

# Foundation of Fear

25 years of villagers' voices from southeast Myanmar



Karen Human Rights Group  
Documenting the voices of villagers in rural Burma

**Foundation of Fear:**  
**25 years of villagers' voices from southeast Myanmar**

Karen Human Rights Group  
October 2017



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Written and published by Karen Human Rights Group

KHRG #2017-01, October 2017

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## **Section A: Introduction**

### **Foreword**

So it's now 25 years since those first interviews that began the work of the Karen Human Rights Group. In human rights work, there is always the question whether longevity is cause for celebration or concern. In this case, I believe there is something to celebrate. Not Myanmar (Burma)'s so-called transition to democracy, whose impact on the rights of rural people remains questionable at best; but the continued importance of KHRG's approach to human rights, which begins and ends with the perspectives and ideas of rural villagers.

When I did those first interviews I was still a volunteer teacher, not a human rights worker. I knew nothing about international human rights norms or treaties. Villagers were friends and neighbours, not subjects, and all I could do was transcribe stories they felt they had to tell, with open ears and an open (or perhaps empty) mind. In hindsight that lack of experience was crucial, because it made possible a village-led conception of human rights that still remains the core of KHRG's philosophy. From this perspective, repression and abuses combine holistically – transcending the categories set by international norms and not defined by a specific moment in time – to create vulnerability, dehumanise, and deprive people of agency and choice. The most violent abuses are sometimes those that involve the least physical violence, because they combine in ways that undermine dignity and the ability to survive. But they also drive villagers' creativity in finding ways to respond, and recognising this was a key point in the evolution of KHRG's work. Village agency strategies – the many ways villagers evade, prevent, mitigate and support each other in a context of repression – have arguably been the leading factor blocking the military from achieving its vision of control over rural areas, and subjugation of rural people. These strategies have also been key to people's continued dignity in the face of repression, and their ability to claim some control over their lives rather than surrender to an identity centred on being someone else's victim.

It is now over ten years since KHRG completed its transition to a fully Karen-led, Karen-managed organisation, and these have been the strongest, most dynamic ten years of KHRG's growth and work. Along with its role in amplifying the voices and concerns of rural villagers to the outside world, KHRG works with villagers to find ways to strengthen and consolidate their agency strategies and claim their rights, and it has applied this approach to issues ranging from ceasefire monitoring to the dangers posed by landmines.

This report reflects the evolution of KHRG and the situation in which it operates. To compile it, KHRG staff have pored over thousands of documents we have produced over the past 25 years. The purpose? To overcome simplistic, ahistorical presentations of Myanmar as a context that sprang into existence around 2010, where only what is "current", "ongoing", or "relevant" as defined by outsiders is deemed to matter. Consider this report as a way of pushing back, following the villagers' way of telling their histories: where the present, past and future exist in close relation in the same physical place, events occupying the same space regardless of time. Events happening now, and people's perceptions and responses to these events, are seamlessly linked to what has gone before. People will not and should not forget; to ask or expect them to do so is to disrespect their voices and become complicit in how they have been treated. Moving forward should be built on understanding how we got here, and recognising the myriad ways people have employed to retain dignity and freedom of choice in the face of systematic repression. This report will have succeeded if it can demonstrate that decades of repression continue to impact people well beyond their time, and that people are not merely victims to be granted rights by a benevolent government. But the report contains many more lessons than that, if it is read with an open mind.

The various sections of *'Foundation of Fear'* try to make this universe of information digestible, by dividing it into general issues faced by villagers, and within these issues relating the past to the present and looking at how villagers' responses have played a role. These sections should be

seen not as divided categories, however, but as overlapping aspects of the situation that play out in combination within the lives of people and communities. This is why, for example, the section on forced labour speaks of displacement, and the section on displacement speaks of forced labour.

Before beginning to read this report, therefore, I would ask the reader to clear your thoughts, breathe deeply and try, as far as possible, to forget your preconceptions about what Myanmar is, and about what human rights are or should be. Open your mind and listen. KHRG will continue listening, collaborating and acting with rural villagers for even as some gains are achieved, the powerful will continue to abuse that power, and the voices of the marginalised will need to be heard, their dignity and responses respected.

*Kevin Malseed*

Founder, Karen Human Rights Group

## Executive Summary and Introduction

KHRG presents *'Foundation of Fear'*, an extensive 25 years review, with the intention of amplifying the voices of rural communities in southeast Myanmar and making their perspectives central to understand the human rights abuses that they have lived through. It shows how decades of abuse which remain unresolved and in some cases unacknowledged deeply affect the prospect of sustainable and genuine peace throughout Myanmar as a whole. The rationale of this report is therefore not only to ask *'what has changed?'* over KHRG's 25 years, but also to project villagers' recommendations for *'what still needs to change'* in order to build an environment in southeast Myanmar in support of villagers' rights and in support of their un-met needs for security, peace and justice. Therefore, the testimonies presented here of *'what has come before'* must form the necessary foundation for understanding *'what must come next'* for Myanmar on its path to peace. Only by raising these difficult questions can we prevent human rights abuses from being forgotten, silenced and, crucially, from continuing and being repeated.

To make this possible, KHRG has taken a significant sample of the thousands of reports we have produced during this 25 years time period. The eventual report therefore is taken from an initial analysis of 944 KHRG reports and draws directly on 489 KHRG documents: 312 published reports and 177 unpublished reports including, 114 interviews, 116 situation updates and 106 photo notes and photo sets collected consistently between November 1992 and March 2017. Through villagers' voices this report therefore grounds present day human rights abuses that are of particular concern for villagers in southeast Myanmar, ranging from development to discrimination, and from militarisation to refugee return, within a context of a quarter of a century of human rights abuses. Throughout the chapters presented here, *'Foundation of Fear'* emphasises how powerful actors continue to violate villagers' rights while uncovering concerning trends where the history of violent abuse, ethnic discrimination and neglect of basic services for rural communities in southeast Myanmar continues to repeat itself. These trends have created a legacy of abuses that has only been exacerbated by the impunity of Myanmar's most powerful actors for the deliberate, systematic, interlinked abuses against Karen and other communities evidenced here. In revisiting the perspectives and abuses reported over 25 years, *'Foundation of Fear'* offers direct insights into villagers' current experiences and perceptions on the ground, including the holistic nature of abuses which have culminated in communities being broken, countless families choosing to displace themselves from southeast Myanmar, and the multitude of impacts that these abuses have, from disease to debt, and from a lack of education and livelihood opportunities to persistent fears of the military and distrust of the government.

Of equal importance, this report exposes new areas following the 2012 preliminary ceasefire era, in which villagers' rights are at risk of being exploited, such as by private companies in the development sector, through financial demands made on villagers by armed groups, and by the premature return of refugees and internally displaced persons from camps. In doing so, it further highlights villagers' agency strategies and their successes and barriers in accessing justice, recognising that at no point throughout KHRG's reporting period have villagers been passive recipients of abuse but have actively sought ways to avoid, confront or mitigate abuses and their impacts.

With all points considered, this report evidences the many ways that a climate of fear, insecurity and abuse which generations of villagers in southeast Myanmar have lived through has yet to end, and how considerable challenges persist, resulting in significant implications for villagers' perceptions of the Myanmar government, Tatmadaw and the stability of the current peace process.

This report is essential for stakeholders in southeast Myanmar to develop a fuller awareness of the historical context in which they are active, and to consider their responsibility towards what still needs to change to end ongoing violations of human rights in southeast Myanmar. Furthermore, this report will be insightful as it assesses the history of division, discrimination and human rights abuse of Myanmar's ethnic and religious minorities, which still holds significant influence across

the region. Stakeholders with specific responsibility in addressing what still needs to change are identified in KHRG's Recommendations, including the Myanmar government, the Karen National Union, development actors in southeast Myanmar, Tatmadaw and ethnic armed groups. As the peace process moves ahead, now it is imperative for all relevant stakeholders to address the historic foundation of abuse and the continuing rights abuses committed by Myanmar's most powerful actors against minority groups.

## Structure of the report

*Section 1: 'Introduction'* provides an overview of the report. Following this *Executive Summary and Introduction*, sections on *Recommendations* and *Detailed Findings* are presented with the aim of clearly summarising villagers' concerns and recommending steps towards ensuring that their concerns are addressed. *Background Context* provides essential information to the reader regarding the history of conflict in southeast Myanmar and the biography of key actors throughout the conflict. *Methodology* provides information on KHRG's verification methods in the collection and analysis of the data used for the report.

*Section 2: 'Chapters'* includes 9 detailed chapters presenting information on carefully selected topics representative of villagers' concerns, experiences and agency strategies drawn from 25 years of KHRG reporting.

*Chapter 1: 'Militarisation'*, presents 25 years of militarisation and abuse in southeast Myanmar, including forced labour; forced recruitment; landmines; and deliberate attacks on villages and civilians. It analyses how the militarised context of southeast Myanmar continues to generate insecurity for community members, finding that villagers live with a continued fear of the re-escalation of conflict and military abuse. Chapter 1 also analyses the impacts of these abuses and agency strategies that villagers employ to mitigate and respond under these circumstances, uncovering how severe livelihood restrictions continue to be felt by villagers in southeast Myanmar due to the presence of armed actors and ongoing landmine contamination, and how physical and psycho-social impacts continue to affect villagers even after military abuses diminish. Furthermore, the impacts section shows the deep rift between Karen communities and Tatmadaw, and the insecurity and fear that continued militarisation generates due to the lack of trust that exists amongst communities for Tatmadaw and, by association, the Myanmar government. Chapter 1 concludes that the risk of abuse for communities in southeast Myanmar continues to be closely tied to militarisation.

*Chapter 2, 'Violent Abuse: Threats, Gender-based Violence, Torture and Killing'*, covers serious human rights violations of violent and explicit threats, gender-based violence, torture and extrajudicial killing. It presents villagers' experiences of this extreme violence during conflict and how these have evolved since the preliminary ceasefire. It highlights how between 1992 and 2012 violent abuse was used by armed actors, namely Tatmadaw, to break Karen communities through the use of explicit threats forcing villagers to flee, the rape of local women, public torture, violent indiscriminate killings and other means. When analysing abuses during conflict, this chapter outlines the legacy that this violence continues to have on villagers, with many villagers unable and unwilling to trust or forgive the Tatmadaw and Myanmar government. This chapter considers how reports received following the 2012 preliminary ceasefire suggest that violent abuse is no longer a Tatmadaw or ethnic armed group tactic but, due to the culture of impunity for armed actors, continues to be used by some armed actors to instil fear in villagers and to punish them. As well, this chapter highlights how violent abuse is now being used to a lesser extent but by a wider variety of actors, which, alongside additional armed groups, also includes the Myanmar police, Myanmar government and private companies. Following the analysis of violent abuse in southeast Myanmar, this chapter examines the impacts of the violence, which include fear, physical impairments, limitations on livelihood and a breakdown of families and communities. Chapter 2 then highlights the agency of villagers in avoiding further violent abuse by armed actors over 25 years, and finds



that the impunity and lack of accountability of armed actors who commit violent abuse against villagers is a significant barrier in both accessing justice and preventing further abuse.

*Chapter 3: 'Education'*, presents villagers' experience of disrupted education under conflict, and shows that whilst villagers' experience of education has improved in recent years there are still significant challenges. It considers the impact of conflict on education, including the deliberate destruction of village schools, the continuation of education by displaced villagers with minimal means, and the relationship between attacks on Karen education systems and attacks on Karen identity and culture. In doing so, it presents the importance of a culturally-appropriate education for ethnic minority students in southeast Myanmar, and details current concerns with regard to Myanmar government curriculum, funding and staffing in schools in southeast Myanmar. This chapter also considers additional barriers to accessing education, including both physical distance and monetary commitments. It further presents village agency strategies over 25 years to provide education in communities despite challenging conditions including the establishment of locally-funded self-reliant schools, and shows that villagers consistently rate education to be of high priority but remain unsatisfied with the current Myanmar government's approach.

*Chapter 4: 'Health'*, considers the improvements and remaining challenges in the health sector for villagers in recent years, and presents villager testimony on their experience of barriers to achieving full health during the conflict era. Chapter 4 details villagers extensive concerns with regard to access to healthcare, including the continued lack of investment in rural areas leading to a lack of clinics and trained healthcare workers, and poor infrastructure limiting both villagers' and health workers' ability to travel for medical purposes. It considers this in the context whereby Tatmadaw actively destroyed village clinics in both the 1990s and 2000s, prohibited villagers from travelling to reach clinics, and aggressively prohibited medical supplies from reaching villages. It finds that these restrictions have resulted in more deaths from disease, malnutrition and sickness than direct attacks and violent abuses, particularly for displaced villagers without formal access to healthcare. Chapter 4 further considers additional barriers in accessing healthcare which have persisted over 25 years, including financial and livelihood instability, with many villagers describing the costs of healthcare as unaffordable, and the impacts of additional abuses including forced labour, forced portering, theft and looting, landmines and torture on their health. This chapter goes on to analyse the concerns of villagers that when healthcare is and has been made available, the quality has been unacceptably low, including a lack of medical supplies in clinics and inadequate skills of healthcare staff, leading to an ongoing reliance on traditional healers and medicine in rural areas and leaving villagers at continued risk of serious disease, sickness and premature mortality.

*Chapter 5: 'Looting, Extortion and Arbitrary Taxation'*, details villagers' experiences of these three targeted abuses by armed actors over the past 25 years, and the serious impact that they have had on the financial survival of villagers. It describes how the financial impacts and abuses of the conflict created significant fear and livelihood problems for villagers, and acted as a significant reason for displacement by many villagers in southeast Myanmar. It further details how current financial demands on villagers, predominately through arbitrary taxation, continue to leave them financially insecure, and the lack of information and transparency in the taxation system of the Myanmar government, KNU and ethnic armed groups, leads villagers now to have resistance to paying tax. Chapter 5 also describes how the lack of transparency with taxation is exploited by authority figures and used to extort additional finances from villagers, particularly at checkpoints. Furthermore, it identifies that the responsibility for ending arbitrary taxation lies with the Myanmar government and the KNU, and finds that the lack of benefits to villagers, such as adequate education and healthcare, means that the majority of taxes in southeast Myanmar are viewed as arbitrary. After careful analysis of examples of looting, extortion and arbitrary taxation, this chapter discusses the agency that villagers use to mitigate the impacts that these abuses have on their financial survival, which include avoidance of armed actors, negotiation of taxation costs, and demands of taxation receipts. This chapter shows that villagers actively seek to prosper in southeast Myanmar, but continue to face violations against their financial stability and survival.

*Chapter 6: 'Development'*, presents villagers' experiences with development projects and how development has changed from a militarisation project led by the Tatmadaw to now include a diversity of projects by the Myanmar government, companies, CBOs and INGOs. It highlights villagers' perspectives on the role that development projects play in their communities and the human rights abuses that development projects often bring. This chapter looks in detail at villagers' experience with the Myanmar government development projects, private companies and recent CBO and INGO development projects, emphasising the need for consultation and inclusive development practices. Chapter 6 also presents cases of grave human rights abuses committed by Tatmadaw and Democratic Karen Buddhist Army (DKBA Buddhist) in the name of development, including forced labour and forced relocation, and shows how this has improved under the peace process and new Myanmar government leadership. It goes on to analyse villagers' concerns in regard to the recent influx of private companies initiating large-scale development projects often in collaboration with armed actors, presenting evidence to show that development conducted by private actors is now the most abusive against villagers and their rights. Comparative to other development actors, development by private companies now elicits the most villager complaints and results in significant barriers preventing affected villagers from accessing justice.

*Chapter 7: 'Displacement and Return'*, presents villagers' experience of displacement throughout 25 years of KHRG reporting, and contextualises these experiences within displaced villagers' current apprehensions about return. The chapter details that many displaced villagers do not feel their safety and dignity can be guaranteed in their return within Myanmar. Many IDPs and refugees harbour a fear of return due to the presence of armed actors in areas of potential return, the continued risk from fighting, and political instability. Displaced villagers also report not having access to information in regard to livelihood opportunities and personal security should they choose to return. Furthermore, this chapter demonstrates how IDPs and refugees are concerned with how their return is planned and by whom, and ultimately want to be involved in the decision-making that will have direct implications for their futures in Myanmar.

*Chapter 8: 'Discrimination and Division'*, considers the experience of minority ethnic, religious and cultural groups in southeast Myanmar throughout KHRG's 25 years. Villagers' voices here emphasise common abuses including land confiscation and forced relocation, the violent destruction of churches and mosques by the DKBA (Buddhist) and Tatmadaw, the forced building of Buddhist pagodas on minority religious groups' land, the denial of freedom of worship, the forced adoption of Buddhist practice for Christians, and violent discriminatory threats made by powerful actors based on religion and ethnicity. Chapter 8 further exposes how Muslim communities in southeast Myanmar face continued discrimination particularly with regard to the denial of Citizenship Scrutiny Cards and how this impacts their access to rights including education, healthcare and freedom of movement. It finds that discrimination is evident not only in abuses but also in the actions of authority figures when ethnic and religious minorities in southeast Myanmar have sought to access justice following abuse. Chapter 8 analyses the impact of discrimination, considering it to be a significant factor not only in the majority of abuses throughout KHRG's 25 years reporting period, but in prompting the displacement of minority communities from southeast Myanmar, encouraging the separation of communities and undermining the potential for peaceful co-existence between groups.

*Chapter 9: 'Perspectives on Peace'*, assesses how villagers' experiences of the abuses analysed in the preceding eight chapters affect current prospects for sustainable and long-term peace, most specifically their attitude toward the current peace process. This chapter describes the diversity of villagers' opinions ranging from hopeful to hesitant, with many villagers remarking that significant improvements in community security must be made before they feel that they genuinely live in peace-time. It highlights potential downfalls in the peace process, including continued fighting in ethnic areas and militarisation activities by Tatmadaw which villagers perceive to be a preparation for a re-escalation of conflict. These actions do little to build the necessary foundation of trust between villagers and Tatmadaw and the Myanmar government. Villagers' voices suggest that they will build more faith in the peace process, once they perceive more security improvements

occurring in their home communities. Additionally, this chapter finds that a lack of transparency with regard to the process itself, a lack of meaningful participation by community members, and ongoing livelihood insecurities due to the presence of both military and development actors, leads villagers in southeast Myanmar to be seriously hesitant to announce the peace process as either a success or a benefit.

*Section 3: 'Appendix'* includes all unpublished KHRG data that has been referenced in *'Foundation of Fear'*.<sup>1</sup> This is to ensure that the perspectives and information presented in this report are verifiable and transparent. Where published, full KHRG report titles with hyperlinks have been provided in footnote form throughout the report and are available at [www.khrg.org](http://www.khrg.org).

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<sup>1</sup> The full Appendix is available in PDF form for download at [www.khrg.org](http://www.khrg.org)

## Detailed findings

### Chapter 1: Militarisation

1. Throughout KHRG's 25 years of reporting, militarisation and human rights violations mainly by Tatmadaw, DKBA (Buddhist), the majority of whom later transformed into Tatmadaw's Border Guard Forces (BGFs), has deliberately harmed and systematically targeted civilians through tactics including forced labour, forced recruitment, landmines and deliberate attacks on villages.
2. Continued militarisation and the presence of Tatmadaw and BGFs in communities in southeast Myanmar results in an environment where villagers fear for their safety and security and it leads to the continuation of forced recruitment of adults, forced labour, deliberate attacks on villages and landmine contamination.
3. A significant impact of militarisation and human rights violations is that villagers' trust in Tatmadaw and, by association, the Myanmar government remains low due to the history of abuses perpetrated by Tatmadaw, including BGFs. An additional impact over 25 years has been severe livelihood struggles for villagers.
4. Villagers have employed agency tactics including direct negotiation with perpetrators, deliberate avoidance of Tatmadaw, BGFs and DKBA (Buddhist and Benevolent) and strategic displacement to avoid human rights violations. Villagers have also sought recourse through local government authorities and the justice system, but state that significant barriers including fear of retaliation prevent them accessing justice in cases of human rights violations.

### Chapter 2: Violent Abuse: Threats, Gender-Based Violence, Torture and Killing

1. Since the preliminary ceasefire, extrajudicial killings and torture by the Tatmadaw, BGFs and EAGs, have decreased considerably. However, the legacy of these killings and torture means that villagers continue to feel unsafe in their presence. Moreover, violent threats continue to be used to advance the interests of Tatmadaw, BGFs and EAGs, as well as the Myanmar government and private companies. These threats are frequently of a serious and violent nature, which means that community members are often fearful of retaliation if they report the abuse, which deprives them of access to justice.
2. Gender-based violence (GBV) is a common abuse that has not directly declined since the decline in conflict. Women continue to report feeling insecure in their own communities, which is in part because of the use of GBV as a military tactic during the conflict, as well as the ongoing violence perpetrated by other community members. Women also report a lack of justice, as frequently the abuse is not investigated fully or the perpetrator is not given an appropriate punishment.
3. Torture is sporadically used as a means of punishment and interrogation by the Myanmar police, Tatmadaw, BGFs and EAGs, which have led to reports of miscarriages of justice.
4. The lack of access to the justice system and weak implementation of the rule of law results in cases of violent abuse remaining unpunished and leaving victims without justice or feelings of closure.

### Chapter 3: Education

1. Over 25 years, human rights abuses and the consequences of the conflict including displacement and restrictions on freedom of movement severely have hindered villagers' access to and quality of education in southeast Myanmar. Despite the recent ceasefire agreements and increased expenditures by the Myanmar government to increase access to education among all of its citizens, children in southeast Myanmar still lack access to affordable, high quality schools within a safe physical distance from where they live.
2. Financial barriers and livelihood struggles have acted as impediments to villagers accessing education over 25 years. Free and compulsory primary education is not accessible to all children in southeast Myanmar due to both upfront and hidden costs in the education sector.

During conflict, financial demands were often made on villagers separate to education, which affected the extent to which they could pay for schooling. Middle and high school education is particularly hard to access as there are less schools and the fees are higher. These costs create a heavy financial burden for villagers, many of whom are already experiencing livelihood and food security issues.

3. The teaching of minority ethnic languages remains a priority for villagers. Since 2014, Karen language and culture have been allowed to be taught in the Myanmar government schools, although often only after school hours and if self-funded by villagers. Villagers' testimony highlights the importance of teaching Karen history, literature, and language within schools for their cultural identity. During conflict, Tatmadaw explicitly targeted Karen education schools; schools were forcibly closed or converted to a state-sanctioned curriculum.
4. Due to the unresolved legacy of the conflict and their poor experience with Myanmar government schools, many villagers in southeast Myanmar mistrust the Myanmar government, and by association Myanmar government teachers. In addition to not trusting their staff, villagers also question the commitment and quality of education being provided by these teachers.

## **Chapter 4: Health**

1. Access to healthcare has been a significant concern throughout 25 years of KHRG reporting. Access to healthcare for villagers has been deliberately denied through Tatmadaw's imposed restrictions on freedom of movement and the trading of medical supplies in the 1990s and 2000s. Since the 2012 ceasefire, barriers in accessing healthcare have changed from conflict-related to infrastructure-dependent, including the lack of adequate roads to rural areas, and the lack of functioning healthcare facilities in rural areas.
2. Displaced villagers suffer disproportionately from a lack of access to healthcare and medical supplies when in hiding. Due to severe restrictions on villagers' movement, sickness, malnutrition and disease are estimated to have killed more people throughout the conflict than the direct violent abuses of Tatmadaw and EAGs.
3. When healthcare facilities are available and accessible, patients report that they are frequently understaffed, lack essential medical supplies, and operate unreliable opening hours. Additionally, villagers have raised complaints about the acceptability of healthcare standards, particularly those made recently available since the 2012 ceasefire. They have experienced disrespectful healthcare staff, lack of information on the side effects of medicine prescribed, and arbitrary denial of treatment.
4. The standard of healthcare services, when made available, has been consistently low throughout 25 years of KHRG reports, particularly in rural areas of southeast Myanmar. Villagers have relied on traditional medics and traditional medicines, most especially during conflict and when in hiding, but this dependence continues in areas which are not served by permanent healthcare staff and in areas where medical supplies are not available.
5. Significant financial barriers persist with regard to free and equal access to healthcare. The financial consequences of human rights violations by the Tatmadaw, BGFs and EAGs, including financial extortion and a lack of time for villagers to work for their own livelihoods, left many villagers financially insecure and unable to pay for basic medicines. Whilst the human rights situation has improved, villagers report that they continue to find healthcare inaccessible due to financial barriers including the cost of travel to hospitals, the cost of medicine, and the unwillingness of some healthcare staff to treat poorer patients.

## **Chapter 5: Looting, Extortion and Arbitrary Taxation**

1. Villagers report that taxes remain unclear and arbitrary, and that they are often taxed by multiple actors, including the Tatmadaw, BGFs and EAGs. They state that often the tax is not proportionate to their income and therefore brings additional financial burdens. Furthermore, villagers continue to mistrust the Myanmar government tax system due to excessive taxes and extortion levied on them throughout the conflict by the Tatmadaw and BGFs.



2. The persistent presence of armed checkpoints is a significant restriction on villagers' trade, freedom of movement, access to basic goods and ability to make income, and the checkpoints are often run by multiple actors, including the Tatmadaw, BGFs and EAGs. Furthermore the presence of armed checkpoints increases villagers' exposure to the risk of additional human rights violations including threats, arbitrary arrest, violent abuse and arbitrary detention.
3. Prior to the 2012 ceasefire, looting and extortion, committed most commonly by Tatmadaw, acted as direct attacks on villagers livelihoods. Looting and extortion, when combined with additional abuses in armed conflict, resulted in many villagers strategically choosing to displace themselves.
4. Extortion, while less frequent since the 2012 ceasefire, acts as a barrier for villagers to access justice, especially when it is imposed by powerful actors including Myanmar Police, Tatmadaw, BGFs and EAGs.

