raw Tha, Dooplaya District. See, Ashley South, *Ethnic politics in Burma: States of conflict*, New York: Routledge, 2009 (2nd ed.), p.56.

<sup>2</sup> For details of exploitative demands and other abuses in Dooplaya District, see *Setting Up the Systems of Repression: The progressive regimentation of civilian life in Dooplaya District*, KHRG, September 2006; "Dooplaya District: Fighting And Human Rights Abuse Still Continue After Ceasefire," KHRG, February 2005.

<sup>3</sup> For further information on strategies used by civilians to protect themselves from abuses related to low-intensity conflict, see *Village Agency: Rural rights and resistance in a militarized Karen State*, KHRG, November 2008. See also, "Supporting local responses to extractive abuse: Commentary on the ND-Burma report Hidden Impact," KHRG, September 2010.

<sup>4</sup> The DKBA, headquartered in Myaing Gyi Ngu in northwestern Pa'an District, is active across Pa'an, Papun, Thaton and Dooplaya districts, controlling lucrative revenue sources including timber, mining and border trade. In August and September 2010, Burma's State Peace and Development Council (SPDC) military government held ceremonies to mark the transformation of complying factions of the DKBA into a Border Guard Force. See, "Border Guard Forces of South-East Command formed in Paingkyon of Kayin State," *New Light of Myanmar*, August 22<sup>nd</sup> 2010; "Border Guard Force formed at Atwinkwinkalay region, Myawaddy Township, Kayin State," *New Light of Myanmar*, September 2010.

<sup>5</sup> 'Klo Htoo Baw' translates as 'gold drum' in S'gaw Karen, and is a reference to the traditional drum seen at the centre of the Karen national flag. The Human Rights Foundation of Monland (HURFOM) reported in 2009 that 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 Tactical Command. See: "Power through gun barrels: Abuses related to the DKBA offensive in Dooplaya District," *The Human Rights Foundation of Monland* (HURFOM), April 2009. <http://rehmonnya.org/archives/723>

<sup>6</sup> By mid-November 2010, this split had fully hardened, with the non-Border Guard Force DKBA restructuring itself into ten battalions, promoting Na Kha Mway to the rank of major general. These battalions are divided into three units, active in Kawkareik and Kya In townships, Dooplaya District. See: "Junta offers reward for capture of Karen army leader, dead or alive," *Bangkok Post*, November 2010.

<sup>7</sup> "Thousands flee from Three Pagodas Pass Town, support and basic supplies a concern," *HURFOM*, November 2010.

<sup>8</sup> "NMSP remains neutral in face of nearby fighting in TPP," *The Independent Mon News Agency*, November 2010.

fighting initially caused approximately 2,500 villagers from Waw Lay and nearby areas to seek refuge in Phop Pra District, Tak Province.

Thai authorities began encouraging civilians fleeing fighting after the election to return as soon as Tuesday afternoon, and by Wednesday the majority of the refugees in Mae Sot and on the Thailand side of Three Pagodas Pass had returned to Burma, or gone into hiding. While many refugees returning from Mae Sot appeared to be doing so willingly, some villagers expressed a desire to stay in Thailand where they could safely monitor the security situation. Villagers seeking refuge from Waw Lay, however, expressed a very strong desire to remain in Thailand, given the high likelihood of continued conflict in the area around their homes. Thai authorities, however, forced many of them to return, though many subsequently returned and dispersed to quiet hiding places inside Thailand. As of November 12<sup>th</sup> 2010, a consortium of community organisations was providing support to 560 civilians remaining in the Mae Sot area and 1,025 civilians in Phop Phra.



This photo, taken on November 13<sup>th</sup> 2010, shows a bridge over the Moei River connecting Waw Lay village, Kawkaeik Township, to Thailand. Refugees told KHRG they have been using this bridge and other crossings to access protection in Thailand. [Photo: KHRG]

In order to understand continued threats faced by civilians in Dooطلا District approximately one week after fighting had driven large numbers of villagers to seek refuge in Thailand, KHRG conducted 22 interviews with civilians, both inside Dooطلا and Pa'an districts and at hiding sites in Thailand. The majority of these interviews were audio recorded; individual quotes have been included in the pages below, and full transcripts of 18 of these interviews are included as Appendices 1 and 2. The four interviews not included in the Appendices were excluded because they were not recorded by researchers operating under precarious security conditions.