## **Chapter 6: Development**

1. Since the ceasefires have been in place and the armed conflict reduced, the Tatmadaw has decreased its use of violence to confiscate villagers' land for development projects, and has largely stopped demanding villagers as forced labourers for large-scale infrastructure projects. However, villagers are increasingly facing non-violent development-related rights violations such as land confiscations and damage to lands, which results in severe livelihood consequences such as food insecurities, employment loss, and financial and emotional damages from losing their land and means of survival.
2. Villagers most frequently voice their complaints about private companies' development projects that are conducted with the support of the Tatmadaw, BGFs, and EAGs. Villagers are often not consulted prior to the implementation of the development projects, and fair compensation for lost lands, property and livelihoods is almost never given. Villagers risk facing legal battles from private companies when reclaiming their land in addition to their attempts at claiming fair compensation for land confiscations committed by the Tatmadaw, BGFs, and private companies during the time the military regime was in power.
3. Villagers' agency strategies to contest development-project related abuses have expanded and diversified alongside the political changes in Myanmar and include sending complaint letters, engaging in negotiations, direct protest, demanding compensation and forming committees, whereas under the military regime these strategies were mostly impossible as they led to arbitrary arrest, torture and other abuse.
4. In development projects involving many actors, the government, Tatmadaw, BGFs, EAGs, and private companies use collaboration as a strategy to evade responsibility for human rights violations, which impedes villagers' ability to seek justice. Villagers report that private companies are often owned by former commanders in the Tatmadaw, BGFs and EAGs. Furthermore, private companies often receive support from Myanmar police, Tatmadaw, BGFs and EAGs to carry out their unlawful activities leading to human rights violations against villagers.
5. In recent years EAGs, international and local NGOs and other humanitarian and development actors have been diversifying their projects in southeast Myanmar, especially in rural areas which are hard or impossible to reach for the Myanmar government. They have expanded their activities beyond humanitarian aid to include livelihood trainings, water and electricity provision, supporting the construction of schools and clinics, and dispersing health information. In many cases, these actors receive permission and consult with villagers prior to the start of their projects. When complaints do surface, it is usually because of weak communication between them and the villagers and not integrating villagers' stated needs.

## **Chapter 7: Displacement and Return**

1. Displacement has been a common agency tactic employed by tens of thousands of villagers throughout KHRG's 25 years to avoid ongoing abuse and the risk of armed conflict between the Tatmadaw, BGFs and EAGs active in southeast Myanmar.



2. IDPs' and refugees' main concerns to return to southeast Myanmar are their safety, access to land and services, and how their return is decided. Many express a willingness to return, as long as their safety and access to land and services can be guaranteed, and only if they can participate in the decision-making processes of return.
3. IDPs and refugees currently perceive that their safety cannot be guaranteed if they return. They still fear their safety is threatened due to continued fighting in southeast Myanmar, political instability, and the risk of abuse by Tatmadaw, BGFs and some EAGs. Some IDPs and refugees state they are willing to return if Tatmadaw and BGF camps move away from their villages of origin, and if they have access to business and livelihood opportunities in their return locations.
4. Returning villagers want access to land in order to sustain their livelihoods and to build their lives in Myanmar. They specifically want their former lands to be returned to them that have been confiscated by companies, the Myanmar government, Tatmadaw, BGFs and neighbours in their absence. In case return of their land is not possible, displaced villagers want compensation and replacement land in order to rebuild their lives.
5. The Myanmar government, while having committed to villagers' restitution rights in the National Land Use Policy, which includes following international best practice, such as the Pinheiro Principles, is not adequately following this policy to ensure displaced villagers can return voluntarily, with safety and dignity.
6. KHRG reports indicate the Myanmar government, and other actors including INGOs, CBOs and armed groups, are preparing housing for IDP and refugee return, yet evidence of adequate land restoration is not present in KHRG reports.

## **Chapter 8: Discrimination and Division**

1. Religious minorities, namely Muslims and Christians, have faced religious discrimination including through the destruction of their religious buildings and holy books, forced displacement and relocation to Buddhist areas, threats to force them to practice Buddhism and threats to prevent them from attending their sites of worship. The main perpetrators of these attacks on religious freedom have been Tatmadaw and DKBA (Buddhist) most of whom later transformed into BGFs.
2. Reports of discrimination against the minority Christian Karen community have lessened but not ceased, with the main offence being the construction of Buddhist pagodas by local Buddhist organisations on or near places of Christian worship, sometimes with the help of EAGs.
3. Muslim communities in southeast Myanmar report discrimination through the repeated denial of citizenship throughout 25 years of KHRG reports. The denial of citizenship results in restrictions on Muslims' freedom of movement, the right to vote, access to health and education services, exposes them to financial insecurity, and effectively renders Muslims stateless. Muslim communities recognise that the denial of citizenship is not due to administrative challenges but due to discrimination by Myanmar government officials who refuse to recognise some Muslims as Myanmar nationals.
4. Ethnic minorities report facing discrimination when reporting cases to Myanmar police and local authorities, including being exposed to threats, perceiving that their case has not been taken seriously due to their ethnicity or religion, and fearing retaliation after reporting abuse or discrimination.

## **Chapter 9: Perspectives on Peace**

1. The majority of villagers in southeast Myanmar report that they have low confidence in the peace process, with their greatest concern being that the ceasefire will be broken and there will be a return to fighting. Villagers state that ongoing military activities including the strengthening of Tatmadaw and BGF army camps near civilian areas, troop rotations and military trainings has led them to question the integrity of the ceasefire.

2. Many villagers expected the withdrawal of Tatmadaw and BGF army bases from civilian areas following the signing of the ceasefires, but have conversely witnessed the strengthening of some of these bases.
3. Some community members feel that the peace process lacked transparency and that the expected outcomes at a local level have not been made clear to them, making it difficult for them to make informed decisions about whether their area is now safe.
4. Some villagers reported positive developments since the peace process including less fighting, greater freedom of movement, new schools, clinics and NGOs coming to be active in the area, and a reduction in extortion and arbitrary taxation.

## Recommendations

*These recommendations are derived from KHRG field research, informal interviews with key informants, and input from both KHRG field and advocacy staff. They are grouped as much as possible in line with the structure of the report. Some of the recommendations cover multiple issues and are therefore grouped under new headings.*

### Peace, Security & Safety

- All signatories to the Nationwide Ceasefire Agreement (NCA) are obligated to honour all parts of the agreement, especially concerning the protection of civilians, and non-signatories should consider holding peaceful negotiations and signing existing or alternative peace agreements.
- The Myanmar Government and the Karen National Union (KNU) should improve access to relevant information about the ceasefires and peace process for civilians in southeast Myanmar, and create opportunities for meaningful and gender-inclusive participation throughout the peace process.
- To ensure civilians' safety and security and increase the level of trust for a genuine peace, armed actors – especially the Tatmadaw and Border Guard Forces (BGF) – need to demilitarise areas close to villages and farms by removing troops and camps, and cease military trainings, patrols and military transports through, in or near villages or livelihood areas and immediately end the practice of land confiscations for military purposes.
- The Myanmar Government, Tatmadaw, BGF and ethnic armed groups (EAGs) must agree to and enforce a comprehensive ban on the new use of landmines and ensure that all existing landmine areas are clearly marked and villagers are informed for their safety. Before any actor starts systematic demining efforts, meaningful consultations must be held with relevant stakeholders, including local communities, as demining without consultation in conflict-sensitive areas could lead to further conflict. Moreover, removal of landmines, unexploded ordnance (UXO) and other remnants of war should only be conducted by trained and equipped professionals.

### Accountability, Transparency & Justice

- The Myanmar Government and Tatmadaw must ensure that all armed actors under their control comply with their responsibilities under domestic and international humanitarian and human rights law and end impunity by ensuring that any armed actor who has violated the rights of any person is held accountable for abuses in fair and transparent investigations and judicial processes in independent and impartial civilian courts.
- The Myanmar Government and the KNU must ensure that villagers who have faced human rights violations have access to justice by establishing or improving transparent and effective mechanisms to receive complaints from villagers regarding violations of their rights. They must also ensure follow-up on the recommendations and conclusions of these mechanisms.
- The Myanmar Government, Tatmadaw, Border Guard Forces and ethnic armed groups must guarantee that civilians who report violations of their rights are protected from retaliation.
- The Myanmar Government and the Myanmar National Human Rights Commission should give trainings or seek external training opportunities by the United Nations or non-governmental organisations, to build the awareness of Tatmadaw, BGFs and other officials, including the lower ranks, on human rights, women's rights and humanitarian law.

### Displacement & Return

- The Myanmar Government, countries of asylum, UNHCR and other humanitarian actors must ensure that IDP and refugee return is genuinely voluntary, without direct or indirect coercion, safe, sustainable and with full respect for the dignity of the returnees. Reducing rations and

funding to the camps can be considered a form of coercion and the resulting returns cannot be considered genuinely voluntary.

- Return of IDPs and refugees should not be initiated by the Myanmar Government, countries of asylum, the UNHCR or other actors but only by the IDPs and refugees themselves. When the situation arises where voluntary, safe and sustainable returns are possible, it should be a participatory process in which IDPs, refugees and host communities are involved in monitoring the safety and conditions of their potential voluntary return.
- All governments and stakeholders involved in potential IDP and refugee returns must ensure personal and livelihood security for those who chose to return, including by returning confiscated land to displaced villagers and when that is not possible provide free housing for returning IDPs and refugees and compensating them fairly for their losses.
- In case of new displacement caused by continuing internal conflict, the Myanmar Government, Tatmadaw, BGFs, KNU and EAGs must ensure the safety of civilians and adequate humanitarian aid, including by allowing humanitarian actors access to displacement sites.

## **Development**

- The Myanmar Government should prioritise improving the protection of villagers' land through implementing laws and policies which protect existing land use practices and tenure rights, and acknowledge that local communities may recognise land titles granted by multiple sources, including customary and local administrations such as the KNU. In cases where villagers wish to secure land titles from the Myanmar Government or the KNU, a transparent and inclusive process should be available for villagers to do so.
- The Myanmar Government and KNU should reform current land and investment laws and policies to prevent companies and other actors from legally confiscating villagers' land and to protect villagers' from being sued for tending to their land. This includes the responsibility to refuse permission to companies operating in southeast Myanmar in cases where villagers' land may be at risk, particularly the land of vulnerable communities including refugees and IDPs who may plan to return to that land.
- The Myanmar Government, the KNU, companies and development actors must carry out meaningful human rights, environmental and other relevant impact assessments prior to project implementation and give communities the opportunity to participate in decisions regarding size, scope, compensation, and means of project implementation, with full public disclosure of all information in relevant local languages relating to how the projects could affect their lands and livelihoods in clear and understandable terms. When proposed projects affect rural villagers, the principle of Free, Prior and Informed Consent (FPIC) must be respected at all times.
- The Myanmar Government and Tatmadaw are responsible to return confiscated lands to the original owners, even in cases where there has never been a formal land title due to customary land usage. Alternatively, in cases where it is impossible to return the land, adequate compensation should be agreed on by both parties, without coercion, to cover the replacement costs of buying new land, in addition to increased livelihood costs due to upheaval.
- The Myanmar Government should ensure that access to domestic complaint and adjudication bodies is available to all, and that land dispute mechanisms are community based, participatory, effective and established according to customary practices.

## **Livelihoods**

- The Myanmar Government and KNU should address livelihood concerns of local communities affected by land confiscations, landmines, displacement and human rights abuses, in supporting them with education, counselling, healthcare, social security programs and development which supports traditional and sustainable livelihoods.

- Humanitarian and development actors should support and prioritise community development projects and services in marginalised communities, remote areas and for villagers facing significant livelihood struggles.

### **Discrimination and Division**

- All people should be able to practice their religion freely, and should be allowed to build places of worship such as churches, temples, pagodas, mosques and animist shrines, without infringing on the religious freedoms of others. The Myanmar Government, especially the Ministry of Religious Affairs and Culture, EAGs and local religious organisations should ensure that the integrity of existing religious buildings and places of worship is protected and in case of planned construction of new religious buildings, local communities are consulted, as to not aggravate tensions between communities. In case of disputes between religious groups, peaceful negotiations should be facilitated to achieve interfaith harmony.
- The Myanmar Government must ensure their laws and policies with regard to citizenship and provision of national identification cards are non-discriminatory and in line with international human rights standards, especially with regard to some Muslim communities who are not recognised as one of the 135 ethnic groups in Myanmar and therefore effectively stateless. For returning IDPs and refugees the Myanmar Government should provide proof of identity including birth certificates and household registration to ensure they get full access to social, health and education services as citizens and without discrimination.
- The Myanmar Government, KNU and local and community based organisations should undertake awareness raising activities to promote religious and cultural freedom for all people and promote tolerance of other religions and cultures as a way to prevent tensions and violence from occurring.

### **Healthcare**

- The Myanmar Ministry of Health, supported by humanitarian and development actors working on healthcare, should make sure that health interventions are implemented through discussion and collaboration with local communities, Karen Department of Health and Welfare (KDHW) and community-based healthcare providers, to ensure the effective implementation of culturally appropriate and non-discriminatory health services. Before villagers are given treatment, any diagnoses, treatment plans, and medicines should be fully explained by health workers in a language the patient fully understands.
- The Myanmar Government and humanitarian and development actors should continue to increase funding to healthcare, especially maternal and antimalarial healthcare, including to KDHW and community-based healthcare providers, particularly in rural ethnic areas, to ensure that healthcare services and facilities are available and accessible to all villagers in southeast Myanmar. All facilities should be equipped with sufficient medical supplies, essential medicine, and trained staff to effectively deliver high quality and affordable health services.
- The Myanmar Ministry of Health, KDHW and community-based healthcare providers should ensure that landmine victims and other persons whose health has been severely affected by conflict and abuse have access to free medical care. Humanitarian and development actors should assist in providing funding and building their capacity to ensure free quality healthcare for all victims.

### **Education**

- The Myanmar Government, especially the Myanmar Ministry of Education, and the Karen Education Department (KED), should ensure free access to primary education and work towards making secondary and upper education progressively free for all children in southeast Myanmar. The Myanmar Ministry of Education, in consultation with local communities, the KED and community-based education providers, should invest in making more middle and high schools available in rural areas and less populated villages, towns, and cities and

ensure that all schools in southeast Myanmar are equipped with sufficient funds, resources, and trained teachers who are paid sufficient salaries.

- The Myanmar Ministry of Education should reform school curricula in consultation and coordination with local communities, the KED and community-based education providers in order to ensure ethnic languages and cultures such as Karen are taught during school hours within Myanmar Government schools in southeast Myanmar.
- The Myanmar Ministry of Education should recognise the accreditation of diplomas and certificates from the KED and other community-based education providers in refugee/IDP camps, along the Thai-Myanmar border and in areas controlled by ethnic armed groups, to ensure equal access to opportunities for students who have received a non-Myanmar government education.
- The Myanmar Ministry of Education, the KED and community based education providers should ensure schools mainstream gender equality in their curricula and include human rights education.

### **Arbitrary Taxation**

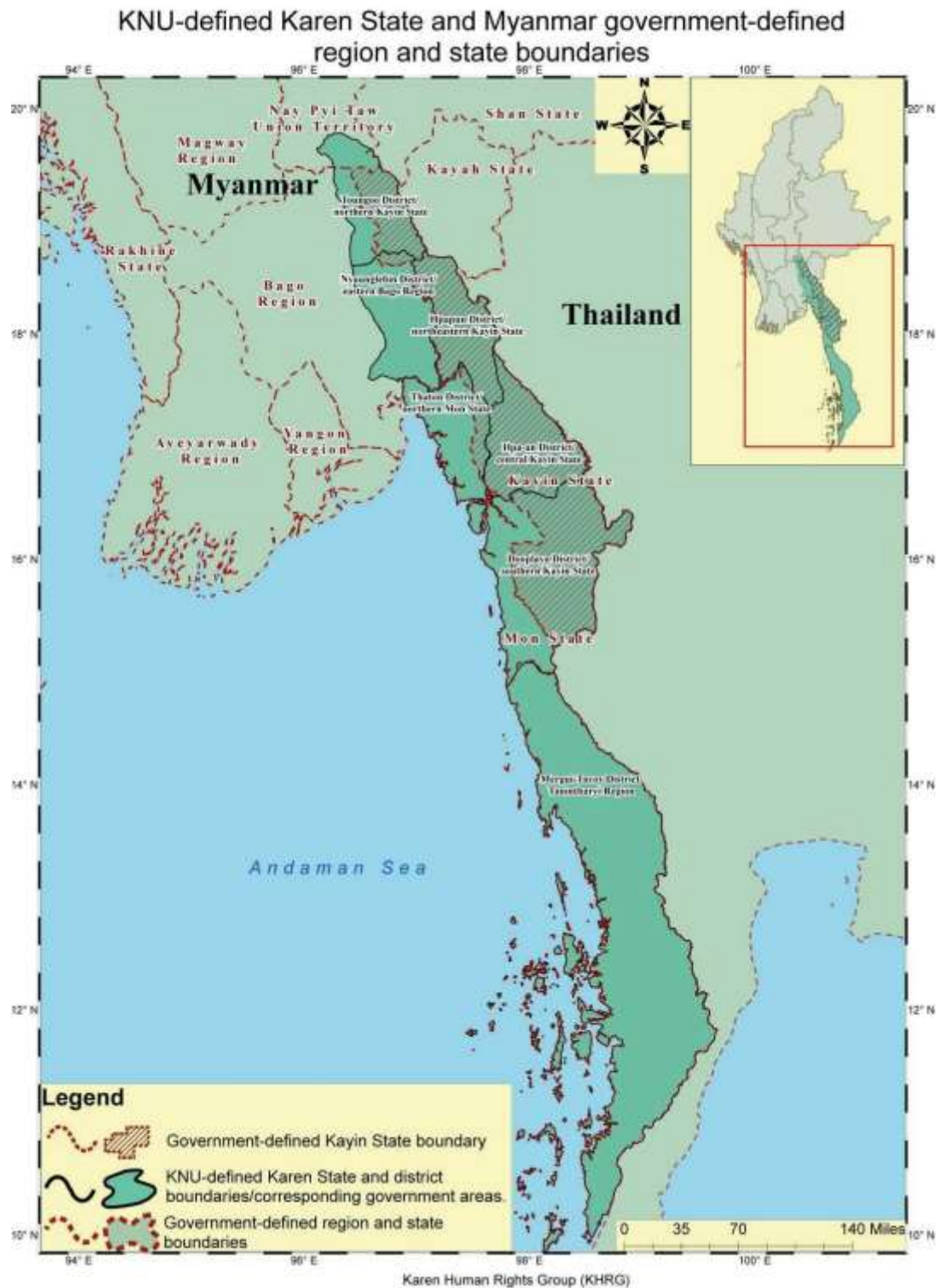
- The Myanmar Government, KNU and EAGs must refrain from arbitrary and illegal taxation practices and ensure that legitimate taxes are proportional so as to not leave villagers in a state of hardship. Furthermore they should ensure that all armed actors under their control do not arbitrarily or illegally tax villagers at checkpoints or elsewhere, intimidate them, use violence or restrict their freedom of movement. Villagers should not pay multiple taxes to multiple groups and the schedules and amounts have to be clearly communicated to villagers beforehand. Tax receipts should always be provided and it is important to inform local communities under what authority the taxes are collected and how it benefits them.

### **Forced Labour & Arbitrary Demands**

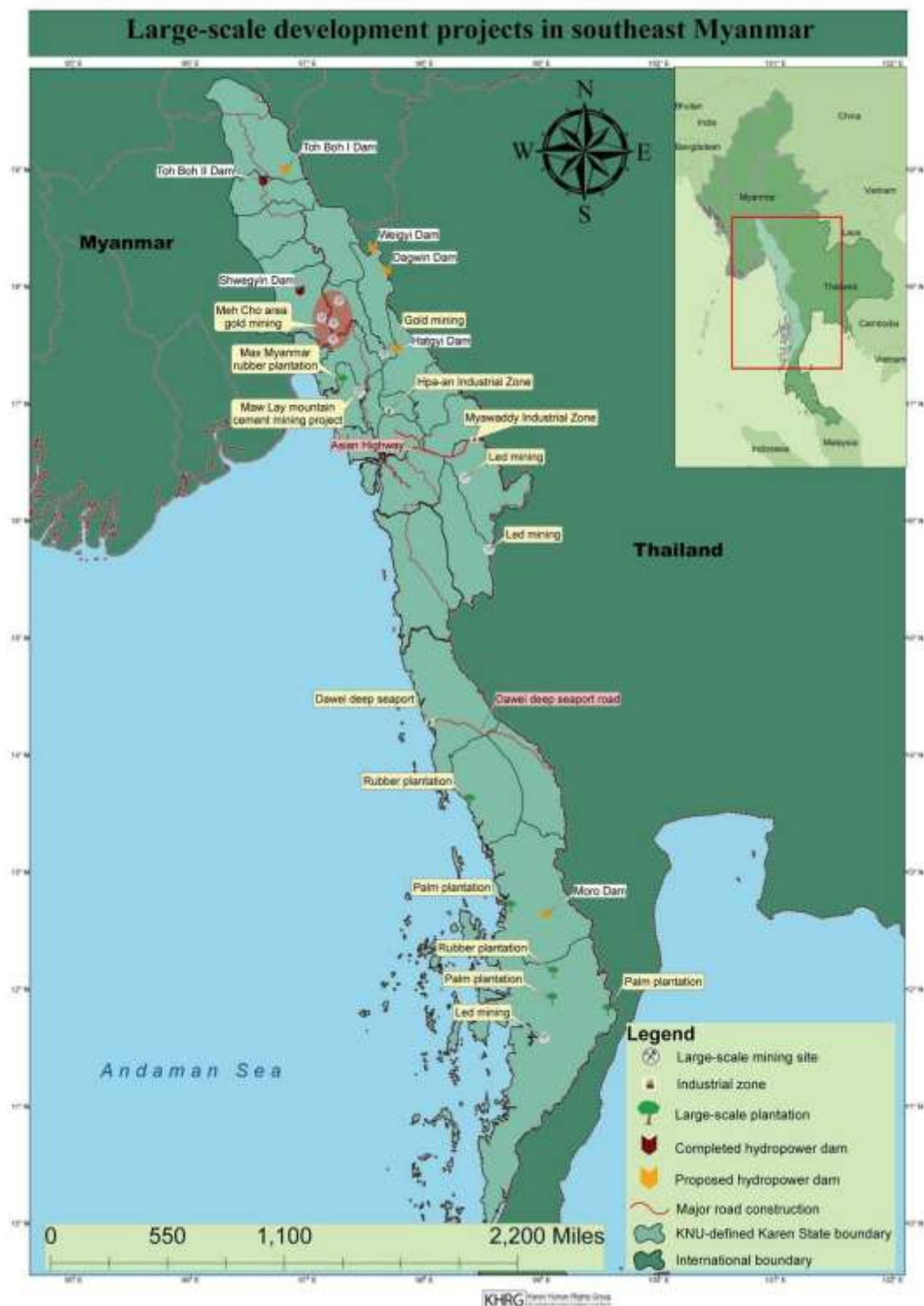
- The Myanmar Government, Tatmadaw, BGF and EAGs must stop all forms of forced labour, including using villagers as human shields, porters, minesweepers, forced recruitment of both adults and children, and forcing them to help construct military camps and other buildings. Moreover, they must refrain from making arbitrary demands from local communities such as demanding the use of their vehicles, boats or other property for military purposes.



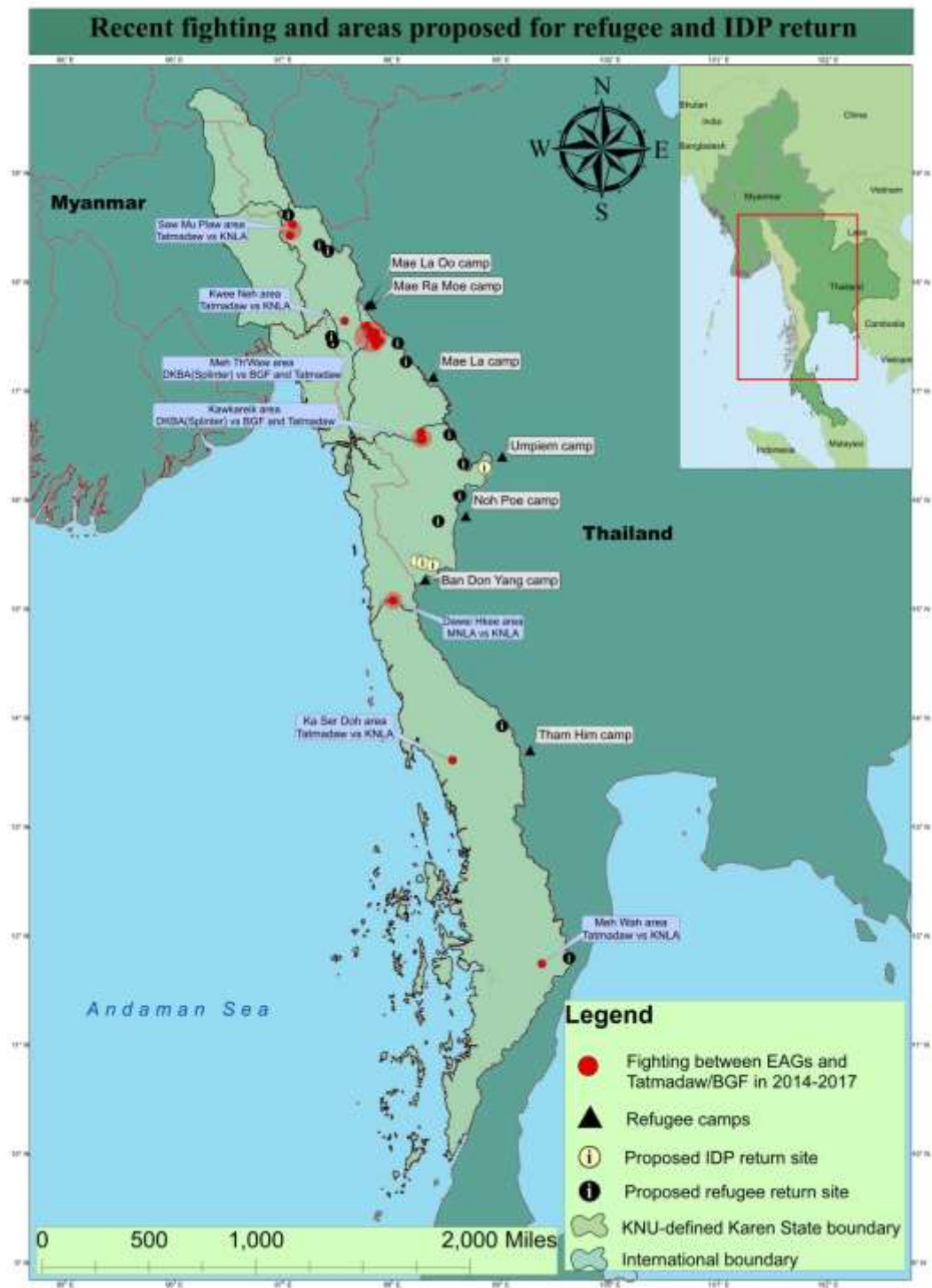
## Map 1



## Map 2



Map 3



## Context

This section aims to give the reader an understanding of the complex context in Myanmar, and specifically southeast Myanmar, the area where KHRG has been operating for the past 25 years. The section provides a brief description of villagers in Karen State and their ethnic identity; ethnic armed groups (EAGs) active in the area and their partial transformation to Border Guard Forces (BGFs); the historical context of the conflict between EAGs and the Tatmadaw; the political changes when Myanmar transitioned from a full-fledged military dictatorship towards a democratic and quasi-civilian government; and a brief background of the ceasefires and ongoing peace process.