## Protection concerns in conflict affected areas

Villagers that spoke with KHRG highlighted three main protection concerns:

- 1) Risks directly related to the high likelihood of further fighting
- 2) Risks stemming from the unstable and evolving military context but not necessarily related to fighting between armed groups
- 3) Arrests, reprisals and forced portering

### 1) Risks directly related to the high likelihood of further fighting.

Civilians interviewed by KHRG both in Dooطلا and Pa'an districts and in hiding in Thailand have described being afraid of being caught amidst fighting between armed groups, such as what occurred to civilians in Myawaddy and Three Pagodas towns on November 8<sup>th</sup> and 9<sup>th</sup> 2010. Civilians have been killed or injured in at least eight such incidents over the last week. Note that the following incidents should be taken as demonstrative of the threats faced by civilians, rather than a comprehensive casualty list:

Date	Location	Details	Source
November 8 <sup>th</sup> 2010	Myawaddy Town	Three people, including a trishaw driver and a pregnant woman, killed by mortars as they transported their things during flight.	Eyewitness in Myawaddy, interviewed via phone on November 8 <sup>th</sup> 2010. Later confirmed by further interviews with an

			eyewitness and other Myawaddy residents.
November 9 <sup>th</sup> 2010	Three Pagodas Pass Town	Before 10 AM, a woman and two teenage girls were injured by a landmine while crossing into Thailand at a checkpoint formerly under the control of Captain Htoo Aung.	The Human Rights Foundation of Monland (HURFOM). <sup>9</sup>
November 9 <sup>th</sup> 2010	Three Pagodas Pass Town	Before 10 AM, a mortar struck a group of seven civilians near a Thai resort at the entrance of the Thai town of Three Pagodas Pass. According to the Human Rights Foundation of Monland, five of the victims were civilians and two were monks.	HURFOM. <sup>10</sup>
November 9 <sup>th</sup> 2010	T'Ka Kee village, Kya-in-seik-gyi Township	Aung Myo, age 43, injured by mortar.	Resident of A--- village
November 9 <sup>th</sup> 2010	Three Pagodas Pass Town	At 4 pm, a nine-year-old girl was killed by a mortar fired by Tatmadaw forces at DKBA troops. The mortar landed amid a group of civilians attempting to flee the fightin	HURFOM (Women and Child Rights Project). <sup>11</sup>
November 10 <sup>th</sup> 2010	Noh T'Gkaw (Kya Aya) village, Kya-in-seik-gyi Township	Naw Dah Poe, age 15, student in 8 <sup>th</sup> standard at Kya Ayay middle school, killed by mortar while using the toilet.	Reported in the New Light of Myanmar. <sup>12</sup> Confirmed by residents of A--- village.
November 10 <sup>th</sup> 2010	Noh T'Gkaw (Kya Aya) village, Kya-in-seik-gyi Township	The elder brother of Naw Dah Poe was also injured during the shelling, and was taken for treatment in Kya-in-seik-gyi hospital. KHRG could not confirm his name.	Reported in the New Light of Myanmar. <sup>13</sup> Confirmed by residents of A--- village.
November 14 <sup>th</sup> 2010	Waw Lay village, Kya-in-seik-gyi Township	Male villager, age 21, injured by mortar fire. Six shells and small arms fire began at 6:40, with at least one shell landing in Waw Lay village. <sup>14</sup>	Residents of Waw Lay village.

Clashes between the Tatmadaw and Karen armed groups have continued. Villagers from Waw Lay village reported hearing six mortar explosions and small arms fire near their village starting at 6:40 PM on November 14<sup>th</sup> 2010. Villagers also reported an unknown number of mortars fired at Gk'Neh Lay village at 9 PM on November 14<sup>th</sup> 2010. While speaking to KHRG on November 15<sup>th</sup>, a source in KNU 6<sup>th</sup> Brigade, which is active in Dooplaya District, also reported that soldiers from KNLA Battalion #17 had attacked soldiers from Tatmadaw Light Infantry Division (LID) #22 just before the latter arrived in Kyaikdon Town.

<sup>9</sup> "Thousands flee from Three Pagoda Pass Town," *HURFOM*, November 2010.

<sup>10</sup> "Thousands flee from Three Pagoda Pass Town," *HURFOM*, November 2010.

<sup>11</sup> "9 year old girl killed during fighting at Three Pagodas Pass," *HURFOM (WCRP)*, November 10<sup>th</sup> 2010

<sup>12</sup> "KNU pounds Kyain-seikkyi with heavy weapons, leaving one civilian dead and another injured," *New Light of Myanmar* November 11<sup>th</sup> 2010. According to the villager that spoke with KHRG, shelling that injured villagers in Noh T'Gkaw came from troops under Military Operations Command #8. For more information on this incident, see the section titled "Risks stemming from the unstable/evolving military context," below.