### Karen people and other ethnic groups in southeast Myanmar

Ethnic Karen people of Myanmar make up about 7% of Myanmar's population, the third-largest ethnic group following the Bamar (68%) and Shan (9%), which amounts to around 4 million ethnic Karen living in Myanmar.<sup>2</sup> The two main subgroups of the Karen are the S'gaw and Pwo Karen, also forming the two main language groups. There are many other related ethnic (sub-)groups such as Kayah (Karenni or 'Red Karen'), Kayan (including Padaung), Kayaw (or Bwe), Paku Karen and Pa-O, some of who have become recognised as separate ethnic groups.<sup>3</sup> It is uncertain to which language family the Karen languages belong, some linguistics claim it is Tibeto-Burman, while others claim it is derived from Sino-Tibetan or even Tibeto-Karen.<sup>4</sup> The Karen calendar starts in the year 739 BC but Karen origins are unclear and stories are mostly based on oral traditions, legends and folklore which claim that the Karen migrated in stages from the northern plains of Asia, perhaps from Mongolia, through the Gobi Desert, to lands bordering the east of Tibet in nowadays China, and finally to the eastern hills of Myanmar and the western hills of Thailand.<sup>5</sup>

Most of the Karen resides in the largely rural areas of southeast Myanmar covering government-defined Karen/Kayin, Mon and Karenni/Kayah States, parts of Bago and Tanintharyi Regions, Naypyidaw Union Territory and also in Yangon and the Ayeyarwady/Irrawaddy Region. In Karen/Kayin State the Karen, including the related ethnic (sub-)groups, form the majority ethnic group and live alongside other ethnic groups including Bamar, Shan, and Mon.<sup>6</sup> There are also Muslim and Hindu communities living in Karen/Kayin State and throughout southeast Myanmar. The majority of Karen are Buddhists, with Christians and Animists also making up significant numbers.<sup>7</sup>

In the beginning of 2017, there were still around 100,000 refugees from Myanmar living in camps in Thailand along the Thai-Myanmar border of whom around 83% are Karen, 10% Karenni, 4% Burmese, 1% Mon and 2% of other ethnicities. Of those refugees 50% are Christian, 36% Buddhist and 8% Muslim.<sup>8</sup> The number of refugees has previously been double this, but around 100,000 have been resettled to third countries (mostly to the United States, Australia and Canada)

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<sup>2</sup> [“World Factbook: Burma,”](#) CIA, May 2017. See also: [“Ceasefires, Governance and Development: The Karen National Union in Times of Change,”](#) Kim Joliffe, Asia Foundation, December 2016.

<sup>3</sup> [“Ceasefires, Governance and Development: The Karen National Union in Times of Change,”](#) Kim Joliffe, Asia Foundation, Policy Dialogue Brief Series No. 16, December 2016, p. 2.

<sup>4</sup> See: “Studying peoples often called Karen,” Ronald Renard, in: [“Living at the Edge of Thai Society: The Karen in the Highlands of Northern Thailand,”](#) Claudio Delang (ed.), 2003, p. 7.

<sup>5</sup> Oral lore speaks of the Karen coming from the land of ‘Thibi Kawbi’ which might indicate Tibet and the Gobi desert and of ‘Htee Hseh Meh Ywa’ meaning the river of sand or sand moves and flows as a river. See: [“Sgaw Karen,”](#) InfoMekong.com, undated. See also: “Studying peoples often called Karen,” Ronald Renard, in: [“Living at the Edge of Thai Society: The Karen in the Highlands of Northern Thailand,”](#) Claudio Delang (ed.), March 2004, p. 6; [“Remaining Karen: A Study of Cultural Reproduction and the Maintenance of Identity,”](#) Ananda Rajah, Australian National University Press, November 2008, pp. 307-309.

<sup>6</sup> [“Kayin State Profile,”](#) UNHCR, June 2014.

<sup>7</sup> [“Ceasefires, Governance and Development: The Karen National Union in Times of Change,”](#) Kim Joliffe, Asia Foundation, December 2016, p. 2.

<sup>8</sup> [“RTG/MOI-UNHCR Verified Refugee Population,”](#) UNHCR, February 2017.





between 2005 and 2017.<sup>9</sup> There is also a significant Thai-Karen community who are indigenous to the forested mountain areas of northwest Thailand.

### **Karen National Union (KNU), Karen National Liberation Army (KNLA) and KNU/KNLA Peace Council**

After Myanmar's independence from British rule, many Karen felt that ethnic Karen aspirations would be threatened by a centralised government dominated by ethnic Bamar. As a result the Karen National Union (KNU) was formed on 5<sup>th</sup> February 1947 and soon after, in July 1947, established its original armed wing, the Karen National Defense Organisation (KNDO)<sup>10</sup>, which was then largely replaced by the Karen National Liberation Army (KNLA) in 1949.<sup>11</sup> According to the KNU, the objective *"from the outset of the revolution was [t]he independence of Karen State"*,<sup>12</sup> however, still as part of a federation called the Autonomous National States of Burma.<sup>13</sup> In 1956, during a congress at Maw Kow, Hpa-an District, the KNU formalised its policy for *"the establishment of a Federal Union"*.<sup>14</sup> According to the KNU it seeks for reconciliation *"through negotiations based on a democratic political system and a genuine Federal Union that guarantees the equality of all the citizens."*<sup>15</sup>

The KNU functions to a large extent as a parallel government in Karen areas in southeast Myanmar not under Myanmar government control or under mixed-control.<sup>16</sup> The KNU has 15 departments<sup>17</sup> managing civil affairs in its areas of influence which are administered by a central headquarters and local administrations for each of the seven KNU-defined Karen districts.<sup>18</sup> There are some areas under control by other ethnic armed groups but to a certain extent the KNU is still permitted to have its civilian administration in these areas. It has been estimated based on census data from 21 township and 11 sub-townships where the KNU is most active that the KNU retains influence over 800,000 people or more, out of a total of 2.3 million people living in those areas in southeast Myanmar.<sup>19</sup>

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<sup>9</sup> ["Resettlement of Refugees from Temporary Shelters in Thailand,"](#) UNHCR, February 2017.

<sup>10</sup> Today the KNDO refers to a militia force of local volunteers trained and equipped by the KNU/KNLA and incorporated into its battalion and command structure; its members wear uniforms and typically commit to two-year terms of service.

<sup>11</sup> ["Ceasefires, Governance and Development: The Karen National Union in Times of Change,"](#) Kim Joliffe, Asia Foundation, Policy Dialogue Brief Series No. 16, December 2016, p. 4.

<sup>12</sup> ["The KNU and the Peace Process,"](#) KNU, August 2013, p. 3.

<sup>13</sup> ["Burma: Insurgency and the Politics of Ethnicity,"](#) Martin Smith, New York: St. Martin's Press, 1999, p. 87. See also: ["Ceasefires, Governance and Development: The Karen National Union in Times of Change,"](#) Kim Joliffe, Asia Foundation, Policy Dialogue Brief Series No. 16, December 2016, p. 3. Burma's country name was changed in 1989 by the military government to Myanmar. Except in set phrases and organisational names, the country is referred to as Myanmar throughout the report.

<sup>14</sup> ["Burma: Insurgency and the Politics of Ethnicity,"](#) Martin Smith, New York: St. Martin's Press, 1999, p. 87.

<sup>15</sup> ["The KNU and the Peace Process,"](#) KNU, August 2013, p. 3.

<sup>16</sup> The areas where KNU control is the strongest is Hpapun (Mu Traw) District, southern Toungoo (Taw Oo) District, eastern Nyaunglebin (Kler Lwe Htoo) District, eastern Hpa-an District, eastern and southern Dooplaya District, and eastern Mergui-Tavoy District.

<sup>17</sup> Some of the departments include the Karen Education Department (KED) and the Karen Department of Health and Welfare (KDHV), which often collaborate with other local and international non-governmental actors and humanitarian aid actors. The KNU also have a Karen Justice Department (KJD) with its own judiciary, a Karen National Police Force (KNPF) which operates under the Karen Interior & Religious Department (KID), a Karen Finance and Revenue Department (KFRD) which collects taxes, a Karen Agricultural Department (KAD) which registers and provides land titles, although these are not recognised by the Myanmar government, a Karen Forestry Department (KFD) which manages the forests and its natural resources, and more such as the Karen Fisheries Department (KFID) and Karen Mining Department (KMD).

<sup>18</sup> See 'Methodology' section for an explanation of KNU-defined districts, and Maps 1 and 2.

<sup>19</sup> ["Ceasefires, Governance and Development: The Karen National Union in Times of Change,"](#) Kim Joliffe, Asia Foundation, Policy Dialogue Brief Series No. 16, December 2016, p. 3.



In 2007 there was internal disagreement within the KNU/KNLA when a minority within the group wanted to sign a ceasefire with the government while the majority was still reluctant to do so. This disagreement led to the formation of a splinter group, the KNU/KNLA Peace Council (KNU/KNLA-PC or KPC) which signed a ceasefire with the Myanmar government in 2007. In 2010, the KNU/KNLA-PC refused to comply with orders from the Myanmar government to transform into Border Guard Forces.

Both the KNU/KNLA and the KNU/KNLA-PC are Nationwide Ceasefire Agreement (NCA) signatories among eight ethnic armed groups who signed the NCA with the Myanmar government on October 15<sup>th</sup> 2015.

### **Democratic Karen Buddhist Army, Karen Peace Force and Border Guard Forces**

The Democratic Karen Buddhist Army (DKBA Buddhist) was established in December 1994, as a splinter group of the KNU/KNLA. In the DKBA (Buddhist)'s early days, Buddhist monk U Thuzana, was its spiritual leader and marked the group's distinct Buddhist character. Since its separation from the KNLA, the DKBA (Buddhist) was known to frequently cooperate with and support the Tatmadaw in its conflict with the KNLA.<sup>20</sup> Therefore it was not a big surprise when in 2010 the majority of the original DKBA (Buddhist) was transformed into Border Guard Forces (BGFs), under the control and administration of the Tatmadaw. Currently, twelve out of thirteen BGF battalions (#1011 to #1022) active in southeast Myanmar are former DKBA (Buddhist) troops. The remaining BGF Battalion #1023 is made up of former Karen Peace Force (KPF) troops.<sup>21</sup>

It is for this reason that the BGFs in southeast Myanmar are sometimes referred to as Karen Border Guard Forces<sup>22</sup> but this is not entirely accurate as there are also non-Karen Tatmadaw soldiers and commanders in the BGFs and the supreme command of the BGFs is with the Tatmadaw. In other ethnic areas such as Kachin State, Shan State and Kayah/Karenni State, BGFs are mainly composed of other ethnic groups that form the majority in those states.<sup>23</sup>

### **Democratic Karen Benevolent Army**

Not all of the former DKBA (Buddhist) agreed to transform into BGFs and DKBA Brigade #5 formed a new group in 2010 which, in 2012, was re-named as the Democratic Karen Benevolent Army (DKBA Benevolent) reflecting a more secular character, with a civilian wing named the Kloh Htoo Baw Karen Organisation (KKO). This DKBA (Benevolent) signed a preliminary ceasefire with the Myanmar Government on November 3<sup>rd</sup> 2011 and the NCA on October 15<sup>th</sup> 2015.

To complicate matters further, internal disagreement in the DKBA (Benevolent) after some of its factions clashed with the Tatmadaw and BGFs throughout 2015, led to the dismissal of some commanders.<sup>24</sup> These dismissed commanders then formed a splinter group and in January 2016 declared the name to be Democratic Karen Buddhist Army (DKBA splinter).<sup>25</sup> Therefore, at the

<sup>20</sup> [“Inside the DKBA,”](#) KHRG, March 1996.

<sup>21</sup> The Karen Peace Force (KPF) was formed in February 1997 after splitting from the KNU/KNLA, surrendering to and signing a ceasefire with Myanmar's then-ruling State Peace and Development Council (SPDC). The KPF controls some administrative areas in Three Pagodas Pass (on the border of Dooplaya District and Thailand). Some of KPF troops first rejected the Myanmar government proposals to transform KPF into the Border Guard Forces while others accepted it. The entire KPF eventually transformed into BGF Battalion #1023.

<sup>22</sup> For example see, [“35 tourists released by Karen BGF,”](#) Bangkok Post, January 2017.

<sup>23</sup> [“Border Guard Force Scheme,”](#) Myanmar Peace Monitor, undated.

<sup>24</sup> [“Two separate clashes between armed actors in Kawkaik Township, Dooplaya District, February 2015,”](#) KHRG, May 2015; [“Fighting between Tatmadaw and DKBA soldiers along the Asian Highway displaces villagers in Dooplaya District, July 2015,”](#) KHRG, September 2015. See also: [“DKBA sacks Brigadier General Saw Kyaw Thet and Colonel Saw San Aung,”](#) Mizzima, July 2015.

<sup>25</sup> [“Myanmar Army Forces Clash with DKBA Splinter Group,”](#) BNI, May 2016. Referred to throughout this KHRG report as DKBA (splinter).

time of this report's publication there are two active DKBA armed groups, the DKBA (Benevolent), who have signed the NCA and the DKBA (splinter), who have not signed the NCA.

## Tatmadaw

The Tatmadaw Kyi or simply Tatmadaw is the official name of the Myanmar army and throughout the report will be referred to as such.<sup>26</sup> Between 1962 and 2011, the Tatmadaw was the state's primary agent of governance, state-building and political affairs at both the national and local levels. The Tatmadaw was founded at the time of independence in 1948, by General Aung San, the father of Aung San Suu Kyi, from mostly Bamar independence fighters. Between 1948 and 1962 Myanmar had a democratic and parliamentary government, but as the country was in upheaval due to conflict and internal power struggles the Tatmadaw under Ne Win launched a coup d'état on March 2<sup>nd</sup> 1962. Ne Win stepped down on 23 July 1988 and after nationwide uprisings calling for democracy in August 1988, known as the '8888 uprisings', another coup d'état took place on September 18<sup>th</sup> 1988,<sup>27</sup> after which the Burma Socialist Programme Party (BSPP), was replaced with the State Law and Order Restoration Council (SLORC or Na Wa Ta). After another change of power in 1997, SLORC was replaced by the State Peace and Development Council (SPDC or Na Ah Pa),<sup>28</sup> which operated until 2011, when the power was transferred to a quasi-civilian government under the Union Solidarity and Development Party (USDP), largely made up of retired Tatmadaw army officers, and led by President Thein Sein (a former Tatmadaw general).<sup>29</sup> The USDP governed from 2011-2015 and was replaced by the National League for Democracy (NLD) government after it lost the November 2015 elections. Even during the current time of political transition the Tatmadaw remains extremely influential in all spheres as the 2008 military-drafted Constitution still appoints 25% of the Hluttaw (Parliament) seats to the Tatmadaw and the key security ministries of Defence, Home Affairs, and Border Affairs are Tatmadaw-controlled.<sup>30</sup>

## Tatmadaw's 'four cuts' strategy and 'shoot on sight' policy

Since Myanmar's independence from the British on January 4<sup>th</sup> 1948, EAGs have been fighting for more autonomy throughout most of the country against the Tatmadaw. In response to the several different insurgencies and the civilian support of those insurgencies, the Tatmadaw developed a counter-insurgency strategy referred to as '*pyat lay pyat*,' or the 'four cuts'. The 'four cuts' strategy was initially developed in the 1960s for use against the KNU in the Ayeyarwady/Irrawaddy Region, against the Communist Party of Burma (CPB), and the Kachin Independence Organisation (KIO) on Myanmar's northernmost border with China.

The 'four cuts' strategy sought to destroy links between insurgents, their families and local villagers, cutting four crucial pillars of support: food, funds, intelligence and recruits. Entire townships were labeled 'black areas'<sup>31</sup> where anyone within the area was considered a member of a Karen EAG

<sup>26</sup> Tatmadaw refers to the Myanmar military throughout KHRG's 25 year reporting period. The Myanmar military were commonly referred to by villagers in KHRG research areas as SLORC (State Law and Order Restoration Council) from 1988 to 1997 and SPDC (State Peace and Development Council) from 1998 to 2011, which were the Tatmadaw-proclaimed names of the military government of Burma. Villagers also refer to Tatmadaw in some cases as simply "Burmese" or "Burmese soldiers".

<sup>27</sup> "[1988 Uprising and 1990 Election](#)," Oxford Burma Alliance, undated.

<sup>28</sup> "[...formerly known as SLORC](#)," The Economist, November 1997.

<sup>29</sup> "[A wounded USDP looks to the future](#)," Myanmar Frontier, September 2016.

<sup>30</sup> "[Myanmar's 2015 landmark elections explained](#)," BBC News, December 3<sup>rd</sup> 2015.

<sup>31</sup> The Tatmadaw viewed territories as "black", "brown" or "white" according to the extent of EAGs' activities in these areas. A black area denoted "*an area controlled by insurgents but where the Tatmadaw operates*" a brown area denoted "*a Tatmadaw-controlled area where insurgents operate*" while a white area denoted territory which has been "*cleared*" of EAG activity; see: "[Neither Friend Nor Foe: Myanmar's Relations with Thailand since 1988](#)," Maung Aung Myoe, Institute of Defence and Strategic Studies, Nanyang Technological University, 2002, p. 71.

and shot on sight.<sup>32</sup> 'Four cuts' campaigns executed by Tatmadaw consisted of the targeting of civilians deemed to support EAGs but in reality targeted all Karen civilians. It included the indiscriminate firing of weapons, the destruction of food and medical supplies and homes, and the forced relocation of civilian populations to areas under Tatmadaw surveillance and control.<sup>33</sup> The 'four cuts' strategy led to displacement and forcible relocation of entire Karen communities between the 1960s<sup>34</sup> and, according to KHRG reports, the 1990s. In KHRG research areas, the 1980s saw the scale of KNU-controlled territory significantly decrease in the face of prolonged 'four cuts' campaigns.<sup>35</sup>

### **"Bogalay Crisis" in 1991 and the years after**

Throughout the conflict across Myanmar, attacks on villages by Tatmadaw have often been ruthless, targeting ethnic-minority civilians in an attempt to repress armed ethnic groups. In one case, in October 1991, a crisis unfolded in the Ayeyarwady/Irrawaddy Region, southwest of Yangon with significant implications for the KNU and Karen people living in Myanmar. The area is a river delta with fertile farmland with a population which was at that time half Karen and half Bamar. After a failed attempt by the KNU to start a new offensive there in 1991, the Tatmadaw declared the entire region as a 'black area' and retaliated by arresting thousands of Karen villagers, elders and clerics. Some were sentenced to several years in prison while others were tortured and executed. More than 200 people died as a result of the imprisonment, torture and executions.<sup>36</sup> In the years after the crisis many villagers continued to be subjected to persecution, forced labour and land confiscations.<sup>37</sup> The reason the crisis had such a profound and lasting effect on the civilian population is because the Irrawaddy Delta does not border any country and is encircled by Tatmadaw controlled area, so the villagers did not have any place to flee.

### **Changes after 1992 and the fall of Manerplaw**

Things changed after 1992, but not for the better, as KHRG documented innumerable reports on rape, torture, killings, forced labour, arbitrary demands for food and money, and forced relocations committed by Tatmadaw against Karen civilians, leading to tens of thousands of villagers to choose to flee to Thailand or areas under control by the Karen National Union.<sup>38</sup> When the DKBA (Buddhist) was created in 1994 from a factional split within KNU/KNLA, it began conducting joint operations with the Tatmadaw against the KNLA, ultimately leading to the fall of the KNU's longstanding headquarters at Manerplaw, Hpa-an District:

*"Manerplaw has fallen. The world was caught napping, mainly because it happened faster than anyone could imagine."*

Commentary written by a KHRG researcher, Thaton District/northern Mon State and Nyaunglebin District/eastern Bago Region (published in February 1995)<sup>39</sup>

<sup>32</sup> ["Truce or Transition? Trends in human rights abuse and local response in Southeast Myanmar since the 2012 ceasefire,"](#) KHRG, May 2014, p. 26. See also: ["Toungoo Interview: Saw F---, October 2011,"](#) KHRG, November 2011; ["Attacks killings and the food crisis in Papun District,"](#) KHRG February 2009; ["Interviews from the Irrawaddy Delta,"](#) KHRG, July 1996; ["Shoot on Sight: The ongoing SPDC offensive against villagers in northern Karen State,"](#) Burma Issues, December 2006.

<sup>33</sup> ["Burma: Insurgency and the Politics of Ethnicity,"](#) Martin Smith, New York: St. Martin's Press, 1999, p. 259.

<sup>34</sup> ["Ethnic Groups in Burma: Development, Democracy and Human Rights,"](#) Martin Smith, Anti-Slavery International (ASI) Human Rights Series, 1994, p. 44.

<sup>35</sup> ["Ethnic politics in Burma: States of conflict,"](#) Ashley South, New York: Routledge, 2009, pp. 55-57.

<sup>36</sup> ["Letters from the Irrawaddy Delta,"](#) KHRG, December 1993. See also, ["Karen Farmers in the Irrawaddy Delta: Suffering under the SLORC,"](#) KHRG, August 1992; ["Karen Civilian Casualties in the Delta Region: Arrests, Looting, and Murder of Civilians by SLORC Troops in Mergui and Tavoy Districts: Forced Relocation of Villagers in Mergui District,"](#) KHRG, January 1992.

<sup>37</sup> ["Interviews from the Irrawaddy Delta,"](#) KHRG, July 1996.

<sup>38</sup> ["Reports from the Karen Provinces,"](#) KHRG, September 1992; ["Torture of Karen Women by SLORC,"](#) KHRG, February 1993; ["Karen Farmers in the Irrawaddy Delta: Suffering under the SLORC,"](#) KHRG, August 1992.

<sup>39</sup> ["Commentary: The Fall of Manerplaw - KHRG #95-C1,"](#) KHRG, February 1995.

Manerplaw fell on February 4<sup>th</sup>, 1995 and thousands of villagers, previously displaced persons, political activists and part of KNU's leadership, fled from the Manerplaw region to neighbouring Thailand.<sup>40</sup>

### **The fall of Kaw Moo Rah**

From December 1994, Tatmadaw continued its major offensive on another front against KNU's well-fortified camp of Kaw Moo Rah, Hlaingbwe Township, Hpa-an District. Kaw Moo Rah was deemed to be an almost impenetrable fortress but finally it was taken by Tatmadaw in the night of February 20<sup>th</sup>-21<sup>st</sup> 1995 after KNLA soldiers were forced to withdraw. It was reported by KHRG that the Tatmadaw used shells containing some form of tear gas or stronger nerve agents that "caused dizziness, nausea, vomiting and unconsciousness" as well as other "white phosphorus" shells that caused burning:

*"They used very different weapons in this final offensive. The smoke was so strong and smelled very bad. I have no idea why we became so dizzy. Even if the explosion was far away from the bunker, once we smelled it we became dizzy. We all became dizzy, and we could barely control ourselves."*

Incident report written by a KHRG researcher, Hlaingbwe Township, Hpa-an District/central Kayin State (published in February 1995)<sup>41</sup>

### **Changes after the fall of Manerplaw and Kaw Moo Rah (1995-2004)**

The offensive did not stop with the fall of Manerplaw and Kaw Moo Rah, as the Tatmadaw worked towards securing the entire Salween and Moei River sections of the Thai-Myanmar border. KHRG reported in March 1995 that apart from the fall of Manerplaw, "[a]t least 100 Karen villages have been destroyed or no longer exist".<sup>42</sup>

In 1997 following the further loss of territory and permanent bases to Tatmadaw offensives,<sup>43</sup> the KNLA adopted the use of guerrilla tactics.<sup>44</sup> Another KNU/KNLA faction split off in 1997 and formed the Karen Peace Force (KPF). Armed conflict continued to affect a wide geographic area, although the KNU/KNLA no longer attempted to firmly hold territory, increasing its reliance on the use of landmines to protect base areas and supply lines.<sup>45</sup> The failure of the 2004 ceasefire known as the 'gentlemen's agreement'<sup>46</sup> and the defection of the newly-created KNU/KNLA-Peace Council in 2007 further weakened the KNU, at a time when other KNU-controlled areas were coming under renewed pressure from targeted offensives.<sup>47</sup>

<sup>40</sup> ["SLORC's Northern Karen Offensive,"](#) KHRG, March 1995. See also, ["Burma: Abuses Linked to the Fall of Manerplaw,"](#) Human Rights Watch, March 1995.

<sup>41</sup> ["Chemical Shells at Kaw Moo Rah,"](#) KHRG, February 1995.

<sup>42</sup> ["SLORC's Northern Karen Offensive,"](#) KHRG, March 1995.

<sup>43</sup> See, ["Clampdown in Southern Dooplaya: Forced relocation and abuses in newly SLORC-occupied area,"](#) KHRG, September 1997; ["Refugees from the SLORC Occupation,"](#) May 1997, KHRG; ["Free-fire zones in Tenasserim,"](#) KHRG, August 1997; ["Wholesale Destruction: The SLORC/SPDC Campaign to Obliterate all Hill Villages in Hpapun and Eastern Nyaunglebin Districts,"](#) KHRG, April 1998.

<sup>44</sup> ["Ethnic politics in Burma: States of conflict,"](#) Ashley South, New York: Routledge, 2009, p. 56.

<sup>45</sup> ["Uncertain Ground: Landmines in eastern Burma,"](#) KHRG, May 2011.