<sup>13</sup> *New Light of Myanmar*, November 11<sup>th</sup> 2010.

<sup>14</sup> "Civilians at risk from continued SPDC-DKBA conflict in Dooplaya District," KHRG, November 2010.

*“Based on the current situation, there won’t likely be peace in the future because the KNU also informed us about what happened. Now, the KNU [KNLA] went to stay at the same place to wait and shoot at the Burmese Army [Tatmadaw].”*

-Saw A--- (male, 34), Waw Lay village, Kawkareik Township (November 13<sup>th</sup> 2010)

Relations between the Tatmadaw and armed Karen groups are highly unstable, and the Tatmadaw appears to be reinforcing troops in Dooplaya District, particularly at Myawaddy and Three Pagodas Pass. According to the latest intelligence, 1,000 Tatmadaw troops are now at positions between Tha Song Yang, to the north of Myawaddy town, and Waw Lay to the south. A source in KNU 6<sup>th</sup> Brigade that requested anonymity, meanwhile, said that approximately 180 troops from LID #22 travelling in six trucks arrived in Kyaikdon Town on November 14<sup>th</sup>. Kyaikdon is situated at the intersection of a road leading to Three Pagodas Pass Town and another road that eventually terminates at Waw Lay. A DKBA Commander interviewed on November 14<sup>th</sup>, meanwhile, told KHRG that he expected continued fighting with the Tatmadaw, and explained the ways in which further conflict might occur, including as a response to reinforcements from LID #22:

*“Now, we don’t have any relationship with Burmese [Tatmadaw] soldiers. [More] fighting will happen in the future if their troops don’t withdraw from our areas... if we [DKBA and Tatmadaw soldiers] see each other, fighting will happen... There are three ways that the SPDC [Tatmadaw] could increase its activity: first, the troops already back in our areas can become more active; second, their troops from Bper Kler under command of [Light Infantry] Division #44 could send more soldiers into our areas; and third, [Tatmadaw] troops from Myawaddy under command of [Light Infantry] Division #22 could send troops to our areas.”*

A source at KNLA headquarters that spoke with KHRG on condition of anonymity on November 16<sup>th</sup> reiterated the belief that conflict in Dooplaya District would continue on either a low- or high-intensity scale:

*“I predict that the fighting will continue but not as a large-scale [Tatmadaw] operation. It won’t be easy to wipe out the DKBA unless they [Tatmadaw forces] mount a major operation, because the area [of fighting] has been controlled by KNLA and DKBA forces [until now].”*

In addition to the KNU/KNLA and DKBA, Dooplaya and Pa’an districts are home to other armed Karen groups including the Karen Peace Force (KPF) and the Karen National Union/Karen National Liberation Army – Peace Council (KNU/KNLA-PC). Both groups have had relatively stable relations with the Tatmadaw since splitting from the KNU in 1997 and 2007, respectively. However, reports indicate that they have both joined fighting in the last week.<sup>15</sup> If these reports are true, the current fighting marks a radical re-orientation of military relationships in Dooplaya and Pa’an districts, as these four armed Karen groups have not cooperated extensively for as many as sixteen years and have, in some cases, been in conflict with one another as well.<sup>16</sup> Additional changes could occur if DKBA units that have agreed to become Border Guards decide not to support Tatmadaw operations, particularly if they began fighting in cooperation with the KNLA or factions of the DKBA under Na Kha Mway’s control.

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<sup>15</sup> “Fighting Moves Karen Groups into Loose Alliance,” Burma News International, November 2010. A KNU/KNLA-PC officer interviewed on November 12<sup>th</sup> told KHRG that the Tatmadaw was “tightening its grip” on his group and that checkpoints previously under KNU/KNLA-PC control in the area near its headquarters in Htaw Ko Ko, Pa’an District had been taken over by Tatmadaw soldiers. The officer also said that six KNU/KNLA-PC soldiers had been killed by Tatmadaw forces.

<sup>16</sup> In April 2009, for example, the DKBA helped the Tatmadaw take control of an important camp belonging to KNLA #201 Battalion in Waw Lay Kee, Kawkareik Township, Dooplaya District. See, “Joint SPDC/DKBA attacks, recruitment and the impact on villagers in Dooplaya and Pa’an districts,” KHRG, May 2009.

*“The DKBA and the [KNU/KNLA] Peace Council aren’t far from our village. I heard that 100 or 200 people will flee from I--- village. We think that fighting will happen again near our village.”*

-Saw J--- (male, 20), I--- village, Kawkareik Township (November 13<sup>th</sup> 2010)

## **2) Risks stemming from the unstable and evolving military context**

*“Our villages’ leaders went to meet with the Burmese Army [Tatmadaw] to request that the villagers needed to go back to their villages to finish up their work, to harvest their rice and bean crops. The SPDC [Tatmadaw] commander told them that villagers could come back to harvest their fields, but that they couldn’t provide security for the villagers. The villages’ leaders needed to negotiate with the DKBA troops to not come and attack them as well.”*

-Saw C--- (male, 31), Waw Lay village, Kawkareik Township (November 13<sup>th</sup> 2010)

In addition to danger of being caught amidst conflict between the Tatmadaw and Karen armed groups, the re-orientation of military relationships and the increasingly unstable military context in Dooplaya and Pa’an Districts also threatens the security of civilians in the area. The escalation of hostilities in areas in which relatively limited fighting has occurred in recent years, and the presence of armed actors with whom villagers may be unfamiliar and thus uncertain how to interact, appears to have affected villagers’ confidence in their ability to remain securely in their homes while armed groups are engaged in conflict nearby.

Many villagers interviewed by KHRG based these fears on past experience with the Tatmadaw or with earlier periods of upheaval and increased conflict. In the following quote, for example, Naw Ag--- describes how she decided to flee based upon memories of conflict between the Tatmadaw and KNLA. In her quote she describes fears including forced portering and sexual violence:

*“The problem happened the same as what happened in Ma Ner Bplaw [Ma Ner Bplaw was the former headquarters of the KNU, which fell in 1995 after heavy fighting]. The SPDC Army takes villagers away so our villagers have to fear and we fled in concern for our safety and in advance... I worry that the incident will happen as before, when the SPDC Army [Tatmadaw] tormented us. They abused villagers and oppressed women when we could not flee to sleep [in a hiding place]. That is why we are afraid and we fled.”*

-Naw Ag--- (female, 46), I--- village, Kawkareik Township (November 13<sup>th</sup> 2010)

*“When the DKBA weren’t present in our village [in the past], Burmese [Tatmadaw] soldiers came and attacked and we had to flee. Since the DKBA has been in our village no Burmese [Tatmadaw] soldiers have come and [there’s been] no need to flee... We’re scared of Burmese [Tatmadaw] soldiers. People said the Burmese soldiers went to Myawaddy. We heard shelling but we didn’t see them. We heard gunshots; then in the morning, we fled.”*

-Naw H--- (female), I--- village, Kawkareik Township (November 13<sup>th</sup> 2010)

Such flux threatens villagers in a number of ways. Armed groups new to a given area may place landmines to secure strategic positions or launch attacks without an awareness of – or regard for – which areas are frequently inhabited, transited, or used for livelihoods by civilians. The Tatmadaw, KNLA and DKBA all make extensive use of landmines. Two refugees that fled fighting in Ghaw Lay Kee in April 2009, for example, were injured by landmines on April 30<sup>th</sup>

2009 as they returned to check on their fields.<sup>17</sup> A lack of familiarity and confidence to interact with armed groups may also limit civilians' ability to access information about landmines and future attacks, and take according protection measures; one villager interviewed by KHRG even described being afraid to ask for information about the situation in his villages because the new armed group controlling his village – in this case the Tatmadaw – might accuse him of gathering intelligence for the DKBA and kill him. In the past, DKBA soldiers operating under Na Kha Mway have also burned huts or assaulted villagers accused of supporting KNLA soldiers, with whom Na Kha Mway was in conflict at the time.<sup>18</sup>

*"Even though we're staying in the village we're afraid that an attack will happen and we always have to be ready to flee to the Thai side [of the Moei River] if an attack happens. Now, we don't dare to research the activities of the SPDC [Tatmadaw] because we're afraid that they will accuse us of contacting outside people. So, we have to stay quietly in the village."*

-Saw G--- (male), Waw Lay village, Kawkaeik Township (November 14<sup>th</sup> 2010)

*"[Tatmadaw soldiers] did not go back, yet. They just wait and see the situation there. Even my cousin who is a haircutter and does not have any connection with the DKBA army is afraid. So, for us, we dare not to go back."*