<sup>46</sup> The KNU and then-State Peace and Development Council (SPDC) reached a 'gentlemen's agreement' to stop fighting in December 2003. For more on the historical background of the 'gentlemen's agreement', see: ["Ethnic politics in Burma: States of conflict,"](#) Ashley South, New York: Routledge, 2009, pp. 61 - 65.

<sup>47</sup> ["Ethnic politics in Burma: States of conflict,"](#) Ashley South, New York: Routledge, 2009, p. 57.



## The northern Karen State offensive (2004-2008)

Soon after the failure of the 2004 'gentlemen's agreement', in November 2005, Tatmadaw troops, continued their 'four cuts' strategy and started a northern Karen State offensive in which they systematically targeted civilians, civilian settlements and livelihoods in multi-battalion, coordinated attacks spanning the KNU-defined northern Karen districts of Nyaunglebin, Toungoo and Hpapun. By November 2006, the Thailand Burma Border Consortium (TBBC)<sup>48</sup> calculated that 27,400 civilians had been displaced from more than 130 villages in northern Karen districts.<sup>49</sup> Attacks on civilians continued for the next two years, and by November 2008 TBBC calculated that 60,300 civilians were in hiding and actively seeking to avoid being shot and killed by the Tatmadaw in northern Karen areas of southeast Myanmar.<sup>50</sup>

Abuses by the Tatmadaw during the northern Karen State offensive have been extensively documented by KHRG<sup>51</sup> and other local organisations, including Burma Issues<sup>52</sup>, the Free Burma Rangers,<sup>53</sup> Karen Women's Organisation<sup>54</sup> as well as international human rights organisations including Amnesty International<sup>55</sup> and Human Rights Watch.<sup>56</sup> The International Human Rights Clinic at Harvard Law School published a report in 2009, 'Crimes in Burma' and concluded that there was a *prima facie* case for violations of international criminal law.<sup>57</sup> Five years later in November 2014 that same clinic released a legal memorandum which focused on the Myanmar military offensive in eastern Myanmar from 2005 until 2008. They choose this particular offensive "*because it was one of the largest in recent memory and was widely condemned by the international community*".<sup>58</sup>

In February 2007, the UN Special Rapporteur on the situation of human rights in Myanmar, in his annual report to the UN Human Rights Council, noted the intensifying military campaign in northern Karen State, its disproportionate impact on civilians and their livelihoods, and the fact that the targeting of Karen villagers was part of the Tatmadaw's strategy in the offensive.<sup>59</sup> As attacks in northern Karen State intensified, the Tatmadaw received further international condemnation, including the International Committee of the Red Cross (ICRC), who in June 2007 criticised the Myanmar government, noting that, among other offences, Tatmadaw forces were directly attacking civilians, the food supply and means of food production, as well as enforcing movement restrictions that undermined civilian livelihood activities; the statement concluded that, "*The repeated abuses committed against men, women and children living along the Thai-Myanmar border violate many provisions of international humanitarian law.*"<sup>60</sup>

<sup>48</sup> Now named The Border Consortium (TBC).

<sup>49</sup> "[Internal Displacement in Eastern Burma: 2006 Survey](#)," Thailand-Burma Border Consortium (TBBC), November 2006, pp. 20, 26, 34-9, 55-9.

<sup>50</sup> "[Internal Displacement in Eastern Burma: 2006 Survey](#)," Thailand-Burma Border Consortium (TBBC), November 2006, p. 54.

<sup>51</sup> "[Self-protection under strain: Targeting of civilians and local responses in northern Karen State](#)," KHRG, August 2010, pp. 18-25.

<sup>52</sup> "[Shoot on Sight: The ongoing SPDC offensive against villagers in northern Karen State](#)," Burma Issues, December 2006.

<sup>53</sup> "[Campaign of Brutality](#)," Free Burma Rangers (FBR), April 2008.

<sup>54</sup> "[State of Terror](#)," Karen Women's Organisation, February 2007.

<sup>55</sup> "[Crimes Against Humanity in Eastern Myanmar](#)," Amnesty International, June 2008.

<sup>56</sup> "[Burma: Army Forces Thousands to Flee](#)," Human Rights Watch, November 2006.

<sup>57</sup> "[Crimes in Burma](#)," International Human Rights Clinic at Harvard Law School, May 2009.

<sup>58</sup> "[Legal Memorandum: War Crimes and Crimes against Humanity in Eastern Myanmar](#)," International Human Rights Clinic at Harvard Law School, November 2014.

<sup>59</sup> "[Report of the Special Rapporteur on the situation of human rights in Myanmar, Paulo Sergio Pinheiro](#)," UN Human Rights Council (HRC), February 2007, A/HRC/4/14, paras. 55-58.

<sup>60</sup> "[Myanmar: ICRC denounces major and repeated violations of international humanitarian law](#)," ICRC, June 2007.

In December 2008, the intensity of the offensive was scaled back as coordinated multi-battalion attacks decreased and soldiers withdrew from more than 30 camps across northern Karen State, including 13 camps in Lu Thaw Township. Because of these withdrawals, KHRG dates the end of the coordinated northern Karen State offensive to 2008.<sup>61</sup> The offensive might have ceased at that time, but the deployment of Tatmadaw troops in northern Karen State did not and villagers continued to report being subject to exploitative abuses, such as forced labour, extortion, and the continued risk of landmines.<sup>62</sup>

### Clashes from 2009 until the January 2012 ceasefire

Relatively large-scale clashes with resulting displacement took place again in 2009 and 2010 in KNU-defined Karen State, southeast Myanmar. The first was a result of joint Tatmadaw-DKBA offensives on KNLA 7<sup>th</sup> Brigade positions in Hpa-an District, near the border with Thailand. Amid the attacks, more than 3,500 people fled the area to Thailand, the majority of whom had been living in Ler Per Her IDP camp, which was hit by Tatmadaw and DKBA artillery.<sup>63</sup> The second outbreak of clashes came on Myanmar's general election day, November 7<sup>th</sup> 2010, when more than a thousand DKBA troops refused demands by the Myanmar government to assimilate into the Tatmadaw as BGFs and instead went on the offensive, starting with the large border town, Myawaddy. At least 20,000 refugees were thought to have fled in the first few days following the offensive, mostly from Myawaddy,<sup>64</sup> triggering weeks of conflict in the area, engendering further human rights abuse and displacement.<sup>65</sup>

From 2009 until mid-2011, KHRG reported incidents of remote shelling and limited-range patrols in areas proximate to army camps, in which Tatmadaw soldiers deliberately targeted and shot villagers, burned houses, food stores, field huts and/or fields.<sup>66</sup> In May 2011, at least 8885 villagers from 118 villages across Hpapun District, northern Karen State faced a food crisis fundamentally a consequence of attacks on civilians in Lu Thaw Township by Tatmadaw forces carried out since 1997; these attacks continue into 2011.<sup>67</sup>

### 2010 General Elections and President Thein Sein's reform agenda

Following the retirement of the long-time Tatmadaw head of the country, Senior General Than Shwe, elections were held in November 2010 after the reform of the Constitution in May 2008. The elections were boycotted by the National League for Democracy (NLD) and as a result the Union Solidarity and Development Party (USDP) won the elections. The election was criticised by the Special Rapporteur on Myanmar, Tomás Ojea Quintana, who *"note[d] that the elections failed to meet international standards"*.<sup>68</sup> The USDP selected retired Tatmadaw general, President Thein Sein, as President and he took office in March 2011. President Thein Sein announced a broad reform agenda, including the intention to secure agreements to end all of the existing ethnic conflicts.<sup>69</sup>

<sup>61</sup> ["Starving them out: Food shortages and exploitative abuse in Papun District,"](#) KHRG, October 2009. See also, ["Protracted Displacement and Militarisation in Eastern Burma,"](#) TBBC, November 2009, p. 20.

<sup>62</sup> See, ["Central Papun District: Abuse and the maintenance of military control,"](#) KHRG, August 2010; ["Central Papun District: Village-level decision making and strategic displacement,"](#) KHRG, August 2010; ["Southern Papun District: Abuse and the expansion of military control,"](#) KHRG, August 2010.

<sup>63</sup> See, ["Over 3,000 villagers flee to Thailand amidst ongoing SPDC/DKBA attacks,"](#) KHRG, June 2009; ["Update on SPDC/DKBA attacks at Ler Per Her and new refugees in Thailand,"](#) KHRG, June 2009.

<sup>64</sup> See, ["THAILAND: Thousands flee Myanmar fighting,"](#) IRIN News, November 2010.

<sup>65</sup> ["Civilians at risk from continued SPDC-DKBA conflict in Doooplaya District,"](#) KHRG, November 2010.

<sup>66</sup> See, ["Joint Tatmadaw patrol burns field huts and seed stores, displace six villages in Toungoo District,"](#) KHRG, June 2011; ["Tenasserim Interview: Saw C---, Received in May 2011,"](#) KHRG, October 2011; and ["Attacks on cardamom plantations, detention and forced labour in Toungoo District,"](#) KHRG, May 2010.

<sup>67</sup> ["Tatmadaw attacks destroy civilian property and displace villages in northern Papun District,"](#) KHRG, April 2011.

<sup>68</sup> ["Progress report of the Special Rapporteur on the situation of human rights in Myanmar, Tomás Ojea Quintana,"](#) March 2011, A/HRC/16/59, para. 19.

<sup>69</sup> ["President Thein Sein's Inaugural Speech,"](#) Euro Burma Office (EBO), Analysis Paper No. 2/2011, March 2011.

## Ceasefire agreements of 2012 and 2015

As per this reform agenda, in January 2012, the Myanmar government, led by Railway Minister U Aung Min, and the Karen National Union (KNU) met for the first time to have peace talks in Hpa-an Town. As a result, the KNU signed a preliminary ceasefire agreement with the Myanmar government on January 12<sup>th</sup> 2012.<sup>70</sup> At a follow-up meeting in April 2012, in Yangon, the two sides reached a 13-point agreement. The agreement stipulated that the sides would “*implement a ceasefire Code of Conduct*”, and work together to resolve issues including the fate of internally displaced persons (IDPs), refugees, landmines and land registration.<sup>71</sup>

Further talks between the government, the KNU and other ethnic armed groups were held and on October 15<sup>th</sup> 2015, a Nationwide Ceasefire Agreement (NCA) was signed between the government and eight of the fifteen ethnic armed groups originally invited to the negotiation table, including the KNU/KNLA, KNU/KNLA-PC and the DKBA (Benevolent).<sup>72</sup> While embraced by the United Nations (UN),<sup>73</sup> the decision to sign the NCA was criticised by some members of Karen EAGs<sup>74</sup> and Karen civil society groups<sup>75</sup> in southeast Myanmar who felt that the NCA was a superficial agreement that risked undermining a genuine peace process.

## 2015 General Elections and NLD landslide victory

A general election was held again in 2015, this time not boycotted by the NLD which won a landslide victory. The victory of the NLD heightened expectations, both domestically and internationally, for an era of enduring peace and stability. KHRG reported on the experience of local communities on the election in a commentary:

*“[W]hile the election was deemed as fairly transparent at the polls, questionable campaign practices in the lead-up to the election marred villagers’ experiences of this landmark in the country’s reform. In addition, serious concerns regarding the inclusivity of this election emerge from villager testimonies, including many instances of disenfranchisement of eligible voters due to negligence on the part of electoral staff, misinformation and lack of voter education, as well as ethnic discrimination against Muslim and Gurkha residents. Additional large-scale exclusion from the polls took place in Karen National Union (KNU) and mixed-control areas of southeast Burma/ Myanmar, where many polling stations were removed by the Union Election Commission shortly prior to Election Day due to perceived security concerns, which villagers said did not correspond to the conditions on the ground. These experiences have left some villagers disillusioned, not only with the election itself, but with the democratic transition as a whole.”*

Commentary written by KHRG researchers, southeast Myanmar  
(published in February 2016)<sup>76</sup>

<sup>70</sup> See, “[Govt, KNU sign ceasefire](#),” Myanmar Times, January 16<sup>th</sup> 2012; “[KNU, Govt Reach Historic Agreement](#),” The Irrawaddy, January 12<sup>th</sup> 2012.

<sup>71</sup> See, “[Preliminary Ceasefire Talks – 2012](#),” KNU, 2012.

<sup>72</sup> See, “[Myanmar signs ceasefire with eight armed groups](#),” Reuters, October 15<sup>th</sup> 2015. See also: “[NMSP agrees with NCA but will not sign in October](#),” Mizzima News, October 6<sup>th</sup> 2015.

<sup>73</sup> See, “[Myanmar: UN chief welcomes ‘milestone’ signing of ceasefire agreement](#),” UN News Centre, October 15<sup>th</sup> 2015.

<sup>74</sup> See, “[Without Real Political Roadmap, Nationwide Ceasefire Agreement Leads Nowhere...](#),” Karen News, September 1<sup>st</sup> 2015.

<sup>75</sup> See, “[Karen Civil Society Has Lost Trust in the Nationwide Ceasefire Agreement \(NCA\) Negotiations as a Gateway to Political Dialogue](#),” Burma Link, October 4<sup>th</sup> 2015.

<sup>76</sup> “[The 2015 Election and Beyond](#),” KHRG, February 2016.



## The 21<sup>st</sup> Century Panglong

Daw Aung San Suu Kyi, who now holds the offices of Myanmar State Counsellor, Minister of Foreign Affairs and Minister of the President's Office, met with the NCA Joint Monitoring Committee (JMC) for the first time on April 27<sup>th</sup> 2016.<sup>77</sup> More recently, on August 31<sup>st</sup> 2016, the 21<sup>st</sup> Century Panglong conference began.<sup>78</sup> The new peace conference strived to include groups that have not yet signed the NCA, but only partially succeeded as the Arakan Army (AA), Myanmar National Democratic Alliance Army (MNDAA), also known as the Kokang Army, and the Ta'ang National Liberation Army (TNLA) were barred from participation even though they expressed willingness.<sup>79</sup> A non-signatory group that did participate initially, the United Wa State Army (UWSA) reportedly withdrew from the conference because they were only given 'observer' status and not an equal status as the other participants.<sup>80</sup> Another major concern on the 21<sup>st</sup> Century Panglong conference was the lack of women's participation.<sup>81</sup> The second 21<sup>st</sup> Century Panglong conference started on May 24<sup>th</sup> 2017, three months after it was originally planned, and Aung San Suu Kyi stated in her opening speech:

*"Almost everyone accepts that the resolution to the country's long-running armed conflicts is a federal system that is acceptable to all."*<sup>82</sup>

However, on the second day disagreement over the use of the term *"non-secession from the state"* in the basic federal principles led to second 21<sup>st</sup> Century Panglong conference being only a partial success.<sup>83</sup> Also, women's participation was again very low with only 7% female government delegates and 20% ethnic groups' delegates.<sup>84</sup>

## Conclusion of context

In conclusion to this introductory context section, KHRG would like to highlight an excerpt from a KHRG report published in 2006, eleven years ago, which warned that even during a democratic transition, there is a continuing need for human rights groups and civil society to remain vigilant:

*"Democracy' will not magically eliminate the militarism, racism and will to power fuelling the abuses in Burma [Myanmar]. It is only one of many steps – and not necessarily even the primary step – required. If some form of democratically-structured government were to take over from the SPDC next week, the need for our work would continue. If anything, the need would be even greater because we would have to overcome assumptions that things would immediately be 'better' – assumptions that persist despite having been proven false time and time again in transitions to democracy worldwide. It would be a difficult struggle, because no one outside the country would want to hear bad news anymore, while donors and other supporters would most likely shift their priorities from human rights to 'development' or simply shift their support to*

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<sup>77</sup> See, ["Aung San Suu Kyi Tells Myanmar's Peace Stakeholders to Prepare For Conference,"](#) Radio Free Asia, April 27<sup>th</sup> 2016.

<sup>78</sup> See, ["21<sup>st</sup> Century Panglong Conference Kicks Off in Naypyidaw,"](#) The Irrawaddy, August 31<sup>st</sup> 2016.

<sup>79</sup> See, ["Myanmar Peace Talks Begin, High in Symbolism and in Skepticism,"](#) The New York Times, August 31<sup>st</sup> 2016.

<sup>80</sup> See, ["UWSA pulls out of Panglong,"](#) The Myanmar Times, September 1<sup>st</sup> 2016.

<sup>81</sup> See, ["As the Panglong Conference begins, where are the women?,"](#) The Myanmar Times, August 31<sup>st</sup> 2016. For more information on the trend of excluding women from leadership positions see, ["Hidden Strengths, Hidden Struggles: Women's testimonies from southeast Myanmar,"](#) KHRG, August 2016.

<sup>82</sup> ["Suu Kyi warns of 'intense discussions, difficult decisions' as Panglong opens,"](#) Democratic Voice of Burma (DVB), May 24<sup>th</sup> 2017.

<sup>83</sup> ["Government peace conference to end 'without good result',"](#) The Irrawaddy, May 28<sup>th</sup> 2017.

<sup>84</sup> ["Women's voices at latest Panglong 'just tokenism,' say critics,"](#) Democratic Voice of Burma (DVB), May 30<sup>th</sup> 2017.

*countries elsewhere. More than ever the voices of villagers will need to be heard, but will risk being drowned out by the cacophony of development and democracy 'experts'. We may be drowned out too, but we will try to present the villagers' own perspective on their situation, drawing not on international definitions and frameworks but on their own more holistic, interconnected way of viewing human rights and dignity."*

Commentary written by KHRG researchers, southeast Myanmar  
(published in August 2006)<sup>85</sup>

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<sup>85</sup> [“KHRG’s 300<sup>th</sup> Report: Cause for Celebration?,”](#) KHRG, August 2006.

## Methodology

### Field research

In 1992, KHRG began to gather testimonies through a flexible and informal network of local volunteer researchers, the original “group” based out of Manerplaw, Hpapun District. Since this time, KHRG’s methods of both recording and reporting data have evolved according to the documentation methods available, the changing security context and the training invested in KHRG researchers in community areas. Whilst documentation methods have evolved, the purpose has remained the same: to document the voices of villagers and to allow the villagers to define the abuses and agency based on their perception and experience.

In the 1990s, documentation included but was not limited to backpacks full of camera rolls smuggled across the Thai-Myanmar border to be printed with relative safety in Thailand; order letters received first-hand by village heads from armed groups demanding forced labour; and testimonies of displaced villagers in hiding who were experiencing multiple levels of human rights abuse. KHRG has striven to prioritise the evidence that villagers are able to present and that researchers are trained to document which by 2017 now includes oral testimony, via audio-recorded interviews; individual incidents of abuse documented using a standardised reporting format; written updates on the situation in areas with which researchers are familiar, including their perspectives on abuses and local dynamics; photographs and video footage; copies of complaint letters submitted by community members to local authorities; and other forms of evidence where available.

KHRG trains and supports local people from a variety of backgrounds to document the issues that affect their communities and provides salary or material support to some community members while others work as volunteers. KHRG’s recruitment policy does not discriminate on the basis of ethnic, religious or personal background, political affiliation or occupation. We train anyone who has local knowledge, is motivated to improve the human rights situation in their own community, and is known to, and respected by, members of their local communities. KHRG seeks to represent the voices and document the human rights situations of community members across southeast Myanmar. Recognising that in all cases, no one is truly ‘neutral’ and everyone has competing viewpoints and interests, KHRG filters all information received with an awareness of reporting biases and with the intention of neutrality, presenting evidence from as many sources and perspectives as possible. The full KHRG field documentation philosophy is available on request.

### Verification

As KHRG has grown, the methods of verification of data have become more thorough. Initially KHRG verified data through collecting and cross-checking testimonies, often interviewing 5 or more community members regarding the same situation of abuse. KHRG continues to train local researchers to follow a verification policy that includes gathering different types of information or reports from multiple sources, assessing the credibility of sources, and comparing the information with their own understanding of local trends. Due to the vast quantity of data collected by KHRG, KHRG employs an information-processing procedure to assess each individual piece of information prior to translation, in order to ensure that the quality and accuracy of the information matches KHRG’s high standards. Throughout 25 years of reporting, KHRG translators and report writers have maintained close contact with researchers in the field, which enables efficient follow-up on any outstanding issues when necessary.

KHRG reporting is designed to give priority to share the perspectives of individuals and communities, rather than to focus on incident-based reporting or to quantify a number of confirmed incidents which can often decontextualise human rights abuses from the lived experiences of villagers. This report seeks to emphasise the cumulative weight of the large data set analysed, and the

consistency with which concerns were raised by villagers across both a wide geographic area and an extensive time span.

### **Analysis for this report**

The quantity of information received and reports published over the length of KHRG's full reporting period, November 1992 to March 2017, reaches into the thousands. KHRG has taken a sample of reports from every year to form the basis of the analysis for this report. This sample was divided into two sections. The first section analysed all reports received from January 2014 until March 2017, including both published and unpublished. This inclusion of all data from KHRG's most recent 3 years ensures that this report is able to accurately represent villagers' concerns and experiences of the current situation in southeast Myanmar. The total number of reports in this sample was 692.

The second section took a sample of reports from every year prior to 2014, including a minimum of 10 published reports from each year from 1992 until 2013 (22 years). This formed a second sample-set of 252 pieces of raw data which were analysed for abuses, impacts, agency and justice in a similar approach to the first sample. The selection criteria for the analysis of the data set from 1992 to 2013 was intended to identify the broad continuation of trends throughout KHRG's reporting history. This approach therefore sought to uncover multiple issues and trends and was not undertaken with any preconceived chapter-specific abuses in mind. The reports in this sample were selected using stratified sampling based on two criteria; location and format. Reports were included from each district, each year, when available, to ensure a broad coverage of locations. Reports in this sample were in a diversity of formats, including field reports, testimonies, order letters, incident reports and photo sets. The majority of commentaries, thematic reports and submissions were excluded from analysis as they served as secondary data, compiled from KHRG raw data. KHRG's research and documentation methods stress the value of voices and perspectives over and above numbers as the extensive impacts of abuse can never be quantified, and therefore quantitative conclusions about the number of human rights abuses experienced by villagers in southeast Myanmar during this time cannot be made. However, the quantity of villagers voices presented here show not only the trends in abuse over 25 years, but also the commonalities of impacts, shared agency strategies and villagers perspectives on abuse, without reducing them to mere numbers.

The strength and size of KHRG's data for this report therefore is informed by the initial analysis of 944 reports. In the final report, presented to you here, KHRG has directly referenced 312 published reports and 177 unpublished reports from our archives up to March 2017, including 114 interviews, 116 situation updates and 106 photo notes and photo sets.

### **Specialist feedback**

During the analysis phase of the report, informal interviews were conducted with a number of subject matter experts. These included representatives from Committee of Internally Displaced Karen People (CIDKP) Earth Rights International (ERI), Karen Education Department (KED), Karen Environmental and Social Action Network (KESAN), Kyaukkyi Development Watch (KDW), Land in our Hands (LIOH), and others. These interviews are referenced where relevant in the report. Following the initial drafting of the report, drafts were shared with groups of local and international subject-matter specialists for review, after which KHRG staff held internal workshops to review and incorporate feedback, while continuing to prioritise local concerns as expressed in KHRG documentation. Specialists were chosen based on their expertise on a particular issue related to the context of the report. For this 25 year report former KHRG researchers and staff members were also consulted, where available, to ensure the accuracy of analysis of previous cases. KHRG is grateful for the feedback that all stakeholders generously offered throughout this process.

## Research areas

In order to classify information geographically, KHRG organises information according to seven research areas: Thaton, Toungoo, Nyaunglebin, Mergui-Tavoy, Hpapun, Dooplaya, and Hpa-an. These seven research areas are commonly referred to as ‘districts’ and are used by the KNU, as well as many local Karen organisations, both those affiliated and unaffiliated with the KNU. Over KHRG’s 25 years of documentation KHRG has also included testimonies and reports from additional locations including Shan State, Ayerwaddy region, Mandalay region and Thailand. For direct comparisons to be made, only raw data from KHRG’s current seven research areas has been included in the sample for this report.

KHRG’s use of the district designations in reference to our research areas represents no political affiliation; rather, it is rooted in KHRG’s organisational philosophy, due to the fact that villagers interviewed by KHRG, as well as local organisations with whom KHRG seeks to cooperate, commonly use these designations.

The seven districts do not correspond to any demarcations used by the Myanmar government, but cover all or parts of two government-delineated states and two regions. Toungoo District includes all of northwestern Kayin State and a small portion of eastern Bago Region, while Nyaunglebin District covers a significant portion of eastern Bago Region. Hpapun, Hpa-an, and Dooplaya districts correspond to all of northeastern, central and southern Kayin State, respectively. Thaton District corresponds to northern Mon State, and Mergui-Tavoy District corresponds to Tanintharyi Region.

In order to make information in this report intelligible to all stakeholders, including those who use the locally defined Karen districts and those who are familiar with Myanmar government designations for these areas, *Map 1* includes both the government demarcation system of states and regions, and the seven research areas, or ‘districts’, used when referencing information in this report. In addition, where applicable, both geographic designations are used in the text of the report.

When transcribing Karen area names, KHRG utilises a Karen language transliteration system that was developed in January 2012 in cooperation with fourteen other local Karen community-based organisations (CBOs) and non-governmental organisations (NGOs) to ensure the consistent spelling of place names. When transliteration spellings and location names have changed during KHRG’s 25 years reporting period, KHRG has updated these for this report only to current spellings for consistency.

## Censoring of names, locations, and other details

Where quotes or references include identifying information that KHRG has reason to believe could put villagers or KHRG researchers in danger, particularly the names of individuals or villages, this information has been censored. When KHRG was formed, reports were completely censored often up to township and district level. The ‘scorched earth’ policy<sup>86</sup> in the early 1990s practiced by Tatmadaw was in some areas so extreme that KHRG and community members feared violent repercussions against entire townships if they were to be seen to be reporting these abuses. For this reason, some earlier reports are entirely anonymous, using the original KHRG format of XXXX or YYY for all names and locations. KHRG’s censoring system also adopted the use of pseudo-names when KHRG began increasing the quantity of published reports. The current,

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<sup>86</sup> Myanmar, the scorched earth policy of ‘*pyat lay pyat*’, literally ‘cut the four cuts’, was a counter-insurgency strategy employed by the Tatmadaw as early as the 1950’s, and officially adopted in the mid-1960’s, aiming to destroy links between insurgents and sources of funding, supplies, intelligence, and recruits from local villages. See Martin Smith. *Burma: Insurgency and the Politics of Ethnicity*, New York: St. Martin’s Press, 1999, pp. 258-262.

third and final format uses a randomised alphabetical system which bears no relation to the original name under censorship.

KHRG has censored as necessary in each original report, updating the censoring to KHRG's current A--- to Z--- approach. Village and personal names have been censored using single, double or triple digit letters beginning from A--- and running to Z---. This system is applied randomly across all chapters. The censored code names do not correspond to the actual names in the relevant language or to coding used by KHRG in previous reports. The censored names in the body of this report also do not necessarily correspond to the censored names in the *Appendix: Raw Data*. All names and locations censored according to this system correspond to actual names and locations on file with KHRG. Thus, censoring should not be interpreted as the absence of information. In many cases, further details have been withheld for the security of villagers and KHRG researchers.

### **Independence, obstacles to research, and selection bias**

Though KHRG often operates in or through areas controlled by armed groups including the Tatmadaw, BGF and EAGs, KHRG is independent and unaffiliated. Access to certain contexts has sometimes been facilitated by the KNLA, particularly in cases where documentation activities required crossing vehicle roads near Tatmadaw army camps or in areas that were likely to be mined. Other groups were not willing to facilitate research by KHRG, while Tatmadaw, BGF, and DKBA forces were the chief obstacles to safely conducting research in southeast Myanmar during the reporting period. Local people documenting human rights abuses did so with the understanding that they risked potential arrest or violent retribution should perpetrators of abuse learn of their activities.

Because of the obstacles described above, it has only been possible for KHRG community members collecting testimony to interview civilians who are not likely to report documentation activities to authorities, such as those with close connections to armed actors who are frequently the perpetrators of the abuse, in order to avoid placing KHRG community members in danger. Civilians most likely to compromise the security of those working with KHRG may also be those who are most likely to present a positive view of the Tatmadaw and express critical opinions of EAGs that have been in conflict with Myanmar's central government.

Due to these limitations, KHRG is unable to draw definitive conclusions about all aspects of operations by armed actors or about potentially positive activities conducted by government actors. For this reason, this report avoids making conclusions that are not supported by the data set or in areas where research was not conducted. Instead, this report focuses on sharing concerns raised by villagers that relate to events they have directly experienced during the reporting period, and analysing the cumulative weight of these concerns for trends in human rights abuses.

### **Sources and referencing**

The information in this report is based directly upon testimony articulated by villagers during the reporting period, or by documentation and analysis written by KHRG researchers. In order to make this information transparent and verifiable, all examples have been footnoted to 177 source documents, which are available in *Appendix: Raw Data* when previously unpublished, or via their report title and hyperlink to the KHRG website if previously published. Wherever possible, this report includes excerpts of testimony and documentation to illustrate examples.



## Terms and Abbreviations

BGF	Border Guard Force
BMA	Burma Medical Association
BPHWT	Backpack Health Worker Team
CBO	Community based organisation
CIDKP	Committee for Internally Displaced Karen People
CRC	Convention of the Rights of the Child
CSC	Citizenship Scrutiny Card
CSO	Civil society organisation
EAG	Ethnic armed group
EIA	Environmental Impact Assessment
FPIC	Free, Prior and Informed Consent
GAD	General Administration Department
GBV	Gender-based violence
HRC	Human Rights Committee
IB	Infantry Battalion of the Tatmadaw
ID	Identification Card
IDP	Internally displaced person
ICCPR	International Covenant on Civil and Political Rights
KDHW	Karen Department of Health and Welfare
KED	Karen Education Department
KNLA	Karen National Liberation Army
KNU/KNLA-PC	KNU/KNLA-Peace Council
KNU	Karen National Union
KPC	Karen Peace Committee
KRC	Karen Refugee Committee
LIB	Light Infantry Battalion of the Tatmadaw
LID	Light Infantry Division of the Tatmadaw
MNLA	Mon National Liberation Army
MOC	Military Operations Command of the Tatmadaw
NCA	Nationwide Ceasefire Agreement
NESP	National Education Strategic Plan
NGO	Non-governmental organisation
NLD	National League for Democracy
NLUP	National Land Use Policy
SLORC	State Law and Order Restoration Council

SPDC	State Peace and Development Council
SEZ	Special Economic Zone
TBC/TBBC	The Border Consortium / (formerly) Thailand Burma Border Consortium
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNFPA	United Nations Population Fund
USDP	Union Solidarity and Development Party

### Currency and measurements

Baht	Currency of Thailand; US\$1.00 equals approximately 35 baht at market rate (May 2017). Currency conversions in the text vary depending on the date of the original source report.
Basket	Unit of volume used to measure paddy, husked rice and seeds. One basket of paddy equals 20.9 kg/45.08 lb in weight; one basket of husked rice equals 32 kg/70.4 lb in weight.
Big tin	Unit of volume used to measure paddy, husked rice and seeds; one big tin of paddy equals 10.45 kg/23.04 lb in weight; one big tin of husked rice equals 16 kg/35.2 lb in weight.
Kyat	Currency of Myanmar; No official currency conversion existed for kyat prior to mid-2012 due to the Myanmar government's strict prohibition on foreign exchange and international banking. Black market rates prior to mid-2012 reached 1,000 kyat or higher per USD, whilst bank rates were often in the low hundreds. To provide a general estimate for conversions between 1992 and 2012 KHRG uses the black market figure of 1,000 kyat to US\$1.00. The annual market rate that KHRG has used for subsequent years in this report is 949 kyat to US\$1.00 in 2013; 1,000 kyat to US\$1.00 in 2014; 1,182 kyat to US\$1.00 in 2015; 1,255 kyat to US\$1.00 in 2016 and 1,382 kyat to US\$1.00 in 2017.
Viss	Standard unit of weight measure; one viss equals 1.6 kg/3.5 lb.

### Myanmar language terms

Ahna	A feeling of hesitancy, embarrassment or a fear of offending another person in a social situation.
A mo	Mother, used to express respect when talking to older people. Although it translates as 'mother' it does not imply a familial relationship.
Bamar	The majority ethnic group in Myanmar, also known as ethnic Burmese or Burman.
Burma/Myanmar	The country is referred to as Myanmar throughout this report, except when directly quoting reports and villagers that use otherwise. The country was officially named Burma until the military regime changed the name to Myanmar in 1989.
Bo	Military title meaning 'officer'.
Daw	Female honorific title for a married woman or a woman of a higher social position.

Ka La	A Myanmar term which is sometimes used to refer to individuals in Myanmar who are perceived to have a darker skin colour. In southeast Myanmar it is often associated specifically with followers of Islam (Muslims), although this association is sometimes erroneous, and Muslim individuals do not typically self-identify with this term.
Loh ah pay	Forced labour, traditionally referred to voluntary service.
Maung	A male honorific title used before a person's name.
Mo gyi	Used to express respect when addressing older women. Although it translates as 'aunt' it does not imply a familial relationship.
Na Ma Kya	Directly translates as 'Deaf Ear'. Na Ma Kya in this context refers to the name of a Democratic Karen Benevolent Army (DKBA) splinter group based in Kawkaik Township, Dooطلا District.
Pyithu Sit	People's militia.
Sayama/Saya	Female/male honorific title for a teacher, government employee, or any person to whom one wishes to show respect.
Sayadaw	High monk.
U	Male honorific title for a married man or a man of a higher social position.
U Paing	Permanent land use rights.

### **S'gaw Karen language terms**

Kaw La Thoo	'Thoo' meaning black. A S'gaw Karen term which is sometimes used to refer to individuals in Myanmar who are perceived to have a darker skin colour. In southeast Myanmar it is often associated specifically with followers of Islam (Muslims), although this association is sometimes erroneous, and Muslim individuals do not typically self-identify with this term.
Kaw La Wah	'White foreigners'.
Kaw Thoo Lei	Karen State as demarcated by the Karen National Union (KNU). It is also used to refer to the KNU.
Ko Per Baw	'Yellow Headbands', name used by villagers to refer to Democratic Karen Buddhist Army.
Naw	Female honorific title.
Pa Doh	Title meaning 'governor' or 'minister' within the government or military.
Saw	Male honorific title.
Tharamu/Thara	Female/male honorific title for a teacher, government employee, or any person to whom one wishes to show respect.

## Section B: Chapters

### Chapter 1: Militarisation

*“The small river was full of the blood of villagers... If we look at the village, it seems like a battlefield.”*

Unnamed villager from F--- village in Nyaunglebin District/eastern Bago Region quoted in Field Report written by a KHRG researcher (published in April 2001)<sup>87</sup>

#### Key findings

1. Throughout KHRG’s 25 years of reporting, militarisation and abuse mainly by Tatmadaw and DKBA (Buddhist and Benevolent) has deliberately harmed and systematically targeted civilians through tactics including forced labour, forced recruitment, landmines and deliberate attacks on villages.
2. Continued militarisation and the presence of armed actors in communities in southeast Myanmar results in an environment where villagers fear the continuation of abuses including forced recruitment of adults, deliberate attacks on villages and landmine contamination.
3. A significant impact of militarisation and abuse is that villagers’ trust in Tatmadaw and, by association, the Myanmar government remains low. An additional impact over 25 years has been severe livelihood struggles for villagers.
4. Villagers have employed agency tactics including direct negotiation with perpetrators, deliberate avoidance of armed actors and strategic displacement to avoid abuse. Villagers have also sought recourse through local government authorities and the justice system, but state that significant barriers including fear of retaliation prevent them accessing justice in cases of abuse by armed actors.

#### Militarisation subsections

##### A. Militarisation and abuse

##### B. Impacts of militarisation and abuse

#### Introduction

Militarisation has characterised villagers’ lives in southeast Myanmar since before KHRG began 25 years ago, and continues to affect villagers today. Militarisation includes activities which are perceived to be both a preparation for and a normalisation of conflict for communities, and includes forced recruitment, forced labour, landmine planting and other military abuses which have been employed by Tatmadaw<sup>88</sup> and ethnic armed groups (EAGs) in southeast Myanmar. Although the burden of conflict and militarisation is borne by villagers, their experiences are often disregarded since they are not actively participating in the fighting as part of an armed group.

<sup>87</sup> This villager is speaking about his village after it was attacked by SPDC (Tatmadaw) Light Infantry Battalion #351, in March 2000, see [“Papun and Nyaunglebin Districts, Karen State: Internally displaced villagers cornered by 40 SPDC Battalions; Food shortages, disease, killings and life on the run,”](#) KHRG, April 2001.

<sup>88</sup> Tatmadaw refers to the Myanmar military throughout KHRG’s 25 years reporting period. The Myanmar military were commonly referred to by villagers in KHRG research areas as SLORC (State Law and Order Restoration Council) between 1988 to 1997 and SPDC (State Peace and Development Council) from 1998 to 2011, which were the Tatmadaw-proclaimed names of the military government of Myanmar. Villagers also refer to Tatmadaw in some cases as simply “Burmese” or “Burmese soldiers”.

Thus, villagers' voices are presented here. Villagers detail not only the nature of abuses they have faced over 25 years, but how the militarised context in which these abuses occur remains perceptibly unchanged, resulting in continued fear, insecurity and significant livelihood challenges for villagers in southeast Myanmar.

For structural purposes, the chapter has been organised into two subsections: Section A presents villagers' experiences of militarisation including fighting and military abuses; forced recruitment of both adults and children; forced labour; and landmines. This section considers the extent of the same abuses experienced by villagers over KHRG's 25 years reporting period. While some notable changes are evident, KHRG aims to stress throughout Section A that the militarised context in which severe abuses happen has not dramatically changed, and in the post-ceasefire period armed actors have at times reverted back to similar abuses which were common prior to the beginning of the current peace process in 2012. Section B covers impacts, agency and access to justice, emphasising how the impact of militarisation and abuse is an ingrained fear and lack of trust that villagers in southeast Myanmar now carry due to the history of abuses by Tatmadaw and, by association, the Myanmar government. Section B also considers the full extent of villagers' agency over 25 years, including the risks posed for villagers who seek to claim their rights or access justice in a context of military impunity and ongoing insecurity.

## Myanmar's political commitments

The 2012 preliminary ceasefire was the first significant step in the peace process between the Karen National Union (KNU) and the Myanmar government. More than three years later, in October 2015, both the KNU and the Myanmar government signed the Nationwide Ceasefire Agreement (NCA), committing to, *"Reach a negotiated settlement to end protracted armed conflict in the Republic of The Union of Myanmar, [...] and establish a new political culture of resolving political conflicts through political dialogue instead of force of arms."*<sup>89</sup> Whilst conflicts in southeast Myanmar have declined since this signing, Democratic Karen Buddhist Army (DKBA splinter),<sup>90</sup> Border Guard Forces (BGF), Karen National Liberation Army (KNLA) and Tatmadaw have all resorted to "force of arms" on occasion, and the presence of military actors in and around communities remains substantial.

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<sup>89</sup> Chapter 1.b, ["THE NATIONWIDE CEASEFIRE AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE UNION OF MYANMAR AND THE ETHNIC ARMED ORGANIZATIONS," Union Peacemaking Working Committee and the Ethnic Armed Organization's National Ceasefire Negotiation Delegation](#), October 2015.

<sup>90</sup> The Democratic Karen Buddhist Army (DKBA) was re-formed on January 16<sup>th</sup> 2016 as a splinter group from the Democratic Karen Benevolent Army (2010-present), and is also referred to as Na Ma Kya ('Deaf Ear') and DKBA (splinter). During fighting between the Tatmadaw and DKBA Benevolent throughout 2015, there was internal disagreement within the DKBA Benevolent which resulted in a number of commanders being dismissed in July 2015. These former commanders then issued a statement in January 2016 declaring the formation of a new splinter group. This organisation has phrased the formation of this group as the revival of the original Democratic Karen Buddhist Army which was formed in 1994 until it was broken up in 2010 into the BGF and the still-active DKBA Benevolent. The group is led by General Saw Kyaw Thet, Chief of Staff and General Saw Taing Shwe aka Bo Bi, Vice Chief of Staff. Other lower ranking commanders in the DKBA Buddhist splinter group are San Aung and late Kyaw Moh aka Na Ma Kya (reportedly killed on August 26<sup>th</sup> 2016). The group is currently based in Myaing Gyi Ngu area in Hlaing Bwe Township, Karen State. This DKBA Buddhist (splinter) should not be confused with the DKBA Benevolent (2010-present) from which it broke away in January 2016, or with the original DKBA (1994-2010) which was broken up in 2010 into the BGF and the DKBA Benevolent. Importantly, the DKBA Buddhist (splinter) has not signed the preliminary or nationwide ceasefire with the Myanmar government whereas the DKBA Benevolent has signed the two most recent ceasefire agreements.

## A. Militarisation and abuses

### Fighting and military abuses

Fighting in southeast Myanmar has been reported every single year from 1992 up to 2016 without exception in KHRG reports.<sup>91</sup> Fighting by the Tatmadaw and its allies against EAGs such as the KNLA has included the deliberate and extensive targeting of civilians across southeast Myanmar. Throughout the past 25 years, civilians in southeast Myanmar have lived in the midst of multiple armed actors, and have been forced to respond to their countless and often overlapping abuses, suspicions and demands in a fraught, heavily militarised environment. During peak conflict periods, Tatmadaw utilised military tactics specifically intended to undermine support for Karen EAGs, by deliberately destroying and prohibiting anything that could be used by Karen civilians to support Karen EAGs. For instance, Tatmadaw frequently resorted to terrorising villagers by destroying their food supplies, restricting their movement, and forcibly relocating villages thought to be harbouring “Karen rebels” to areas under Tatmadaw surveillance.<sup>92</sup>

DKBA (splinter), DKBA (Benevolent), BGF, Tatmadaw and, at times, KNLA continue to clash and breakout into fighting in civilian areas, which has severe consequences for villagers.<sup>93</sup> In a continuation of villagers’ experience prior to the beginning of the peace process in 2012, recent fighting among armed groups has at times coincided with Tatmadaw, BGF and EAGs deliberately targeting villagers through destroying their houses, firing weapons indiscriminately causing injuries, fear, and death and restricting villagers’ freedom of movement.

According to recent KHRG reports, fighting continues to place villagers at severe risk, compromising their safety and security, and contributes to villagers persisting fears. While the targeting of villagers has decreased in frequency in recent years, the Tatmadaw, BGF, and DKBA (splinter) have not only failed to protect but actively suspected and targeted villagers during fighting. For example, when speaking about fighting between BGF and DKBA (splinter) in February 2016, Saw A--- from B--- village, Kawkareik Township, Dooplaya District, explain how, in addition to causing severe livelihood restrictions due to military activity, the BGF fired on his village without warning:

*“We face food problems. We are not allowed to collect vegetables even on our plain [flatland] farm; we have to find them only in our garden. We would not complain about anything if they [BGF] [only] fight against their enemy [DKBA] [but] they open fire in the village and shout at villagers. As you [they] are soldiers you [they] should fight against your [their] enemy not civilians.”*

<sup>91</sup> The last reported case of fighting in KHRG’s research areas which involved the direct targeting and displacement of civilians was when newly-reformed Democratic Karen Buddhist Army (DKBA splinter) and allied Tatmadaw and Border Guard Forces fought against each other on September 9<sup>th</sup> 2016. This led more than six thousand villagers to displace themselves, and significant landmine contamination due to DKBA (splinter) landmines prevents many villagers from returning, see, [“Recent fighting between newly-reformed DKBA and joint forces of BGF and Tatmadaw soldiers led more than six thousand Karen villagers to flee in Hpa-an District, September 2016,”](#) KHRG, December 2016. Before the fighting broke out in September, the villagers were also forced to porter for DKBA (splinter), see [“Hpa-an Interview: Saw A--- and Saw B---, October 2016,”](#) KHRG, February 2017.

<sup>92</sup> [“INCOMING FIELD REPORTS,”](#) KHRG, August 1994.

<sup>93</sup> Villagers in southeast Myanmar have a complex relationship with armed groups. Due to the location of KHRG reporting areas, the majority of villagers report feeling unsafe near to Tatmadaw and BGF army camps, and to a lesser extent DKBA, but not commonly because of KNLA presence. KHRG receives fewer reports regarding security concerns because of KNLA but more reports on villagers’ expectations about how KNLA can improve their role and relationship in the local community. For more information on how these reports are received and analysed see the ‘Methodology’ of this report. For an example of villagers’ expectations on the KNLA, see [“Dooplaya Situation Update: Win Yay Township, June to July 2015,”](#) KHRG, March 2017. For information about KNLA and BGF fighting, see [“Violent abuse and killing committed by BGF soldiers in Bu Tho Township, Hapun District, March to May 2015,”](#) KHRG, July 2015; for DKBA (Benevolent) and Tatmadaw fighting, see [“Dooplaya Situation Update: Kyainseikgyi Township, March to May 2015,”](#) KHRG, November 2015.



*It is not the best way to act [when you fight against civilians] as soldiers. As we are villagers we do not know anything about them. How can we know [to protect ourselves] if they do not tell us whether they will come here [to our village] or not? I want to talk openly.”*

Saw A--- (male), B--- village, Kawkareik Township,  
Dooplaya District/southern Kayin State (interviewed in February 2016)<sup>94</sup>

Similarly, in 2016 DKBA (splinter) group Na Ma Kya<sup>95</sup> left a 16 years old female villager partially blind when fighting with the BGF in D--- village, Kawkareik Township. Her mother, Naw C---, explains how the ongoing militarisation and fighting has resulted not only in permanent disability but also inexorable fear even when she is in her own house:

*“[W]e have to live in fear. Now, we already dug an underground shelter [to hide in during the fighting] because I am afraid. Even though other people are not afraid I am afraid and I worry when I hear any sound. I am afraid even when I hear the sound of a dog barking. Because I never have faced [with fighting] like this before. The artillery fell down [exploded] very close to us when we were under the table, just at my house’s drain but we did [not] know that it had fallen down. [We just knew it had happened] when my daughter cried out and said, “Daddy, it hit me”. And then [her eye] was bleeding and her blood ran down non-stop. My husband said “Oh my youngest daughter has been hit [by shrapnel].”*

Naw C--- (female, 45), D--- village, Kawkareik Township,  
Dooplaya District/southern Kayin State (interviewed in September 2016)<sup>96</sup>

In other cases of recent fighting, villagers report that they were deliberately harmed or targeted by the Tatmadaw, BGF and EAGs. Between July 2015 and August 2016 six skirmishes between Tatmadaw, BGF, DKBA (Buddhist) and DKBA (splinter) in E--- village, Kawkareik Township, Dooplaya District resulted in village devastation.<sup>97</sup> One KHRG researcher described the abuse against the local community:

*“BGF and Tatmadaw soldiers burned 9 houses and afterward they came back and burned the house again. There are more than 20 houses in this village. Only 4 houses which were not burned were left.”*

Photo Note written by a KHRG researcher, Kawkareik Township,  
Dooplaya District/southern Kayin State (received in March 2016)<sup>98</sup>

<sup>94</sup> [“Dooplaya Interview: Saw A---, February 2016,”](#) KHRG, November 2016. For a recent case of villagers’ houses being burnt, see [“Dooplaya Interview: Naw A--- February 2016,”](#) KHRG, August 2016, where fighting happened between DKBA (splinter) and BGF in Kawkareik Township, Dooplaya District from July 2015 to February 2016. The fighting occurred in civilian areas but the villagers were not allowed to escape from the fighting, and their freedom of movement was severely restricted; see also [“Dooplaya Field Report: Military conflict, violent abuse, and destruction caused by development projects, January to December 2015,”](#) KHRG, October 2016.

<sup>95</sup> Na Ma Kya is a Burmese phrase which directly translates as ‘Deaf Ear’. Na Ma Kya in this context refers to the name of a Democratic Karen Benevolent Army (DKBA) splinter group based in Kawkareik Township, Dooplaya District. According to local villagers, this group often acts with impunity, ignoring both the local people’s input as well as the higher DKBA authorities’ orders. Commander Kyaw Moh, well known as Na Ma Kya, who was leading this splinter group, was killed by one of BGF Commander Bo Tin Win’s mahouts on August 29<sup>th</sup> 2016. For more information see [DKBA Splinter Group Confirms Leader’s Death](#), The Irrawaddy, August 31<sup>st</sup> 2016; [ပိုင်နားမကြီးက ဆင်ထိန်းများကို ပြန်ပေးဆွဲခြင်းမဟုတ်ဟု ဒီကော့ဘီအေပြင်းဆို](#), Democratic Voice Of Burma, September 2<sup>nd</sup> 2016. According to unpublished KHRG information from Kawkareik Township in Dooplaya District the circumstances surrounding his death remained unconfirmed.

<sup>96</sup> [“Dooplaya Interview: Naw G---, September 2016,”](#) KHRG, December 2016. Naw C---’s daughter remains blind in one eye and no longer attends school following this incident. See also [“Dooplaya Situation Update: Kawkareik Township, June 2015 to August 2016,”](#) KHRG, December, 2016.

<sup>97</sup> [“Dooplaya Situation Update: Kawkareik Township, June 2015 to August 2016,”](#) KHRG, December 2016.

<sup>98</sup> Source #116.

The above cases are evidence that when fighting does erupt, villagers bear the violence. Tatmadaw, BGF and EAGs fight in civilian areas placing villagers in harm's way, often without warning, and in some cases actively target villagers by repeatedly burning their villages.

Of concern, these cases show little change from military abuses in KHRG's past reports. The suspecting and targeting of villagers by Tatmadaw underpinned much of the abuse villagers reported throughout the 1990s and 2000s. The systematic burning of villagers' housing and crops was a deliberate strategy to destroy 'Karen resistance' through the strategy of 'Four Cuts', enacted officially in the 1960s through to the 1990s.<sup>99</sup> Multiple KHRG reports testify to the systematic burning of villages, combined with the destruction of additional supplies that could support Karen ethnic armed groups, in southeast Myanmar. Supplies including medicine, food storage and money were used by villagers to sustain themselves but were specifically targeted under 'Four Cuts', with entire village tracts being labelled as "*rebel*" areas and subject to the following treatment:

*"Yes, I was there in my village. They [Tatmadaw] came to the village and they burned all the houses. I was hiding in the bushes. I saw them burning the paddy in my rice barn, the paddy which I grew on my own hill farm. There were a lot of them. It was over 2 months ago, then they came again. They came and burned the houses 3 times, because the first and second times not all the houses were burned completely. After the third time all the houses were burnt. All 30 houses".*

Saw G--- (male, 46), H--- village, Mergui-Tavoy District/southern Tanintharyi Region  
(interviewed in February, 1997)<sup>100</sup>

Villages were burnt with the intention of eliminating potential hiding places for Karen EAGs and preventing villagers from staying or returning. Additionally the above testimony demonstrates not only the deliberate burning of villagers' houses, but also the mass destruction of rice paddy supplies. Tatmadaw during this time also destroyed villagers' cooking pots, killed their farm animals and looted any food supplies that they had. In a stark reminder that the deliberate abuses of the past continue to be repeated, prior to fighting between DKBA (splinter) and BGF in September 2016, DKBA (splinter) looted villagers' rice supplies, cooking some and pouring additional supplies to waste on the ground, in Hlaingbwe Township, Hpa-an District.<sup>101</sup> This action is intentionally offensive and abusive. This abuse in 2016, as in the past, combined with other abuse by armed actors to trigger displacement, strategically planned by villagers to avoid further abuse. In areas where villagers did not strategically displace in previous years, forced relocation to areas under Tatmadaw surveillance was an additional strategy used by Tatmadaw to break up Karen communities:

*"[Villagers] were told that they will be allowed to move to a designated Army-controlled relocation site or to any garrison town where they may have relatives, but that if they stay in their home area you will be targets for our guns."*

Information Update written by a KHRG researcher, Hpa-an District/  
central Kayin State (published in September 1998)<sup>102</sup>

<sup>99</sup> For more information see the Context section of this report.

<sup>100</sup> "[ATTACKS ON KAREN VILLAGES: FAR SOUTH](#)," KHRG, March 1997.

<sup>101</sup> "[Hpa-an Interview: Saw A--- and Saw B---, October 2016](#)," KHRG, February 2017. In a separate incident, Ma A--- reported that Myanmar police poured away her rice when they looted her shop in June 2015, see "[Thaton Interview: Ma A---, July 2015](#)," KHRG, August 2015.

<sup>102</sup> "[KAREN HUMAN RIGHTS GROUP INFORMATION UPDATE](#)," KHRG, September 1998. For more information on displacement see Chapter 7: Displacement and Return.