-Naw Af--- (female, 45), Waw Lay village, Kawkaeik Township (November 13<sup>th</sup> 2010)

An absence of established relationships with local communities, or fear of changing military dynamics in an unfamiliar area, may also lead armed actors to fire recklessly, endangering civilian populations, or even to intentionally disregard the protection of civilians perceived to be sympathetic to an adverse party to the conflict. On November 12<sup>th</sup>, a villager in T--- village told KHRG that Tatmadaw battalions under Military Operations Command (MOC) #8 had shelled his and nine other nearby villages in Kawkaeik Township. The villager reported that 20 mortars were fired at his village during the night on November 8<sup>th</sup>; 50-60 mortars were fired on November 9<sup>th</sup> over a longer period; and 139 mortars fired during almost the whole night on November 10<sup>th</sup>, from 5 PM to 3 AM. According to the villager, Tatmadaw troops were not firing at selected targets but were afraid because they had received reports that they would be attacked by a group of KNLA soldiers that had entered their area.<sup>19</sup>

*"We fled because we are afraid of bullets. People were shooting mindlessly. The Burmese [Tatmadaw] were shooting. On that day, they heard that KNLA was coming to Oh Poe Htar and the Burmese shot mindlessly. They shelled five mortars into the village [Waw Lay] as other people said. So, we fled."*

-Naw Af--- (female, 45), Waw Lay village, Kawkaeik Township (November 13<sup>th</sup> 2010)

Civilians interviewed for this report described mortars and other weapons fired with such lack of care as to amount to a functionally indiscriminate use of such weapons, including mortars landing deep in civilian areas. One villager who was particularly incensed during an interview with KHRG requested that the information he shared be publicised as widely as possible, as he hoped it would lead someone ask the Tatmadaw to explain why its forces had shelled his village. Such reports are supported by earlier documentation by KHRG, indicating that both the DKBA and Tatmadaw consistently fire without making attempts to distinguish civilian from military targets or and often fail to exercise precautions to ascertain the presence of civilians in areas selected for attacks in order to minimise civilian harm.

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<sup>17</sup> "Joint SPDC/DKBA attacks, recruitment and the impact on villagers in Dooplaya and Pa'an districts," KHRG, May 2009.

<sup>18</sup> See, "Joint SPDC/DKBA attacks, recruitment and the impact on villagers in Dooplaya and Pa'an districts," KHRG, July 2008.

<sup>19</sup> These shells were attributed to the KNLA; see: *New Light of Myanmar*, November 11<sup>th</sup> 2010.



*"They're afraid of the SPDC Army [Tatmadaw] the most. They aren't much afraid of the KNLA or DKBA soldiers because they're all the same Karen. They're afraid of the Burmese Army [Tatmadaw] the most because the Burmese Army does things mindlessly sometimes."*

-Saw D--- (male, 24), Waw Lay village, Kawkareik Township (November 13<sup>th</sup> 2010)

*"We didn't hear and weren't given any warning. As soon as we heard the shelling, the villagers were afraid and fled from the village... We don't know why they shelled the mortars. Did they shell [because they thought] there were DKBA here? But they didn't see any DKBA soldiers when they entered the village."*

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

Two villagers from Waw Lay that spoke with KHRG in separate interviews on November 13<sup>th</sup> described an incident that is particularly illustrative of the danger to civilians posed by both the unstable security and military situation on the ground and the reckless use of weapons by soldiers in the area. On November 9<sup>th</sup>, Saw A--- and Saw Z--- attempted to travel by motorbike to retrieve food and belongings from another villager's house on the far side of a residential area in which DKBA soldiers and their families had lived until recently, located just east of Waw Lay village. As they passed through the area they realised, however, that it had been occupied by Tatmadaw soldiers.

*"At the beginning we waited to see the situation as the DKBA soldiers told us. Then, Saw Z--- called us to follow him and collect vegetables and lard from Ad--- [location censored for security]. We took a motorbike and went there. For the villagers, they were already afraid for a long time. We encountered the Burmese Army [Tatmadaw soldiers] when we went there. My friend told me not to go when we saw the Burmese Army, but I thought about going because we'd already encountered them. Then, we turned around to come back."*

-Saw A--- (male, 34), Waw Lay village, Kawkareik Township (November 13<sup>th</sup> 2010)

Afraid because this development represented a major change in the military conditions in their area and because they did not know how they would be treated by the unfamiliar Tatmadaw soldiers, they tried to turn the bike around to flee. Before they had turned around, however, Tatmadaw soldiers began shooting at them with light weapons, and then fired two 'mortars' in their direction as they drove back into Waw Lay.

*"Even though we hadn't turned around [yet], a gun was fired at us, so we fled. The gunshot almost hit us. In Waw Lay, there are two areas: the place where villagers stay and the place where the DKBA army stays. The place where the soldiers stay is called Htee Nyah Lee. The Burmese Army had come in front of Naw Ab---'s shop and for us, we had reached in front of Saw Ac---'s house. Then, they saw us there. It seemed that Burmese Army soldiers were already staying there when we saw them pointing guns at us. They shelled the village with mortars after they fired on us. They shelled us with two mortars and fired on us ten times [with guns]."*

-Saw A--- (male, 34), Waw Lay village, Kawkareik Township (November 13<sup>th</sup> 2010)

### **3) Arrests, reprisals and forced portering**

Civilians interviewed while hiding in Thailand have also described worries related to civilians being arrested and accused of connections to the DKBA. This worry has not been limited to civilians with actual connections to the DKBA; villagers from Waw Lay interviewed by KHRG have explained that they fear reprisals from the Tatmadaw simply because they had been living in a village under DKBA control. As noted above, villagers have stated that they were afraid to seek information about the current military and security situation in their areas because they



might be viewed as spies or informants, and killed. In the past, KHRG has also documented the extensive use of movement restrictions by Tatmadaw and DKBA soldiers attempting to cut off opponents from bases of civilian support.<sup>20</sup>

*“Even though we want to go back and pray, we dare not to go back. They [Tatmadaw] do not distinguish between anyone, even one who is Christian or Buddhist.<sup>21</sup> So we dare not to go back. They [Tatmadaw] might say that we are relatives of DKBA army.”*

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

*“I don’t dare to try to find out the information even though I’ve come back and stayed in my village. I worry that people will misunderstand me and kill me.”*

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

Fears like those described by villagers in Waw Lay appear to be supported by interviews with villagers in Myawaddy where, after fighting subsided, villagers have subsequently reported seeing relatives of non-Border Guard Force DKBA members being arrested and loaded into trucks, along with DKBA uniforms being burnt and weapons confiscated.

*“There’s one DKBA family’s house in front of V---. They [Tatmadaw soldiers] came and arrested the groundskeeper. They handcuffed him and took him with them. But I’ve heard that it has happened at every DKBA house. They [Tatmadaw soldiers] surround the houses and search the houses. If they see documents they take them with them, and called the groundskeepers with them. They also took DKBA uniforms that were left behind and burnt them. A villager who stays close to another DKBA house said that, he saw them [Tatmadaw soldiers] put members of DKBA families into trucks and take them away; we don’t know [if they took them] to the military office or not... Saw W---, who’s a driver from Pa’an, stayed near that place [where people were arrested] and saw that they [Tatmadaw soldiers] placed guards on the road and arrested people with handcuffs and took them away. We were afraid when that problem occurred in front of V---. They took those people [in the truck] for investigation. They also did the same thing at houses in other places... There were four or five people on the truck. The soldiers were around them and we didn’t clearly see if they were handcuffed or not. But the [people in the] house next door saw that they arrested the [DKBA] officer’s groundskeeper. I’m not sure of the officer’s name – [Saw] X--- or Y---.”*

-Naw U--- (female, 35), Myawaddy Town, T’Nay Hsah Township (November 13<sup>th</sup> 2010)

*“I haven’t gone around in all areas, so I don’t know, but as I know they [Tatmadaw soldiers] are walking around and checking at night. They’re checking where DKBA houses are. ‘They’ means Burmese [Tatmadaw soldiers] and Border Guard Forces. They surround [DKBA] houses and check them at night. They surround [the houses] and point their guns [at the houses]... Yesterday, they arrested one group. They said they were arresting porters... [There were] Four cars [of people]. The cars were Border Guard Forces’ cars, big cars like Vigos and some were military coloured. Yesterday, I saw four people in a car. They went to people’s houses and ask for men. People told them there were no men and people fled into the jungle. “*

- Saw K--- (male, 30), Myawaddy Town, T’Nay Hsa Township (November 13<sup>th</sup> 2010)

KHRG has for years documented the extensive use of porters by both the SPDC and DKBA. The use of forced portering typically increases during seasonal resupply operations, or during times of increased conflict, when large amounts of equipment need to be moved, sometimes over difficult terrain. KHRG documented this occurring during January 2009, for instance, when

<sup>20</sup> “DKBA soldiers attack Karen village in Thailand,” KHRG, October 2008.