Many villages have since been rebuilt after their original destruction, whilst others, including the bustling small town and former KNLA headquarters Manerplaw, Hpa-an District, which was destroyed in 1995, have never fully recovered from these attacks.<sup>103</sup> Villagers remain displaced and continue to harbour the memories and fear that fighting and deliberate attacks has instilled within them.

### **Militarisation and forced recruitment**

Villagers have further been targeted by Tatmadaw and EAGs throughout KHRG's 25 years through the practice of forced recruitment. All armed groups active in southeast Myanmar have utilised forced recruitment of civilians as a common military strategy to varying frequency. Forced recruitment of male villagers, both adults and underage boys, was often done in combination with other abuses such as detention, arrest, threats, and demands. All signatories of the 2012 preliminary ceasefire<sup>104</sup> and the 2015 Nationwide Ceasefire Agreement (NCA) agreed to cease the practice of forced recruitment immediately.<sup>105</sup> However, whilst the military strategy of forcibly recruiting male villagers on a large scale has declined along with other violent abuses and threats associated with forced recruitment, KHRG reports during the peace process evidence cases of forced, coerced and underage recruitment in areas of southeast Myanmar for the continued purpose of strengthening military capacity. Additionally, the demand for large sums of money to be paid to armed groups as "replacement fees" if villagers do not supply recruits remains.<sup>106</sup> These cases of forced recruitment, mainly of adult men, reinforce the militarised context in southeast Myanmar which infringes on villagers' daily lives and their level of security.

Most recently, in June 2016, in twelve villages from M--- to N--- village, Kawkareik Township, Dooplaya District, KNLA Battalion #18 issued a "request" to recruit two villagers from each village to serve as soldiers, with each village being told that they should send at least one villager to serve. The villagers were not threatened or forced but were told that if they did not provide soldiers they faced paying large "replacement fees" instead. As a result, twelve male adult villagers were recruited as soldiers in one village alone, RR--- village. The requirements on each villager recruited are that they must serve in the KNLA for three years and work an additional six months for the Karen National Union (KNU). The villagers, in addition to being made to send individuals to serve, also are made to face the financial burden of supporting the families of the recruited soldiers with 20,000 kyat (US\$14.65) showing the financial impact that recruitment continues to have.<sup>107</sup>

Another case of forced recruitment of adults occurred in Kawkareik Township, Dooplaya District by DKBA (Benevolent), led by Battalion Commander Saw Pa Nya in 2014. In this instance, when villagers refused to provide recruits for the DKBA they were forced to initially pay an extortive fine

<sup>103</sup> ["Commentary: The Fall of Manerplaw - KHRG #95-C1,"](#) KHRG, February 1995.

<sup>104</sup> On January 12<sup>th</sup> 2012, a preliminary ceasefire agreement was signed between the KNU and Burma/Myanmar government in Hpa-an. Negotiations for a longer-term peace plan are still under way. For updates on the peace process, see the [KNU Stakeholder webpage](#) on the Myanmar Peace Monitor website. For KHRG's analysis of changes in human rights conditions since the ceasefire, see ["Truce or Transition? Trends in human rights abuse and local response since the 2012 ceasefire,"](#) KHRG, May 2014. In March 2015, the seventh round of the negotiations for a national ceasefire between the Burma/Myanmar government and various ethnic armed actors began in Yangon, see ["Seventh Round of Nationwide Ceasefire Negotiations,"](#) Karen National Union Headquarters, March 18<sup>th</sup> 2015. Following the negotiations, the KNU held a central standing committee emergency, see ["KNU: Emergency Meeting Called To Discuss Nationwide Ceasefire Agreement And Ethnic Leaders' Summit,"](#) Karen News, April 22<sup>nd</sup> 2015.

<sup>105</sup> See Chapter 3.5.a, ["THE NATIONWIDE CEASEFIRE AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE UNION OF MYANMAR AND THE ETHNIC ARMED ORGANIZATIONS,"](#) Union Peacemaking Working Committee and the Ethnic Armed Organization's National Ceasefire Negotiation Delegation, October 2015.

<sup>106</sup> See for example source #4 where BGF demanded 2 million kyat (US\$1,898) in leui of recruitment.

<sup>107</sup> ["Dooplaya Situation Update: Kawkareik Township, June 2015 to August 2016,"](#) KHRG, December 2016.

of 300,000 kyats (US\$259.06) which the village head negotiated down to 280,000 kyats (US\$241.79) for the village, collecting a share from each household.<sup>108</sup> Additionally, the Tatmadaw anti-insurgent group *Tha Ka Hsa Hpa* forcibly recruited adult male villagers in Hpa-an Township, Thaton District.<sup>109</sup>

In one case showing not only forced recruitment but an abuse of child rights, in October 2014, two underage boys, aged between 16 and 17 years old were recruited without their or their guardians' free, informed consent by KNLA Battalion #102 in Bu Tho Township, Hpapun District.<sup>110</sup> The parents of the children, Saw I--- and Saw J---, did not give their permission for recruitment and were not informed that the recruitment had happened. The father of one of the underage recruits stated:

*"I see that it is not appropriate [to recruit an underage boy] that is why I have tried to follow up [with the KNLA]. But if it [recruitment] is through a request from the village tract leader then I'll agree to grant [permission] if [my son is] complete in age [eighteen years old]. But now my son is not complete in age and secondly he is the older sibling therefore we need to have him to help us so I can't give [permission to] them [KNLA] and he still has three brothers then if one is free from being recruited one [other brother] will be available [for recruitment] and if [my] sons do not go then father [I] will go."*

Saw K--- (male, 41), L--- village, Bu Tho Township, Hpapun District/northeastern Kayin State (interviewed in October 2014)<sup>111</sup>

The recent cases above evidence how both adult and underage males continue to be viewed by armed groups as potential recruits, and how this practice of recruitment exposes villagers to further abuses and hardships including extortion, livelihood insecurity, and contributes to the militarisation of communities in southeast Myanmar. The practice of forced recruitment strengthens the manpower of armed groups suggesting that groups are preparing for conflict regardless of the signed NCA and, thus contributes to villagers' fears and feelings of insecurity.

The practice of forced recruitment is a continuation of military strategies prevalent prior to the Myanmar government's transition from military to quasi-democratic and the signing of the NCA. According to KHRG reports most notably between 1992 and 2012, armed groups relied extensively on the practice of forced recruitment of both adult men and underage boys in southeast Myanmar to strengthen troop numbers, which was always necessary to replace soldiers who had been injured, killed or who had deserted. All armed groups including Tatmadaw, DKBA (Buddhist) and KNLA forcibly recruited civilians to be soldiers, entrapping villagers often for years at a time. Young males were the most common targets for forced recruitment, therefore they were often the first to hide or flee when armed groups entered villages.

When Tatmadaw and EAGs forcibly recruited villagers, they put them in grave dangers where it was likely they would not survive. KHRG reports indicate villagers who had been forcibly recruited not only encountered risk from facing front-line fighting, but risk from lack of training:

<sup>108</sup> ["Dooplaya Situation Update: Kyainseikgyi and Kawkaik townships, August to October 2014,"](#) KHRG, July 2016.

<sup>109</sup> *Tha Ka Hsa Hpa* is an abbreviation of *Thaung Kyaun Thu San Kyin Yay*, which means 'anti-insurgency group' in Burmese. This militia was formed in 2010 by Moe Nyo, a former Democratic Karen Benevolent Army (DKBA) leader, who split from the DKBA after it transitioned into a Border Guard Force (BGF). Moe Nyo eventually joined the BGF in Battalion #1014, while still continuing to operate *Tha Ka Hsa Hpa*, see ["Thaton Situation Update: Bilin and Hpa-an townships, June to November 2014,"](#) KHRG, February 2015; and ["Incident Report: Forced recruitment in Thaton District #1, May 2012,"](#) KHRG, May 2013.

<sup>110</sup> KNLA committed in July 2013 to the Geneva Call *Deed of Commitment* to recruit no civilian under 18 years of age into their armed forces, admitting to Geneva Call that *"this rule had not always been respected in the past"*. See, ["The KNU/KNLA commits to the protection of children and the prohibition of conflict-related sexual and gender-based violence,"](#) Geneva Call, July 24<sup>th</sup> 2013.

<sup>111</sup> Source #44.



*“The SLORC<sup>112</sup> also forces 10 or 20 people from every village to be in their militia. The soldiers don’t give them any training, just give them a gun, take them along on patrol and order them to fight the Karen Army. The SLORC makes every family in the villages give 3 baskets of rice every month to support this militia.”*

Saw O--- (male, 40), around Hpa-an Town quoted in Report written by a KHRG researcher, Hpa-an District/central Kayin State (published in May 1993)<sup>113</sup>

The extortion of Tatmadaw demanding 3 baskets of rice from each village to support their recruits not only harmed villagers but also did not result in improved conditions for forced recruits who rarely had an equal share in basic food rations, resulting in severe weakness and malnutrition. Many villagers who had been forcibly recruited chose to risk their life when they saw the opportunity to desert, fleeing the army whilst on active duty. Deserters if recaptured were killed. Ko M--- was forcibly recruited as a child by Tatmadaw:

*“I fled from LIB [Light Infantry Battalion]<sup>114</sup> #341. My personnel number is ###. I have only completed one grade of my education. ...At the time [when he was recruited to become a soldier in December 2002], my uncle was working in Rangoon<sup>115</sup> and I was arrested while I was going to visit him. A police officer named U Kyaw Gyi said to me “You don’t have an identification card so you’ll have to go to prison. If you don’t want to be imprisoned, you must become a soldier.” At that time, I was still young and I couldn’t understand very well about what they were talking about. But I didn’t want to go to prison so I chose to become a soldier. At that time, I was 16 or 17 and I had no desire to become a soldier. I have been a soldier for six years. [...] First, they taught us about military parade marching and then they taught us how to assemble and disassemble rifles. Then we had to do target shooting. We had to learn about how to detonate mines.”*

Tatmadaw deserter Ko M--- (male, 23) from Irrawaddy Region, interviewed by a KHRG researcher in Hpapun District/northeastern Kayin State (published in May 2008)<sup>116</sup>

KHRG reports also testify to the combined nature of abuses accompanying forced recruitment, including the recruitment of children, some as young as 12. Multiple KHRG testimonies bear witness to the abuses committed against children, for example:

*“They [DKBA] know how the Kaw Thoo Lei [KNLA] used to do it, so they do it the same way. Maung Chit Thu<sup>117</sup> tries to organise it. When Kaw Thoo Lei asked for soldiers they always said*

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<sup>112</sup> State Law and Order Restoration Council replaced the Burma Socialist Programme Party (BSPP) following the September 18<sup>th</sup> 1988 coup d’état by then General Saw Maung (later Senior General). The SLORC was officially dissolved in 1997 by Senior General Than Shwe and was replaced by the State Peace and Development Council (SPDC). It is commonly used by villagers to refer also to Myanmar’s state army, the Tatmadaw.

<sup>113</sup> [“Living Conditions around Pa’an Town,”](#) KHRG, May 1993.

<sup>114</sup> A Tatmadaw Light Infantry Battalion (LIB) comprises 500 soldiers. However, most Light Infantry Battalions in the Tatmadaw are under-strength with less than 200 soldiers. LIBs are primarily used for offensive operations, but they are sometimes used for garrison duties.

<sup>115</sup> Rangoon is the British colonial name for the former capital city now known as Yangon, changed in 1989 by the military junta.

<sup>116</sup> [“Life inside the Burma Army: SPDC deserter testimonies,”](#) KHRG, May 2008.

<sup>117</sup> Maung Chit Thu, commonly referred to as Chit Thu, was the operations commander of Democratic Karen Buddhist Army (DKBA) Battalion #999 prior to the DKBA transformation into the Tatmadaw Border Guard Force, which began in September 2010. His role has grown considerably since the transformation: he was second in command of Tatmadaw Border Guard Forces, overseeing BGF battalions #1017, #1018, #1019 and #1012, and is now a senior advisor and general secretary of the Karen State BGF central command based in Ko Ko, Hpa-an District. Abuses committed by Maung Chit Thu have been cited in previous KHRG reports, including ordering the forcible relocation of villagers from eight villages in Lu Pleh Township in July 2011, while acting as a Border Guard commander; see [“Pa’an Situation Update: June to August 2011,”](#) KHRG, October 2011. For more information on the DKBA/Border Guard transformation, see, [“Border Guard Forces of Southeast Command formed in Paingkyon of Kayin State,”](#) *New Light of*

*“over 17 years of age”, they didn’t want very young people. But now many people say that the DKBA don’t care about the age, and that very young children like 15, 16, and 13 years old are with them.”*

Saw P---, (male, 37), Myawaddy Township, southern Kayin State  
quoted in a report written by a KHRG researcher (published in May 1997)<sup>118</sup>

Tatmadaw and EAGs’ forced recruitment of civilians into armed groups throughout KHRG’s 25 years further shows how militarisation across communities in southeast Myanmar has caused abuse in almost every aspect of villagers’ lives, including child abuse through forced recruitment, exposure of civilians to grave danger, extortion, livelihood insecurity, displacement and separation of families as many young males fled. Forced recruitment demands, particularly on underage boys but also on adult males, and its associated abuses may have lessened since the 2012 preliminary ceasefire, but it is evident that the risk for villagers in militarised areas remains.

### **Militarisation and forced labour demands**

The 2012 preliminary ceasefire, signed in January of that year, saw both the Myanmar government and KNU commit to, *“Immediately stop forced labour, arbitrary taxation and extortion of villagers”*.<sup>119</sup> KHRG’s definition of forced labour<sup>120</sup> is based on villagers’ commonly reported experiences, such as Naw S---’s description of Tatmadaw demands in 1994:

*“We have to do 5 types of labour for them: guarding the road, porters, slave labour, standing sentry between their soldiers’ positions, and couriers. Every day we have to send 44 people altogether: 26 for guarding the road, 5 porters, 6 for slave labour, 5 sentries, and 2 couriers. When guarding the road, we have to clear the bushes alongside the road [to eliminate cover and step on any mines], sweep the road [for mines], carry away all the dust, collect firewood, make fires, and guard the road. We have to sleep in groups of 2 – one has to guard while the other sleeps and keeps the fire. [...] For slave labour we have to start work at 6 am, carrying rocks and laying them so it’s level. [...] The porters have to carry ammunition and supplies. They never get food, they have to bring it from home. We have to replace them every 5 days, so every porter has to take food for 5 days – otherwise no one will feed them. The 2 couriers have to go every morning to report any news of Karen soldiers. Then if the SLORC has any orders to send they make the couriers deliver them. They come back home in the evening, but they have to go every day. The soldiers never give money to the villagers for labour – they just make us work like cattle or buffalos. It’s very hard for us.”*

Naw S--- (female, 47), quoted in a report written by a KHRG researcher,  
Hpa-an Township, Thaton District (published in May 1994)<sup>121</sup>

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Myanmar, August 22nd 2010; and [“Border Guard Force formed at Atwinkwinkalay region, Myawaddy Township, Kayin State,”](#) *New Light of Myanmar*, August 25<sup>th</sup> 2010.

<sup>118</sup> [“ABUSES AND RELOCATIONS IN PA’AN DISTRICT,”](#) KHRG, August 1997; for additional cases of child recruitment by Tatmadaw see [“PHOTO SET 2005-A: Children,”](#) KHRG, May 2005; [“INTERVIEWS ON THE SCHOOL SITUATION,”](#) KHRG, June 1996; [“INTERVIEWS WITH SLORC ARMY DESERTERS,”](#) KHRG, May 1996; [“Life inside the Burma Army: SPDC deserter testimonies,”](#) KHRG, May 2008; and KHRG’s joint submission to OHCHR, [“CRC Shadow Report: Burma, The plight of children under military rule in Burma,”](#) Child Rights Forum, April 2011.

<sup>119</sup> [“Statement on Initial Agreement between KNU and Burmese Government,”](#) Karen National Union, January 2012.

<sup>120</sup> For a comprehensive definition of the types of forced labour see KHRG’s submission to the International Labour Organisation (ILO), [“Summary of forced labour in Burma,”](#) KHRG, August 1997.

<sup>121</sup> [“CONTINUING SLORC ACTIONS IN KAREN STATE,”](#) KHRG, May 1994.



While most predominantly forced on villagers by Tatmadaw, all armed groups have demanded villagers for forced labour and portering as a specific strategy for oppression or military strengthening. This abuse has often been accompanied by torture, arbitrary arrest and detention, severe mistreatment, threats, extortion and rape. Furthermore, forced labour demands have severely limited the time villagers have to spend working on their own livelihoods.

Forced labour and portering has been utilised by Tatmadaw since 1992, DKBA since 1994, and KNLA, BGF and Karen Peace Council (KPC) sporadically in more recent years. Armed actors implicated in forced labour during the peace process are BGF, Tatmadaw and DKBA (splinter), with villagers reporting forced labour demands or requests in Hpapun, Thaton, Hpa-an and Doooplaya Districts in southeast Myanmar. Whilst villager reports on forced labour have dramatically declined, KHRG has documented cases of forced labour in the 5 years since the signing of the preliminary ceasefire, suggesting that some military actors still revert to the tactic of demanding villagers' labour when in need of military materials or camp repairs. Due to the habitual nature of Tatmadaw's and EAG's demands of forced labour in KHRG reports throughout the 1990s and 2000s, and the detrimental impacts it had on their livelihoods, villagers remain particularly fearful that armed actors near their communities will demand forced labour from them again.

Since the beginning of the peace process, demands for forced labour have most commonly come from rogue commanders feared by villagers, and it no longer appears to be an orchestrated form of oppression by armed groups against Karen civilians.<sup>122</sup> However, armed groups have still reverted to forced labour when they need porters during fighting. In September 2016, during the outbreak of fighting in Meh Th'Waw area, Hpa-an District between BGF-Tatmadaw and DKBA (splinter), villagers were forced to transport rice and carry woven baskets filled with landmines for the DKBA to plant. Following this abuse the villagers fled to a temporary IDP camp.<sup>123</sup>

In some recent cases, these demands have become more subtle with armed groups using fear and false promises to coerce villagers to do labour for them. From 2014 onwards, villagers in KHRG research areas report that Tatmadaw have made no explicit forced labour demands but now request "voluntary labour" from villagers, in some cases reimbursing village heads for supplies that they ask them to provide.<sup>124</sup> However, villagers report that they do not feel confident to say "no" to Tatmadaw's requests due to their ingrained fear of retaliation and abuse by Tatmadaw, and additionally that despite promises Tatmadaw sometimes do not reimburse the villagers for the materials that the village provide. For example in July 2015, Doooplaya District:

*"A group of SPDC<sup>125</sup> [Tatmadaw] from Light Infantry Battalion #559, [under] the Active Battalion Commander named Nay Win Aung based in Q--- village, Kaw T'Ree [Kawkareik] Township, Doooplaya District, asked local villagers to transport rice from R--- village to Q--- village and said that they will pay for the cost but when the villager brought them [Tatmadaw] the rice they did not pay anything and they do not even pay for the gas [of the vehicle]."*

Situation Update written by a KHRG researcher, Kawkareik Township, Doooplaya District/southern Kayin State (received in August 2015)<sup>126</sup>

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<sup>122</sup> ["Hpapun Interview: U A---, January 2014,"](#) KHRG, October 2014

<sup>123</sup> ["Hpa-an Interview: Saw A--- and Saw B---, October 2016,"](#) KHRG, February 2017.

<sup>124</sup> Source #45.

<sup>125</sup> State Peace and Development Council of the military junta ruling Myanmar at the time. The SPDC was officially dissolved March 30<sup>th</sup> 2011 by Senior General Than Shwe following the election of a quasi-civilian government in Myanmar in November 2010. It is commonly used by villagers to refer also to Myanmar's state army, the Tatmadaw.

<sup>126</sup> Tatmadaw in this case re-filled the trucks with 5 gallons of petrol but did not pay a rental fee for the village cars, source #85; see also source #73; see also ["Doooplaya Situation Update: Win Yay Township, June to July 2015,"](#) KHRG, March 2017.

Additional cases of forced labour during the peace process include BGF #1013 and #1014 in Bu Tho Township, Hpapun District in 2013, 2014 and 2015 demanding villagers cook at their camp, collect and carry firewood, and provide thatch shingles for camp repair.<sup>127</sup> In one incident, BGF Battalion #1014 Company Commander Saw Htee Kyoo, also known as Tin Win, met with 3 local village heads and ordered them to provide 10 villagers per village to labour each day between October and December 2014.<sup>128</sup>

Forced labour abuses were some of the most common abuses faced by villager according to KHRG reports, and reports throughout the peace process document that armed groups have not entirely ceased this practice, which fuels villagers' fears and insecurity. Demands on villagers throughout the 1990s and 2000s to supply labourers, particularly to Tatmadaw for military tasks and construction projects, were so frequent that many villagers were forced to labour multiple times and many chose to flee to avoid further demands, such as Saw V---:

*"2 days ago [I arrived in the refugee camp]. I came to find work here because we couldn't live there. There were too many hardships. They [Tatmadaw] demanded that we do forced labour working for them. We had to construct roads, work in their barracks and do portering, carrying things. I had to go all the time, when I was in Bee T'Ka I had to go 2 times a month for 5 days each time carrying things and building the road. Sometimes we had to go for 10 days constructing the road, and we had to bring our own food. It is a new road, from Daw Lan to Hpa-an."*

Saw V--- (male, 37), W--- village, quoted in a report written by a KHRG researcher, Paingkyon Township, Hpa-an District/northeastern Kayin State (published in August 1997)<sup>129</sup>

Villagers reported additional abuses whilst being forced to labour, including violent abuse. Forced labourers ranging from teenage girls to elderly men were forced to carry heavy loads and were beaten and kicked if they were slow, with their weaker friends being left for dead along the trail.<sup>130</sup> These reports clearly evidence how most notably Tatmadaw and to a lesser degree EAGs have used forced labour as a tool not only to strengthen military capacity, but also to inflict deliberate, life-threatening abuses on villagers in southeast Myanmar. One typical testimony from 2001 describes these physical and mental abuses inflicted on labourers and porters by Tatmadaw:

*"As porters we only got 1 meal a day, one small plate of plain rice that was weighed out on a scale. They made me carry more than 20 viss [32 kilograms] of ammunition and rations. If I couldn't carry my load I was beaten. I didn't see any porters die but many of my friends' saw a lot die because of exhaustion, weakness, and malaria. I saw child porters as young as 15 and men as old as 60. There were also women, including some who were pregnant and some who were*

<sup>127</sup> See for example sources #66 and #90. KHRG has received multiple reports detailing abuses involving BGF Battalion #1013 and #1014, including: ["BGF Battalion #1014 demands forced labour, asserts heavily militarised presence in villages in Hpapun District, June 2015,"](#) KHRG, December 2015; ["Hpapun Incident Report: Villager killed by Border Guard Force \(BGF\) Battalion #1013 in Bu Tho Township, March 2015,"](#) KHRG, September 2015; ["Human rights violations by Border Guard Force \(BGF\) Battalion #1014 in Bu Tho Township, Hpapun District, May 2012 to March 2014,"](#) KHRG, July 2015. Further reports detailing abuses involving these battalions are also available on the KHRG website.

<sup>128</sup> ["Thaton Short Update: Hpa-an Township, October 2014,"](#) KHRG, February 2016.

<sup>129</sup> ["ABUSES AND RELOCATIONS IN PA'AN DISTRICT,"](#) KHRG, August 1997.

<sup>130</sup> For example, *"They forced us to work for them. They told us that they would go just over there [a short distance], but then they made us go for 2 to 3 days. They forced us to carry very heavy things. Although we could not carry the things, we had to try hard until we could. We had to carry bags of cement, or bullets, rice and other food. We had to carry anything that they needed us to carry for them."* ["STRENGTHENING THE GRIP ON DOOPLAYA: Developments in the SPDC Occupation of Dooplaya District,"](#) KHRG, June 1998.

*carrying infants along with their loads. The women had to carry the same loads as men, and some of them were raped. Some porters escaped and some were let go – I escaped twice and was let go the other 3 times.”*

Saw T--- (male, 45), U--- village, quoted in a report written by a KHRG researcher, Pruso Township, Loikaw District/eastern Kayin State<sup>131</sup> (published in June 1992)<sup>132</sup>

Forced labour demands and the extensive abuses that villagers faced also included the abuse of extortion. When villagers could not send the demanded number of labourers, Tatmadaw and EAGs forced villagers to repeatedly pay “replacement fees” or “porter fees”,<sup>133</sup> which villagers stated to be detrimental to their financial and livelihood security:

*“We are very poor already, but to make it worse we must pay porter fees many times. Sometimes there’s no money to pay with. I had to sell my daughter’s new sarong just to get money to pay porter fees.”*

Maung AA--- (male, 42), quoted in a report written by a KHRG researcher, Hlaingbwe Township, Hpa-an District (published in March 1994)<sup>134</sup>

Tatmadaw and EAGs’ use of porter fees created serious financial hardships, which led many families to fall into debt,<sup>135</sup> and struggle to make ends meet on a daily basis.<sup>136</sup> When villagers could not afford to pay and could not gather the amount from the support of their neighbours, villagers faced beatings and additional abuse. Thus, Tatmadaw and EAGs’ systematic and constant demand of porter fees in addition to the repeated forced labour demands which deprived villagers of time to work for their own survival on their land, were strong push factors for many families in making the difficult decision to strategically displace themselves from their communities to internally displaced person (IDP) or refugee sites.

The legacy of the associated abuses entwined in forced labour throughout KHRG’s 25 years of reporting continues to affect villagers’ sense of security in the post-ceasefire period. The Tatmadaw, BGF and some EAGs such as DKBA (splinter) still demand villagers as forced labour, and even when they request for voluntary labour instead, villagers feel threatened and unable to refuse. Moreover, the impact of these demands in the post-ceasefire period combined with the forced labour abuses throughout the 1990s and 2000s that many community members have first-hand experience of is that civilians continue to lack trust in Tatmadaw and its allies, as well as some EAGs, and feel that they are in significant danger if their army camps or battalions are located near villages.

## **Militarisation and landmines**

Throughout the last 25 years Tatmadaw, KNLA, DKBA (Buddhist, Benevolent and splinter) and BGF have planted landmines as an offensive and defensive strategy against their enemies and as a strategy to terrorise villagers and prevent them from aiding their opponents. As a result, southeast Myanmar is substantially contaminated with landmines, which augments and reinforces villagers’ ongoing security concerns and the militarised environment in which they live. The NCA

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<sup>131</sup> This district is no longer covered in KHRG’s operation area.