<sup>21</sup> The DKBA is primarily Buddhist, and Naw Af--- is emphasizing the widespread nature of Tatmadaw reprisals by saying that Christians will also be treated as DKBA supporters.

troops under Na Kha Mway's control forced villagers to carry DKBA soldiers wounded in fighting with the KNLA.<sup>22</sup> Given that both the SPDC and DKBA have made significant movements over the last week and will continue to do so, it is highly likely civilians will be at risk of forced portering. Comprehensive reports have not yet been possible, however villagers interviewed by KHRG in Myawaddy and inside Dooplaya District have reported the use of porters. On November 11<sup>th</sup>, for example, a civilian in T--- village, Kya-in-seik-gyi Township, said that the Tatmadaw was seizing male villagers in his area to be used as porters. The same villager told KHRG that male residents of his village had subsequently gone into hiding in nearby mountainous areas to avoid being taken as porters.



This photo, taken on November 13<sup>th</sup> 2010, shows a woman who fled her village in Dooplaya District. She told KHRG that she fled because the last time the Tatmadaw had come to her village, in the year 2000, they had knocked her husband unconscious by hitting him on the back of his neck with a rifle. She also said that civilians in her village had been made to walk in front of Tatmadaw soldiers as they approached KNLA positions. [photo: KHRG]



This photo, also taken on November 13<sup>th</sup> 2010, shows a family from A--- village at a hiding place in Thailand. They told a KHRG researcher they had fled on November 9<sup>th</sup> 2010, but were not going to return because they were afraid that they would be arrested and forced to walk in front of Tatmadaw soldiers during attacks on DKBA or KNLA positions. [Photo: KHRG]

*"They [villagers] said they [soldiers] were calling porters [arresting people to be porters]. I was afraid of that also... When I arrived at the riverbank, a large group ran after us and shouted 'They're arresting people to be porters.' I don't know how many people were arrested. My children and I had arrived on the other side of the [Moei] river."*

-Saw S--- (male, 56), Myawaddy Town, T'Nay Hsah Township (November 13<sup>th</sup> 2010)

## Civilian protection in conflict affected areas

Civilians in areas affected by recent conflict between the Tatmadaw and DKBA have reported using a variety of strategies to try and protect themselves from acute harm. Some villagers have dug bomb shelters, and have told KHRG that they plan to flee only if fighting comes right to their homes. Others say they are monitoring the situation as closely as they can, and have made preparations to flee on short notice, including keeping bags packed with items necessary for survival during flight, and securing valuables by hiding them or transporting them to Thailand.

*"Some people are still afraid because they aren't sure about the situation. They [have to] stay with awareness of when they'll have to flee and when people will fight. They worry about this. The situation is still dangerous. They've heard that fighting will still happen. People said there'd be fighting if Daw Aung San Suu Kyi isn't released. Different people say different words. Some people came back, closed their houses and*

<sup>22</sup> "DKBA soldiers burn down huts, detain villagers and loot property in Thailand," KHRG, January 2009.

*ran away [again]... There's no benefit even if I run. I don't want to flee from here. That's one reason. And staying in other people's country isn't the same as staying in your own country. I'll dig a hole and stay in there... It's not normal and hasn't become normal as before. It's like you have stay and wait and with sadness. [The situation] is not peaceful and not the same as before. We could stay peacefully and happily before they caused the problems. But now if you stay you have to be afraid, step by step. Will the fighting happen again, and how will the situation be?... Some people went back to their homes, some people picked up their packages and went down to lower land [lowlands areas of Pa'an and Dooplaya Districts]. And some people escaped to other places... They have prepared to flee. They've packed up [their belongings] in bags. Some people have sent their property to other places. Some people have closed their shops. Some people sold their goods but they haven't bought more."*

-Saw K--- (male, 30), Myawaddy Town, T'Nay Hsa Township (November 13<sup>th</sup> 2010)

*"All the villagers make preparations. All villagers pack up their things. For me, I put things in my basket so it will be easy to carry when fighting happens. Some villagers already keep packages on the other side of the river [in Thailand] and some people put packages by the riverside [in Burma] to be ready for them to carry... The village head hasn't told us anything about what we have to do if something happens. But I've told my family that we won't flee to the riverside if the situation [fighting] happens far from us. We'll stay in our village or stay in the hole that we've dug under our house [a shelter]. We'll flee to the riverside if [fighting] happens in our village."*