<sup>132</sup> [“Statements by Karenni Refugees,”](#) KHRG, June 1992.

<sup>133</sup> *“I’m not sure what happens to the porter fees – maybe some goes for porters or to build roads and things, but I think maybe, the SLORC just uses it for themselves. All the money to build everything comes from the people – we’re forced to pay different fees every month, always collected by the Army.”* [“Living Conditions around Pa’an Town,”](#) KHRG, May 1993.

<sup>134</sup> [“SLORC ABUSES IN HLAING BWE AREA,”](#) KHRG, March 1994.

<sup>135</sup> [“UNCERTAINTY, FEAR AND FLIGHT: The Current Human Rights Situation in Eastern Pa’an District,”](#) KHRG, November 1998. See also, [Landmines, Killings and Food Destruction: Civilian life in Toungoo District,”](#) KHRG, August 2007.

<sup>136</sup> [“Living Conditions around Pa’an Town,”](#) KHRG, May 1993.

states that all signatories to the 2015 agreement will end the use of landmines, and cooperate towards clearing all landmines. However, KHRG reports indicate that this promise is not being upheld and that landmines are a persistent threat to villagers in the region. Villagers report the following concerns to KHRG: the danger of disability and mortality from old mines which have not been cleared; the laying of new landmines and the increased risk of mortality from contamination in civilian areas; and livelihood insecurity due to lack of access to farm and forest land and the injury and death of farm animals because of both old and new landmine contamination. Furthermore, KHRG has also documented cases in which Tatmadaw and EAGs have directly abused villagers in previous years by forcing villagers to walk as minesweepers and to porter in heavily mined areas in civilian areas.

Given that landmines are often undetectable, they continue to kill and injure villagers. In one 2016 interview, 53 years old village head U A---, from Kyaukkyi Township, Nyaunglebin District described how 16 villagers in his village alone had been injured by old landmines since the 'four cuts' era.<sup>137</sup> In another case, at least one village head was killed and one villager was injured between September and October 2016 when they stepped on DKBA (splinter) landmines in two separate incidents in Meh Th'Waw area, Hlaingbwe Township, Hpa-an District.<sup>138</sup> In 2016 there were additional reports of one villager being injured in Nyaunglebin and one villager being injured in Hpapun District by landmines, in March and April 2016 respectively; both mines were suspected to be un-cleared KNLA landmines.<sup>139</sup> These cases, as with other abuses detailed above, show how militarisation continues to risk and harm innocent civilians' physical and livelihood security in their home communities.

Whereas KHRG reports during conflict document Tatmadaw and ethnic armed groups using landmines as an offensive and defensive strategy, report that armed actors are now planting landmines not only to defend themselves but also to 'protect' key income generating industries of which armed groups control. One such use has been for the sake of 'protection' and to deter loggers from entering community forest. For example, in 2016 the KNLA reported to villagers in Nyaunglebin District that they had planted landmines in community forest in order to deter loggers, and that the villagers should therefore not enter the forest. Some villagers however continued to use the forest because their livelihoods depended on using and selling the logs. As a result, the landmines detonated and injured at least one bullock and damaged villagers' property, including Maung A---'s bullock cart, which rode over the KNLA landmine. According to Maung A---, who had gone into the forest to collect firewood:

*"The incident happened because people went to steal the logs from there so they planted the landmines, but for me, I did not steal the logs."*

Maung A--- (male), quoted in a Situation Update written by a KHRG researcher, Mone Township, Nyaunglebin District (published August 2016)<sup>140</sup>

Likewise, landmines have also been used to deter villagers from working and carrying out their livelihood activities near development sites. On January 1<sup>st</sup> 2016, Saw B---, 27 years old, was hit by a landmine which had been placed around a former gold mining site in Ka Law Myaung area,

<sup>137</sup> ["Nyaunglebin Interview: U A---, January 2016,"](#) KHRG, September 2016.

<sup>138</sup> ["Recent fighting between newly-reformed DKBA and joint forces of BGF and Tatmadaw soldiers led more than six thousand Karen villagers to flee in Hpa-an District, September 2016,"](#) KHRG, December 2016.

<sup>139</sup> ["Two separate landmine incidents happened in Hpapun and Nyaunglebin districts, March and April 2016,"](#) KHRG, August 2016. An additional case is from January 24<sup>th</sup> 2014 where 26 year old Saw BB--, from Ler Meh Plaw village tract, Lu Thaw Township, Hpapun District went hunting with his friend in the forest and witnessed his friend stepping on a landmine suspected to be laid by Tatmadaw. His friend died two hours later, see source #11.

<sup>140</sup> ["Nyaunglebin Situation Update: Mone Township, April to May 2016,"](#) KHRG, August 2016. Villagers also report the financial and livelihood insecurity that results from livestock stepping on landmines. For a recent case of a farmer's buffaloes being killed and injured by landmines see, ["Hpapun Incident Report: Landmine kills one buffalo and injures two in Bu Tho Township, April 2015,"](#) KHRG, March 2016.



Kyaukkyi Township, Nyaunglebin District. Saw B--- was hunting wild animals; the area was known amongst villagers as a place to search for food at times when they faced livelihood challenges and could not grow enough food to sustain themselves.<sup>141</sup>

Adding to the complexity of recent landmine usage, the use of landmines has become so pervasive that even villagers and village security guards have resorted to planting homemade landmines around their village as an 'early warning system' for protection against attack from armed groups, such as in IDP areas.<sup>142</sup> As one villager in CC--- village, Lu Thaw Township, Hpapun District, May 2016 explained:

*"The elders who are responsible for protecting the civilians [use landmines], and the soldiers also use them. [...] [They use landmines because] We are not in a satisfactory [stable peace] situation yet and we are still in a difficult [unsafe] situation. With landmines we have to be careful with protecting ourselves. We do not have many soldiers [militia]. We use landmines in order to help villagers conduct their livelihood activities [safe from soldiers]."*

Saw DD--- (male, 35), EE--- village, Lu Thaw Township, Hpapun District (received in May 2016)<sup>143</sup>

The continued use of landmines for any purpose limits villagers' access to livelihood security and places them in grave danger of injury or death.

Between 1992 and 2012, landmine survivors, widowed and orphaned family members, and villagers displaced by landmine contamination testified that landmines were primarily used to deter armed groups from attacking certain areas or by armed groups to prevent the opposition from encroaching further into their territory. During the 1990s villagers encountered additional abuses when Tatmadaw forced villagers to sweep for landmines by walking in front of soldiers while portering their military supplies:

*"One porter died when they went to clear landmines because he went in front of them [Tatmadaw] and the other one went behind [the porter served as a human minesweeper while the soldier followed him]. When they came near the landmine, he detonated the landmine and the porter flew up. He [the soldier] did not get hurt... they made them go like that [in front of the soldiers]. They made some go ahead and some behind and some between them."*

Saw FF--- (male, 15) GG--- village, quoted in a report written by a KHRG researcher, Kyainseikgyi Township, Dooplaya District/southern Kayin State (published in March 2002)<sup>144</sup>

Additionally, KHRG has recorded multiple traumatic cases in which Tatmadaw and its allies intentionally planted landmines to harm or kill Karen civilians and in retaliation to attacks that they faced from Karen EAGs, resulting in Karen villagers being continually targeted within and around their own communities. For instance, Tatmadaw deliberately planted landmines around the bodies of villagers who had been killed in Hpa-an District, 1998, so that community members could not bury them.<sup>145</sup> In the same year, Tatmadaw LIB #707 planted a landmine outside a village elders'

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<sup>141</sup> ["Nyaunglebin Interview: U A---, January 2016,"](#) KHRG, September 2016

<sup>142</sup> Source #89.

<sup>143</sup> Source #121.

<sup>144</sup> ["STARVING THEM OUT: Forced Relocations, Killings and the Systematic Starvation of Villagers in Dooplaya District,"](#) KHRG, March 2000; see also ["THE NEW SLORC CAR ROAD TO TWEE PA WIH KYO,"](#) KHRG, September 1992; ["KAREN HUMAN RIGHTS GROUP INFORMATION UPDATE,"](#) KHRG, August 1999; ["KAREN HUMAN RIGHTS GROUP INFORMATION UPDATE,"](#) KHRG, September 1999; ["Field Reports and Interviews,"](#) KHRG, October 1998 and ["Northeastern Pa'an District: Villagers Fleeing Forced Labour Establishing SPDC Army Camps, Building Access Roads and Clearing Landmines,"](#) KHRG, February 2001.

<sup>145</sup> *"The villagers they shot were Per Talu and Pa Mu Dah [both men]. They were Taw Oak villagers. One was 15 years old and the other was 34. ... Four of us had gone to look for vegetables. On our way back, we didn't know that the Burmese soldiers had come to our village. They had already laid some landmines on the path, but none of us*

house, killing him, in Htantabin Township, Toungoo District.<sup>146</sup> Tatmadaw also booby-trapped villagers' rice baskets to explode when villagers in hiding returned to pick them up in June 2000, Toungoo District, killing two men and injuring one woman.<sup>147</sup> Tatmadaw deliberately planted landmines around the entrances of villagers' houses who fled, posing grave danger for them if they chose to return.<sup>148</sup> Furthermore, Tatmadaw and EAGs have also deliberately planted landmines along common forest paths to prevent the movement of opposition groups, meaning that villagers who chose to flee for safety to IDP or refugee camps had to risk their life to do so<sup>149</sup> and many IDPs and refugees to this day still fear returning to their original communities due to unknown levels of landmine contamination in unmarked area. These cases show that Tatmadaw has used landmines to directly abuse civilians in southeast Myanmar and prevent them from living safely in their villages.

KHRG reports indicate that Tatmadaw and EAGs are not doing enough to clear landmines. Since the signing of the NCA requiring armed groups to clear landmines to increase public safety, KHRG has documented only two cases of armed groups undertaking small-scale mine clearance, and it was to improve military access to those areas rather than for humanitarian purposes.<sup>150</sup> Where they are allowed, CBOs have been active in raising awareness of the risks of mines among villagers.<sup>151</sup> However, many unmarked landmines remain, causing severe risk of injury and livelihood restrictions to civilians in southeast Myanmar<sup>152</sup> and leading many villagers to express that little has improved in terms of their daily safety and security over 25 years.

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*stepped on them. Then we saw the smoke of a farm hut that they had set on fire, but we thought they wouldn't do anything to us because we're only villagers. Suddenly we saw a soldier carrying a gun, and I knew he was a Burmese soldier. I started to run and he shot at me, so I fell down and lay quietly even though I wasn't injured. Then he shot at my friend and hit him, but he wasn't badly wounded and ran right on past me. Then the Karen soldiers started shooting at them, and the Burmese shot dead my other 2 friends. ... They took the bags of the 2 dead people and took some of their vegetables and the squirrels they'd caught to eat. Then they burned the bodies and the rest of the vegetables with some scrap wood. After that they laid landmines around the bodies, so that nobody would dare go to remove them. Later another villager went to the place where the bodies were, and he died because he stepped on one of the mines. After that the Burmese captured another Taw Oak villager and executed him too because they accused him of being a KNU spy."* ["UNCERTAINTY, FEAR AND FLIGHT: The Current Human Rights Situation in Eastern Pa'an District,"](#) KHRG, November 1998.

<sup>146</sup> "One villager, Saw ZZ---, was killed by a landmine on about June 11<sup>th</sup> of this year [1998] at AAa---. He was 60 years old and had 2 children, his wife had already died. Burmese LIB 707 planted a landmine at the foot of the steps in front of his house." ["Field Reports and Interviews,"](#) KHRG, October 1998; see also ["UNCERTAINTY, FEAR AND FLIGHT: The Current Human Rights Situation in Eastern Pa'an District,"](#) KHRG, November 1998.

<sup>147</sup> ["PEACE VILLAGES AND HIDING VILLAGES: Roads, Relocations, and the Campaign for Control in Toungoo District,"](#) KHRG, October 2000.

<sup>148</sup> ["Field Reports and Interviews,"](#) KHRG, October 1998.

<sup>149</sup> ["Displacement Monitoring: Regular updates on protection concerns for villagers in Dooplaya District and Tak Province,"](#) KHRG, January 2011.

<sup>150</sup> "In February 2012, KNLA Battalion #101 and Border Guard Battalion #3 worked together following an order to remove the landmines. Those who came and removed the landmines were Border Guard Company Commander Hpah Maw Hkoh, with Sergeant Kee Kyaw, Private Htwee Heh Kay and Battalion Deputy Commander Maung Ngway Heh, and they managed it with 20 of their soldiers. With regards to the KNLA, 2<sup>nd</sup> Lieutenant K'Loo Koo and Hpah Htwee Maw managed it with about 15 soldiers. Some of the village heads accompanied them. They were able to remove 30 landmines altogether. At 3:00 pm on that same day, February 11<sup>th</sup>, a Border Guard soldier named Htwee Heh Kay was hit by one of their own landmines; because of that, the removal of landmines was stopped." ["Pa'an Situation Update: T'Nay Hsah Township, September 2011 to April 2012"](#) KHRG, July 2012; see also ["Hpapun Situation Update: Bu Tho Township, June 2016 to August 2016,"](#) KHRG, November 2016.

<sup>151</sup> Source #78.

<sup>152</sup> Source #125.



## B. Impacts, agency and access to justice

Militarisation over the last 25 years has had immense and devastating impacts on the lives of villagers in southeast Myanmar. Though some abuses directly linked to militarisation have decreased, many communities are still affected by militarisation and the abuse of armed actors, and harbour the consequences in the perception that little has changed over 25 years. Villagers continue to face security concerns, directly tied to the enduring presence of armed actors, most notably Tatmadaw, BGF and in some parts DKBA, in local areas, compounded by the abuses committed against civilians documented by KHRG over the past 25 years. Although the impacts of living under a state of oppression, abuse and militarisation cannot be quantified, KHRG's analysis documents several common tribulations experienced by villagers. In particular, villagers report that militarisation has contributed toward their distrust in the Tatmadaw, worsening health, restricted movement, and dramatic livelihood insecurity.

### Lack of trust in Tatmadaw

According to KHRG's testimonies, a significant consequence of Tatmadaw and EAGs' militarisation has been its ability to generate substantial fear in communities in southeast Myanmar. Villagers still have the expectation that Tatmadaw may inflict abuses on them for little or no reason, stemming from a deep lack of trust<sup>153</sup> in Tatmadaw:

*"During my [KHRG] research this time, I found out that villagers are very afraid because they did not want me to record their voice much. They are afraid of this information being released [to the Tatmadaw army] and that the Tatmadaw army will do something [bad] to them."*

Photo Note written by a KHRG researcher, Dooplaya District/southern Kayin State (received in June 2016)<sup>154</sup>

This fear of direct attacks if villagers speak out against the Tatmadaw can be traced through 25 years of KHRG reports when Tatmadaw have taken revenge on villagers, such as the Tatmadaw group *Sa Tha Lon* threatening to kill 10 villagers for every 1 soldier killed by KNLA,<sup>155</sup> and issuing direct threats should villagers complain about their abuses:

*"They [Tatmadaw] take the livestock, but you can't complain. They said if you complain, they will kill you."*

Saw WW--- (M, 36), Kyainseikgyi Township, quoted in a report written by a KHRG researcher, Dooplaya District/southern Kayin State (published in March 2000)<sup>156</sup>

In addition to villagers fearing retaliation for speaking out against abuses,<sup>157</sup> villagers also lack trust in Tatmadaw's motives for staying militarised in southeast Myanmar, including near civilian areas. They explicitly worry that fighting will break out again due to ongoing military activities by

<sup>153</sup> See for example, "Since 1997, the SPDC has been using the name 'peace' for everything, as an attempt to show that it is creating peace; hence 'Peace Group', 'Peace Village', 'exchanging arms for peace', and 'State Peace and Development Council'" ["PEACE VILLAGES AND HIDING VILLAGES: Roads, Relocations, and the Campaign for Control in Toungoo District,"](#) KHRG, October 2000.

<sup>154</sup> Source #134.

<sup>155</sup> ["DEATH SQUADS AND DISPLACEMENT,"](#) KHRG, May 1999.

<sup>156</sup> ["STARVING THEM OUT: Forced Relocations, Killings and the Systematic Starvation of Villagers in Dooplaya District,"](#) KHRG, March 2000.

<sup>157</sup> Villagers have experienced negative retaliation by armed actors when they have reported recent abuses. For example, villagers reported to local media groups about forced labour demands by BGF Battalion Commander Bo Maung Chit in 2015. When Bo Maung Chit discovered this, he intimidated villages and told them that, "you had reported about how we forced you to do labour works in this way and in that way and documented my name in the report." ["Hpapun Situation Update: Bu Tho Township, June to October 2015,"](#) KHRG, September 2016.

Tatmadaw and BGF including transporting rations and ammunition, patrolling, and repairing army camps, which villagers perceive as preparation by Tatmadaw for ongoing conflict.<sup>158</sup>

Even now villagers fear living and working near armed bases or near armed actors, because of previous abuses where they were forced to labour, shot on sight, or arbitrarily detained.<sup>159</sup> Villagers do not trust the motives of Tatmadaw and feel personally insecure and vulnerable in their presence. They remain fearful that if they take any action that is deemed inappropriate by Tatmadaw, they might be physically punished, or if they enter an area at the wrong time they may be caught in the crossfire of fighting, or at any time they may be arbitrarily abused. These fears further impact villagers who note that they do not feel safe to enjoy full freedom of movement when travelling outside of their community, near army bases, or when accessing their farmland, due to the presence of armed actors.<sup>160</sup> This is particularly the case at night, and for female villagers, and for villagers located near an army base. The abuses throughout KHRG's reports especially committed by Tatmadaw mean that fear and lack of trust remain deeply ingrained in villagers, which leads them to continually fear the negative potential consequences of militarisation.

### Livelihood impacts

Throughout KHRG's 25 years reporting period, villagers have reported that militarisation and abuse has and continues to have negative consequences on their livelihoods, such as impairing their ability to work, and causing them physical and emotional suffering.

Tatmadaw and EAGs' demands for forced labour and the displacement that frequently followed have caused significant livelihood disruptions.<sup>161</sup> Forced labour has deteriorated villagers' health from physical exhaustion but also brought upon starvation and emotional guilt on a larger scale when villagers have been unable to cultivate their fields and provide for their families:

*"Each time I came back home after that [forced labour] I felt sick of that kind of thing, because it took away the time I need to work for my family."*

Saw II--- (male, 56), JJ--- village, quoted in a Field Report written a KHRG researcher, Htantabin Township, Toungoo District/northern Kayin State (published in October 1999)<sup>162</sup>

<sup>158</sup> "I know that the Burma/Myanmar government military [Tatmadaw] are sending more rations, more ammunitions [military supplies] and upgrading their army camps. Therefore, the ceasefire agreement does not make me feel satisfied and I do not feel like I can trust the ceasefire to stop the fighting. I do not understand what the Burma/Myanmar government is planning in this ceasefire process. I understand that if they are honest [in their intentions] about this ceasefire agreement they should not upgrade their army camps and send more ammunition. Therefore, I don't really understand [trust] this ceasefire process." source #173; see also source #171. The transportation of rations by Tatmadaw has explicitly caused villagers to fear that fighting will break out, see "[Toungoo Incident Report: Tatmadaw transport rations and ammunition in Thandaunggyi Township, December 2013](#)," KHRG, May 2014.

<sup>159</sup> For example, villages that surround a Tatmadaw army base in Nyaunglebin District were forced to labour in 2012, see "[Nyaunglebin Situation Update: Kyauk Kyi Township, May to July 2012](#)," KHRG, March 2013; for interviews with villagers who survived being shot on sight see, "[CONTINUING SLORC ACTIONS IN KAREN STATE](#)," KHRG, May 1994.

<sup>160</sup> These continued security concerns explained by villagers living near army camps are not unfounded as reports of violent abuse, extortion, forced labour and killing of villagers by armed actors in southeast Myanmar have been received since the signing of the 2015 Nationwide Ceasefire Agreement. For example, on July 8<sup>th</sup> 2015 two young male villagers, aged 17 and 21 respectively, were shot and killed by Tatmadaw soldiers while they were travelling to Meh T'Ree village, Hpa-an District. Both of them did not know that Tatmadaw soldiers had taken their position for the fighting in the Meh Tha Waw area, and as they were walking towards the soldiers along the road they were shot dead. Relatives of the two dead villagers attempted to take home the dead bodies but Tatmadaw soldiers did not allow them. See source #74.

<sup>161</sup> "[STARVING THEM OUT: Forced Relocations, Killings and the Systematic Starvation of Villagers in Dooplaya District](#)," KHRG, March 2000.

<sup>162</sup> "[Field Reports and Interviews](#)," KHRG, October 1998; see also "[KHRG Photo Gallery 2009](#)," KHRG, July 2009.

Despite Tatmadaw and EAGs decreasing serious and intentional abuses such as forced labour following the 2012 ceasefire, villagers continue to feel unsafe which restricts their ability to travel and access their farms, leading them to state that their livelihood insecurities are aggravated by the presence of armed actors. Specifically, villagers' fear of Tatmadaw and its allies prevents them from accessing their farmlands, which are often located outside of the village:

*"As the hill farms are close to the Tatmadaw camp, they dare not to do farming. In Ler Muh Plaw village tract, there are about one hundred farmers' lands which are about a thousand acres of land [in total] that villagers dare not go back and work on as they are afraid that the Tatmadaw might shoot and kill them."*

Situation Update written by a KHRG researcher, Lu Thaw Township, Hpapun District/northeastern Kayin State (received in March 2014)<sup>163</sup>

The same concern was expressed in 2007 when Saw M--- from Toungoo District spoke about the Tatmadaw:

*"The villagers weren't able to go and tend their fields, so their hill fields and flat fields became overgrown with weeds and the paddy plants couldn't grow freely. They didn't have enough food. They had to buy it from the other villages such as Kler La and Gkaw Thay Der but now we can't go to buy food anymore. The SPDC [Tatmadaw] military camps are situated along the way so we can't do anything about it."*

Saw M--- (male, 57), O--- village, quoted in a Field Report written by a KHRG researcher, Toungoo District/northern Kayin State (published in December 2007)<sup>164</sup>

In both cases, regardless of how the abuse has changed, villagers felt more confident retaining their safety if they did not go to their farms. Villagers chose to displace themselves and face possible food insecurity, rather than face potential beatings, killing, torture, and forced labour Tatmadaw could inflict upon them for traveling to their land.

Adding to ongoing limitations on villagers' daily livelihood security is the contamination of landmines in community areas. When villagers travel to access their farmland they risk their physical security, which prevents them from securing their traditional livelihood. Traditional livelihood options include hunting and foraging in forests and alternative livelihood opportunities remain scarce:

*"Personally, especially in the area where villagers are looking for the food, if they do not plant the landmine, it is the best. If villagers are free to travel it will be great and we do hope that kind of dream will be fulfilled. [...] if they do not want villagers to go out to find food in the forest, the relevant government and recently elected [Myanmar] government should be involved and find a way to improve villagers' lives and create job opportunities for the villagers."*

U A--- (male, 53), B--- village, Kyaukkyi Township, Nyaunglebin District/southern Kayin State

(interview published in September 2016)<sup>165</sup>

These testimonies suggest that villagers' livelihoods continue to be compromised from military presence near their villages.—

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<sup>163</sup> Source #13.

<sup>164</sup> ["Villagers risk arrest and execution to harvest their crops,"](#) KHRG, December 2007; for further livelihood restrictions due to past militarisation see also, ["PEACE VILLAGES AND HIDING VILLAGES: Roads, Relocations, and the Campaign for Control in Toungoo District,"](#) KHRG, October 2000. For examples of villagers killed by landmines when travelling outside of their village and villagers being shot-on-sight when travelling to their farmlands see, ["Rural development and displacement: SPDC abuses in Toungoo District,"](#) KHRG, January 2009; ["SLORC SHOOTINGS & ARRESTS OF REFUGEES,"](#) KHRG, January 1995; and ["REPORTS FROM THE KAREN PROVINCES,"](#) KHRG, September 1992.

<sup>165</sup> ["Nyaunglebin Interview: U A---, January 2016,"](#) KHRG, September 2016.

## Psychosocial and physical impacts

Spanning 25 years, KHRG reports also evidence the emotional impacts or trauma caused by militarisation and abuse, mainly by Tatmadaw:

*"I think about how in the time of the Burmese [Tatmadaw], they forced our father to do 'loh ah pay'<sup>166</sup> and our brother to go as a porter, and sometimes they came back and they didn't even look human. They were dirty and ragged, and sometimes my father said, 'The Burmese are no good, they didn't even feed us rice'. I looked at our father and I was sad, and it hurt my heart."*

Naw HH--- (female, 29), quoted in a report written by a KHRG researcher, Hpa-an Township, Thaton District/northern Mon State (published in September 1999)<sup>167</sup>

Cases of forced labour and portering, watching fellow porters die or be killed, stay with villagers beyond the time period of abuse. One porter testified: *"It was terrifying, being up there"*<sup>168</sup> after he was forced to carry Tatmadaw munitions to the front line where fighting was happening in 1992, KHRG's first year of reporting. Other villagers spoke about their continual exposure to human rights abuses, particularly forced labour that left them feeling *"as though they were already dead"*.<sup>169</sup> KHRG reports also document that some villagers, who have experienced abuses by armed groups including disability after stepping on landmines, and having to flee their village and not return<sup>170</sup> have attempted suicide or died by suicide due to the emotional and physical consequences of abuse.<sup>171</sup>

Physical trauma and disability also continue to be a constant reminder of the military abuse that civilians in southeast Myanmar live through. Disability and injury from landmines,<sup>172</sup> and physical injuries resulting from severe abuses cause daily pain,<sup>173</sup> financial insecurity due to medical costs, and limit the working potential of many Karen civilians. For example, between 2013 and 2017 KHRG documented 21 incidents of villagers being injured by landmines. This is no doubt a fraction of the number of physically injured and mentally affected villagers living with the ongoing

<sup>166</sup> *Loh ah pay* is a Burmese term now commonly used in reference to forced labour, although traditionally referring to voluntary service for temples or the local community, not military or state projects.

<sup>167</sup> ["CAUGHT IN THE MIDDLE,"](#) KHRG, September 1999.