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



These photos, taken on November 13<sup>th</sup> in Tak Province, show an area just across the border from Dooplaya District. The photo at left shows a harvested field of corn, and the photo at right shows a woman picking through beans after they have been harvested. Villagers fleeing from Dooplaya District have yet to harvest their fields, and have told KHRG that they worry that they will lose crops if they are left to ripen further. Loss of an entire crop could have a devastating effect on rural farmers, who have laboured for months to reap this harvest. [Photos: KHRG]

Villagers interviewed by KHRG made clear that they do not wish to go to Thailand, or remain in Thailand for an extended period, unless safety considerations absolutely require them to do so. Villagers say they are particularly worried that their possessions, their homes and farms will be looted while they are away. This concern is supported by interviews with villagers both in Waw Lay and Myawaddy, who have told KHRG that they, their relatives or their neighbours have had belongings stolen while seeking refuge in Thailand.

*"We cannot count things that we lost. Some lost materials such as axes, knives. Some lost rice, some lost clothes and some lost household properties. For our house, we think there is nothing left because we dare not to go back and take them. I think the Burmese Army and some villagers will take this property."*

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

*"We don't know whether we've lost our property or not. We closed the doors and had to leave [our property] behind like this and run away because we're afraid. We couldn't bring many things with us when we fled. We left it all behind at home. We could bring only some rice. When the rice is gone, we'll have to find more by ourselves in order to eat. We brought a sack of rice and shared it with our children, one or two bowls of rice for them and it's all gone. Now, one of my sons goes to work as a day labourer and earns 100-120 baht per day to help us."*

-Saw E--- (male, 50), Waw Lay village, Kawkareik Township (November 13<sup>th</sup> 2010)

Villagers have also told KHRG that they are anxious to return before yet-to-be-harvested crops rot in the fields. Crops waiting to be harvested include paddy, corn and beans. Although some villagers have been able to find temporary employment as day labourers to support their families during displacement, if villagers are not able to return home in the near future, they risk losing their crops, which could have devastating consequences for food and livelihoods security in the coming months. This could contribute to further displacement, including to Thailand as economic migrants, as well as prove an obstacle to future safe return of refugees.<sup>23</sup>

*"For livelihoods, we have to leave bean plantations that we haven't harvested and corns plantations that we haven't harvested, or have only partly harvested. There are many [unharvested] plantations left."*

-Saw A--- (male, 34), Waw Lay village, Kawkareik Township (November 13<sup>th</sup> 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 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 (November 13<sup>th</sup> 2010)

*"We can't do anything when this happens. We'll just have to pay back our boss later, because our boss on the Thai side [of the Moei River] invested the money for us to do the plantations and then sell [the harvest] back to them. Now, we don't dare to go back and work the plantations anymore, so the boss will record how much we have to pay them. Therefore, when we dare to do our plantations [again], we'll have to pay them back."*

-Saw E--- (male, 50), Waw Lay village, Kawkareik Township (November 13<sup>th</sup> 2010)

## Conclusion

In spite of reservations expressed by many villagers, and their attempts to protect themselves and remain in their home villages, it is highly likely that many civilians will continue to seek protection in Thailand in the immediate future. Temporary refuge will continue to be necessary until the situation stabilizes and until safe return according to internationally recognised standards can be organised. Every effort should be made to include civilians in any processes that determine whether, how, or how long they are hosted in Thailand, and under what circumstances they can safely return to their homes and lands in Burma.

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

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<sup>23</sup> For a discussion of the relationship between conflict, human rights abuses and 'economic' migration to Thailand, see *Abuse, Poverty and Migration: Investigating migrants' motivations to leave home in Burma*, KHRG, June 2009.

- *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)*
- *Cross-border DKBA attack displaces households in Thailand (April 2010)*
- *Functionally Refoulement: Camps in Tha Song Yang District abandoned as refugees bow to pressure (April 2010)*
- *Joint SPDC/DKBA attacks, recruitment and the impact on villagers in Dooplaya and Pa'an Districts (May 2009)*
- *Insecurity amidst the DKBA - KNLA conflict in Dooplaya and Pa'an districts (February 2009)*

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>.





## A map of Burma and its surrounding regions. Burma is shown in white, with a yellow-shaded area in the south. Neighboring countries include India to the west, China to the north and east, Laos to the east, and Thailand to the south. The Gulf of Bengal is to the southwest, the Andaman Sea to the south, and the Gulf of Thailand to the southeast. The word 'Burma' is written in large black letters in the center of the white area.