<sup>168</sup> ["TESTIMONY OF PORTERS ESCAPED FROM SLORC FORCES,"](#) January 1992; see also ["STATEMENT BY NAW HTOO PAW,"](#) KHRG, April 1992; ["THE CURRENT SITUATION IN MUDRAW \(PAPUN\) DISTRICT,"](#) KHRG, November 1992. For example, *"Sometimes shells came into our camp and porters got wounded. Some porters had their legs blown off, and some others got fractures. I saw the SLORC [Tatmadaw] soldiers bring back 3 wounded porters from the front and put them on the ground in a spot off to the side. They just left them there to die. Two other porters I saw had been wounded with broken arms, and the soldiers still forced them to carry as long as they could. I don't know if any of the wounded porters lived."* ["PORTER TESTIMONIES: KAWMOORA REGION,"](#) KHRG, December 1992.

<sup>169</sup> ["Eastern Pa'an District: Forced Labour, Food Security and the Consolidation of Control,"](#) KHRG, March 2004.

<sup>170</sup> ["STATEMENTS BY INTERNALLY DISPLACED PEOPLE,"](#) KHRG, April 1993.

<sup>171</sup> ["The SLORC/SPDC Campaign to Obliterate All Hill Villages in Papun and Eastern Nyaunglebin Districts,"](#) KHRG, February 1998; see also ["Villagers risk arrest and execution to harvest their crops,"](#) KHRG, December 2007; see also ["STARVING THEM OUT: Forced Relocations, Killings and the Systematic Starvation of Villagers in Dooplaya District,"](#) KHRG, March 2000; ["Pa'an Situation Update: T'Nay Hsah Township, September 2011 to April 2012,"](#) KHRG, July 2012.

<sup>172</sup> *"Although they had trucks parked in BBB---, they didn't use them and the SPDC [Tatmadaw] soldiers were selling the petrol. For us, the villagers, they ordered us to clear the landmines and ordered us to walk in front of them. We were also afraid of the landmines, that we might be injured. But as they might give us a problem if we didn't go, we had to go."* ["Toungoo District: The civilian response to human rights violations,"](#) KHRG, August 2006; see also ["ATTACKS ON KAREN REFUGEE CAMPS: 1998,"](#) KHRG, May 1998.

<sup>173</sup> ["FORCED LABOUR AROUND TAUNGGOO TOWN,"](#) KHRG, July 1996; see also ["SLORC IN KYA-IN & KAWKAREIK TOWNSHIPS,"](#) KHRG, February 1996; and ["INCOMING FIELD REPORTS,"](#) KHRG, August 1994; ["PORTER STORIES: CENTRAL KAREN STATE,"](#) KHRG, October 1996; ["ATTACKS ON KAREN REFUGEE CAMPS,"](#) KHRG, March 1997.



consequences of the conflict. The longevity of the impacts of these military abuses is further compounded by the void in services that exist in both southeast Myanmar and Myanmar as a whole to address the physical and psychosocial impacts of conflict.

### **Militarisation and abuses: Agency strategies**

*“Realising our danger in advance, we went into hiding.”*

U XX--- (male, 54) quoted in a Field Report written by a KHRG researcher, Kayin State (published in August 1994)<sup>174</sup>

Villagers employ agency tactics that are context dependent when faced with militarisation and abuse. Agency strategies are influenced by the risk that they perceive themselves to be under if their actions result in retaliation, as well as the variety of choices available to them, the support of their community, the success of previous agency, and the consequence for them if they chose not to act. At no point during KHRG’s 25 years have villagers expressed that they do nothing when confronted with the risk of abuse.<sup>175</sup>

Since the 2012 preliminary ceasefire, village agency tactics have changed. Armed groups now have ceasefire-based restrictions, and cases where villagers chose to flee or temporarily displace themselves to avoid further abuse are less common.<sup>176</sup> This suggests that whilst militarisation and abuse continues, villagers to some extent feel safer to stay in their home communities and use alternative methods to resist, avoid or limit military abuses and demand justice.

### **Negotiation and confrontation**

In recent KHRG reports, villagers more commonly resist military abuse by reporting potential and actual cases, including forced labour demands, to their village head<sup>177</sup> or the armed actor who is responsible.<sup>178</sup> For example, when Tatmadaw took supplies without payment from one village for army camp repair in 2014, the villagers complained directly to the Tatmadaw officer in charge.<sup>179</sup> Other cases where villages have raised complaints and made contact direct to armed groups include a village head in 2012, Hpa-an District who confronted the local BGF about planting landmines in his area:

*“The Border Guard started to plant landmines beside the village, beside the villagers’ farms, beside the well, on the boundaries of the farms, in betelnut plantations, durian plantations and rubber plantations, and on the road that the villagers use for traveling. The villagers have been hit by landmines, and their buffalos and cows have also been [hit], so the village head went and asked the Border Guard soldiers, “Why didn’t you tell the villagers that you planted landmines?” The Border Guard [soldiers] replied, “Village head, we didn’t plant the landmines, they were planted by the KNLA.” One of the village heads responded, “The KNLA soldiers planted landmines in the forest and they told the villagers where they had planted them. You [the Border Guard] planted landmines in our farms and in our plantations; why didn’t you tell us?” Border Guard Company Commander Hpah Maw Hkoh replied to the village head, “You are disobedient and*

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<sup>174</sup> [“INCOMING FIELD REPORTS,”](#) KHRG, August 1994.

<sup>175</sup> For a detailed analysis of village agency tactics under militarisation, see KHRG’s [“Village Agency: Rural rights and resistance in a militarized Karen State,”](#) November 2008.

<sup>176</sup> See for example Source #155; see also: [“Dooplaya Situation Update: Kawkareik Township, August to October 2015,”](#) KHRG, July 2016.

<sup>177</sup> Source #162.

<sup>178</sup> For example, three family members in Kawkareik Township, Dooplaya were asked to ‘volunteer’ to transport Tatmadaw soldiers to another village in 2015. After the Tatmadaw had promised to reimburse them for petrol and failed to do so, Saw A—’s sister went to Kler La army camp to ask for the compensation directly from the operations commander, who then paid her. [“Dooplaya Interview: Saw A—, November 2015,”](#) KHRG, September 2016.

<sup>179</sup> [“Thaton Situation Update: Bilin Township, August to October 2014,”](#) KHRG, April 2015.

*assist the KNLA soldiers, so we have to do things like this to you.” Another village head replied, “We do not only assist the KNLA soldiers, we assist any troops that come into our village, and if they need something, we help all of them.” Border Guard Company Commander Hpah Maw Hkoh told the village leader, “Ask the KNLA soldiers to remove all the landmines that they have planted and we will also remove all of our landmines.””*

Situation Update written by a KHRG researcher, Nabu Township, Hpa-an District/central Kayin State (published in July 2012)<sup>180</sup>

The tactic of village heads negotiating directly with armed actors has been present throughout KHRG reports. For example, the village head from Hta--- village, Bilin Township, in 2009 negotiated with armed groups when he faced demands from both Tatmadaw and DKBA (Buddhist):

*“They [the SPDC/Tatmadaw] ordered the villagers to provide them thatch and money. The first time they ordered us to give them 150,000 kyat (US\$156.00), but I didn’t give it to them. Then they said, if the villagers couldn’t pay as they ordered, to give them just 50,000 kyat (US\$52.00). I continued to act like I’ve lost my hearing; even though they reduced the amount money [demanded from villagers], I didn’t give them any. The DKBA also demanded thatch. I sent it to them.”*

P--- (male, 38), village head, Hta--- village, Bilin Township, Thaton District/northern Mon State (published in November 2009)<sup>181</sup>

One case even exists of a brave village head directly negotiating with the DKBA to prevent them from developing an army base near his village<sup>182</sup> and when facing ceaseless orders for labour, village heads report how they risked their safety and often faced violent abuse when acting as the go-between with their community and the armed group.<sup>183</sup> Any direct contact with Tatmadaw or soldiers from EAGs was extremely risky for village heads and villagers alike.

Whilst the danger of repercussions were much more acute during the 1990s and 2000s, the ongoing presence of armed actors and the systematic impunity of military actors for past and present abuse cause some villagers to report that they still fear repercussions if they complain about armed activity in their area, limiting their agency options. Villagers report this fear throughout KHRG’s 25 years, signifying an ongoing lack of trust in armed actors and a restriction on the rights that villagers can claim due to the context of militarisation in southeast Myanmar.<sup>184</sup>

## Avoidance, preparation, displacement and escape

In cases where confrontation is not an option or would pose a risk to village heads’ and villagers’ security, villagers have employed strategies of avoidance to subvert the risk of military abuse. The agency strategy of avoidance continues to be used in communities, informed by decades of agency under conflict where avoidance was the primary agency tactic. In one case from 2014 a community built their own road so that they do not have to use the military road around their

<sup>180</sup> [“Pa’an Situation Update: T’Nay Hsah Township, September 2011 to April 2012,”](#) KHRG, July 2012.

<sup>181</sup> [“Exploitative abuse and villager responses in Thaton District,”](#) KHRG, November 2009.

<sup>182</sup> For example, one village head in Thaton District spoke back to the DKBA after villagers were beaten and demanded to do forced labour, [“Thaton Interview: Naw L---,”](#) KHRG, January 2012.

<sup>183</sup> [“Ongoing accounts of village-level resistance,”](#) KHRG, July 2009.

<sup>184</sup> *“Local villagers still have to fear, [they feel] under threat, face the loss or destruction of properties and do not dare to speak openly because if they say [anything] it can have negative consequences for them if there is armed conflict again. I [researcher] have to explain everything them [local villagers] and tell them not to worry about what they say and [not to worry about] providing information [because] it is about human rights issues.”* Source #55. This fear is also evident in earlier KHRG reports, for example, *“villagers don’t dare report incidents like this [abuse] to officials due to their fears of retaliation.”* [“Papun and Nyaunglebin Districts, Karen State: Internally displaced villagers cornered by 40 SPDC Battalions; Food shortages, disease, killings and life on the run,”](#) KHRG, April 2001.



village which carried the risk of encountering armed groups.<sup>185</sup> Villagers also continue to use the strategy of traveling in groups to stay safe when they are near army bases, further evidencing the unchanged context of insecurity due to armed actors in southeast Myanmar.<sup>186</sup> This agency strategy is especially noted by women. These tactics of avoidance and protection are evidence of a militarised environment where encountering armed actors or responding to their demands puts villagers in grave danger.

Throughout the 1990s and 2000s, avoidance was employed by village heads in the form of evading orders for forced labour, messengers and meetings, evidenced in the increasingly threatening order letters sent by armed groups to village heads when they did not act based on the first demand, as the below order letter sent by Tatmadaw to a village head in 1999 shows:<sup>187</sup>

<b><u>Stamp:</u></b>	To:	<u>13-9-99</u>
Frontline #xxx Infantry Battalion Company #x	Chairperson xxxx village	
<p>Subject: [We] already ordered the following things from the Chairperson of the village</p> <ol style="list-style-type: none"> <li>1. [We] already ordered you to send a messenger (every day) but [you] have failed, so the fine is 1,000 Kyat [US\$1.00].</li> <li>2. [We] will order you again on the day when [you] must send a messenger. [...]</li> <li>5. If [we] call for loh ah pay, [you] have to come on time. [...]</li> </ol> <p>Regarding the above subjects, [we] already gave orders to the Chairperson, so if [you] don't obey, serious action will be taken.</p> <div style="text-align: right; margin-top: 20px;"> <p><b>[Sd.]</b> 13-9-99 Camp Commander xxxx Camp Company Commander #xxx Infantry Battalion</p> </div>		

By evading these orders, villagers were avoiding direct contact with Tatmadaw in order to avoid abuse. Additionally, this strategy of avoidance bought the villagers' time and often they would be secretly active preparing food supplies and other basic supplies with the intention of strategically displacing themselves when they could no longer avoid the demands. Villages often received up to three increasingly threatening order letters before their village was attacked and burned, at which point their agency strategy of avoidance intensified to become strategic displacement.<sup>188</sup>

<sup>185</sup> ["Toungoo Incident Report: Tatmadaw transport rations and ammunition in Thandaunggyi Township, December 2013,"](#) KHRG, May 2014.

<sup>186</sup> For example, "No woman can go anywhere alone – we must always go in groups of at least two or three, or they'll take us for sure." ["STATEMENTS BY INTERNALLY DISPLACED PEOPLE,"](#) KHRG, April 1993. In 2014, another KHRG report stated, "The best thing would be if they [Tatmadaw] were not in the village. Another thing is it is difficult for the women to go around in the village at night time alone. They worry that if they encounter with the Burmese soldiers [Tatmadaw] they will do something to them." Source #39.

<sup>187</sup> ["SPDC & DKBA ORDERS TO VILLAGES: SET 2000-A: Forced Labour,"](#) KHRG, February 2000.

<sup>188</sup> For more information see Chapter 2: Violent Abuse: Threats, Gender-based Violence, Torture and Killing.

When villagers and village heads were unable to avoid demands and were forced to labour or porter in gruelling conditions often for months without respite, many villagers planned their escape, despite the threat of being killed if caught escaping.<sup>189</sup> Saw SS--- from Thaton Township, Thaton District escaped after being forced to porter at the age of 14 years old:

*"I had to stay there for over 5 months, carrying food and water, cutting wood, and building their bunkers. Then they made me carry rations to Mae La. On the way I said to my friend, "I can't carry anymore. Live or die, I'm going to escape", and I dropped my load and ran away."*

Saw SS--- (male, 24), TT--- village, quoted in a report written by a KHRG researcher, Thaton Township, Thaton District/northern Mon State (published in January 1995)<sup>190</sup>

To avoid further arrest, labour, demands, recruitment and other military abuses, numerous villagers chose to flee on a semi-permanent basis. Especially in the 1990s and late 2000s, entire villages were abandoned as communities walked with their belongings on forest paths to IDP and refugee camps near or on the border with Thailand. The forest paths were often heavily mined, with the shoot-on-sight policy active by Tatmadaw, and villagers fled without shelter, food or medical supplies on the way. Villagers report walking for days or weeks to reach a camp, and that many elderly and young children died during the journey due to illness and weakness.<sup>191</sup> KNLA soldiers were reported to help those fleeing by checking and securing a safe crossing for villagers across disputed armed group boundaries. Naw R---, who fled her home in Tanintharyi Township in May 2007 described to KHRG her experience of fleeing:

*"Because of the operation of SPDC [Tatmadaw] soldiers we dare not to live in our own village. We always have to move to another new place. We're afraid of them [SPDC soldiers] because if they see us they might use us as porters or shoot us. I came to escape here at N--- village last year... We had to swim and cross the river from N--- village to Ht--- village because our boat was broken. We slept in Ht--- village for one night; we were in trouble, and there were no places to sleep... [The next day] SPDC soldiers came to this village [Ht---] and started to shoot at the villagers. We were very worried and had to [leave and] find our own safe place. I couldn't carry my children and bags. It was raining a lot so we couldn't run very far. Pa Ht--- [her neighbour] could carry just one blanket. We had to run as fast as we could. We almost lost our way. There were five families altogether. One of my neighbours lost his child because he had to carry things and his three children also. After that we became separated in groups and couldn't find each other... We ran without stopping until we reached a safe place. It was beside the stream. There was no food this time. Mosquitoes kept biting us. I felt very sad for my children. A leech bit my husband. We stayed hiding ourselves here until we knew that the SPDC soldiers had gone away from us... Regarding the issues [described above], we decided to build a secret hut for our family deep in the jungle. If the soldiers come, then we run immediately to our own hut."*

Naw R--- (female), N--- village, quoted in a Field Report written by a KHRG researcher, Tanintharyi Township, Mergui-Tavoy District/Tanintharyi Region (published in October 2009)<sup>192</sup>

<sup>189</sup> "After more than a month, four of us tried to run away at night when the soldiers weren't looking. They didn't see us, but in the dark we ran into another group of soldiers and porters. They fired a grenade at us. [Note: The weapon used appears to have been a launched grenade fired from the end of a modified rifle.] It hit us. I just saw my friend Pa Deh fall dead, and then I fell unconscious. I don't know how long I was asleep. When I woke up it was still dark and Pa Deh's body was there. He was 26 years old. I never saw what happened to my other two friends. There was a lot of blood coming from my head but I didn't feel any pain yet. I got up and ran away. I got back to my village, and they took care of me and brought me across to the Mae Sot hospital in Thailand." ["THE CURRENT SITUATION IN MUDRAW \(PAPUN\) DISTRICT,"](#) KHRG, November 1992.

<sup>190</sup> ["SLORC SHOOTINGS & ARRESTS OF REFUGEES,"](#) KHRG, January 1995.

<sup>191</sup> ["REFUGEES FROM THE SLORC OCCUPATION,"](#) KHRG, May 1997.

<sup>192</sup> ["Living conditions for displaced villagers and ongoing abuses in Tenasserim Division,"](#) KHRG, October 2009. For more information on IDPs and refugees see Chapter 7: Displacement and Return.

The agency strategies villagers used, were almost never employed in isolation. As Naw R--- testified, her family did much more than flee to retain their safety. Villagers often supported their neighbours to escape by carrying their children and supplies, fled intentionally to water sources to continue the journey, and built temporary safe houses in the forest to remain out of sight.

Prior to displacement, preparation strategies were utilised by villagers, hiding belongings before Tatmadaw's arrival. Military tactics such as the destruction of food and cooking materials after villagers fled were deliberate attacks on villager livelihoods and often caused greater hardship for villagers than the direct, physical abuses that they also faced. When villagers knew of the risk of village attack, they hid supplies in nearby forests,<sup>193</sup> built temporary shelters in the forest,<sup>194</sup> or buried their food supplies to prevent them being destroyed if their village was burnt.<sup>195</sup> When villagers have been forced to flee in recent years, KHRG reports show that this has often been with little notice or due to immediate orders by armed groups and they have not had time to prepare food supplies or belongings. Village agency tactics which were formed under the extreme duress of protracted conflict, such as storing food in forests and building temporary shelters in forests, have reduced under the apparently safer context of the post-ceasefire period. However, when villagers' security is still threatened and they are forced to flee, they are left in a vulnerable situation without emergency supplies should they be unable to return to their village.

Villagers continue to temporarily displace themselves to avoid abuse when fighting in their area is imminent, evidencing the continued insecurity of daily life in southeast Myanmar due to ongoing militarisation. Saw UU--- fled from his home in Meh Pro village tract, Paingkyon Township, Hpa-an District shortly before he was interviewed in October 2016:

*"When we heard Tatmadaw attacked at [the area around the] vehicle road, we still stayed there [in the village]. When we heard people [DKBA splinter] say that Tatmadaw took over [the area around the vehicle road] then we did not stay in our area [village] anymore. Therefore, we fled and carried [our belongings] onto the hill. Then people [DKBA splinter] told us to come down [back to the village] then we came back. Again, people [DKBA splinter] told us [Tatmadaw] attacked [them] so we fled and carried [our belongings] onto the hill [again]."*

Saw UU--- (male, 45), VV--- village, Meh Pro village tract, Paingkyon Township, Hpa-an District (interviewed in October 2016)<sup>196</sup>

Often villagers made the difficult decision to wait strategically for the end of the harvest before they chose to flee, tolerating the risk of abuse during this time in order to secure food supplies that they could hide in the forest to maintain themselves.<sup>197</sup> Worryingly, recently displaced villagers

<sup>193</sup> ["Pa'an Situation Update: T'Nay Hsah Township, September 2011 to April 2012,"](#) KHRG, July 2012.

<sup>194</sup> ["SPDC Attacks on Villages in Nyaunglebin and Papun Districts and the Civilian Response,"](#) KHRG, September 2006.

<sup>195</sup> *"In each village the troops then began systematically looting the houses, shooting the livestock for food and stripping the fruit and coconut trees. They said that anyone who had fled must be KNU, so they looted everything from any house which was abandoned. They took as much rice as they wanted, and if there was more they poured it in the streams or spread it on the ground and walked on it. They took valuables, clothing and other items to keep or to send to their families in the cities, and what they did not want they destroyed or threw away in the forest, even the cookpots and sleeping mats. They even stripped the houses of useful building materials to be sent to their camps. In many cases, the abandoned houses were then burned. Where the entire village was abandoned, such as in CCc--- village, they burned every house in the village."* ["REFUGEES FROM THE SLORC OCCUPATION,"](#) KHRG, May 1997; see also ["SLORC SHOOTINGS & ARRESTS OF REFUGEES,"](#) KHRG, January 1995. For more information see Chapter 5: Looting, Extortion and Arbitrary Taxation.

<sup>196</sup> Source #155.

<sup>197</sup> *"Our enemies [SPDC/Tatmadaw] came and mistreated our villagers. We had to flee and move during the night. We had to build new houses for our families and at the same time, we had to go back and secretly take rice from our rice barn. We also had to clear new hill fields in order to survive. We didn't have much time to cut down the forest for our hill fields so we could only clear a small area. We couldn't do more than that because we had to build new houses... We could only clear an area in which we could plant just two or three big tins [25 kg/55 lb to 37.5 kg/78 lb] of paddy seed."* ["Burma Army attacks and civilian displacement in northern Papun District,"](#) KHRG, June 2008.

have stressed their concerns that their paddy will be ruined as they have not been able to cultivate it or protect it from animals as their displacement was not strategic but immediate.<sup>198</sup> Such cases suggest that displaced villagers continue to suffer disproportionately from military abuses as they lose their livelihood security.

Additionally, under threats of fighting, forced recruitment for both adult and underage males, and forced labour, villages in KHRG reports developed early warning systems, employing village volunteers as guards and messengers to warn the community if soldiers were approaching, a practice that some communities continue with today, showing the lack of security that they still live with.<sup>199</sup> When villagers were warned of soldiers approaching their village, the most common tactic was to hide in forests and jungles nearby, waiting for days for the armed group to move through. This prevented members of their group, particularly young men, being taken for forced labour or forced recruitment.<sup>200</sup> This tactic did not come without consequence, as Tatmadaw or DKBA shot villagers caught fleeing.<sup>201</sup> Moreover, villagers often returned to find that their homes had been looted, their rice store deliberately poured away or burnt, their pots and pans bayoneted so that they could not cook or boil water, and their animals killed or stolen.<sup>202</sup> When fighting was immediate and came without early warning and the chance to flee, villagers hid in bomb shelters that they had dug, and report using them even in 2016, when unexpected attacks threaten the lives of villagers.<sup>203</sup> These village agency tactics of avoidance and preparation which were prominent throughout 1990s and 2000s but do still occur in more recent reports highlight how militarisation poses risks not only to villagers' physical security but also their livelihoods.

### Agency specific to landmines

With regard to landmines, villagers have been active in requesting information from armed groups who they feel safe to approach about where landmines have been planted. However, whilst the KNLA in some reports notified villagers where it had placed landmines,<sup>204</sup> injury and death of villagers has continued and the use of posters or community announcements about contaminated areas is incomplete if not undertaken systematically by all armed actors responsible, particularly as the laying of landmines by armed actors has not been routinely mapped and tracked by the armed groups themselves. More recently villagers have been active in attending mine risk

<sup>198</sup> For example see source #155, where recently displaced Saw EE--- states that he wishes to return to his village in order to secure his harvest, as his paddy plants are currently overgrown.

<sup>199</sup> *"Usually we knew they were coming because people would come running from other nearby villages and tell us. I never got caught by the SLORC [Tatmadaw]. When we ran we scattered into the forest. Some went to remote huts they have in their ricefield or hidden in the forest, while others just stayed under the trees. Sometimes we only had to stay away from the village for 1 day, but usually for at least a few days."* ["STATEMENTS BY KARENNI REFUGEES,"](#) KHRG, June 1992.

<sup>200</sup> *"Whenever SLORC [Tatmadaw] troops enter the area, all men in the village flee to avoid being tortured or taken as porters, while the women stay to protect their belongings [...]. On 10 April 1993, troops from 73 Battalion came to DDD--- village. All the men escaped, and only the women were left. The soldiers captured over 20 women and said they would be made into porters unless the villagers paid 2,000 Kyat [US\$2.00] for each woman. The villagers paid and the women were released."* ["Forced Relocation in Kyauk Kyi Township,"](#) KHRG, June 1993. This was still the case in later reports including, ["Abuse in Pa'an District, Insecurity in Thailand: The dilemma for new refugees in Tha Song Yang,"](#) KHRG, September 2009.

<sup>201</sup> *"Every time the soldiers enter any village, the villagers all try to run away because they're afraid to be taken as porters. If the soldiers see anyone running away they shoot at them, even at women and children. They kill many villagers like this."* ["STATEMENTS BY KARENNI REFUGEES,"](#) KHRG, June 1992.

<sup>202</sup> See for example, ["REFUGEES FROM THE SLORC OCCUPATION,"](#) KHRG, May 1997.

<sup>203</sup> ["Ongoing accounts of village-level resistance,"](#) KHRG, July 2009; ["Dooplaya Interview: Naw G---, September 2016,"](#) KHRG, December 2016.

<sup>204</sup> ["UNCERTAINTY, FEAR AND FLIGHT: The Current Human Rights Situation in Eastern Pa'an District,"](#) KHRG, November 1998; ["DOOPLAYA UNDER THE SPDC: Further Developments in the SPDC Occupation of South-Central Karen State,"](#) KHRG, November 1998. For a case with KNLA and Tatmadaw see, ["Dooplaya Interview: Saw Ca---, September 2011,"](#) KHRG, February 2012.



education workshops held by CBOs.<sup>205</sup> The main strategy of villagers when dealing with landmines however continues to be villagers self-limiting their movement and travel in suspected landmine sites, a strategy which is present throughout 25 years of reporting and which results in continued livelihood restrictions.<sup>206</sup>

## Stabilising livelihoods

Under militarisation, villagers have always attempted to continue their livelihoods by re-establishing their homes and strategically tending to their farms. Aiming to continue as normally as possible under militarisation, after villages were burnt, communities re-built them, often in more temporary materials or in new locations further away from army bases.<sup>207</sup> In 2016, one villager from Hpa-an District mentioned how recently he had noticed villagers repairing houses in stronger materials, with the suggestion that they believe this time they will not be burnt and destroyed.<sup>208</sup> In other cases of villagers stabilising their own situation despite an insecure and unstable context, villagers harvested their crops at night-time to avoid being seen by armed actors, risking their safety if they were caught but securing essential food supplies.<sup>209</sup> This agency strategy of returning to harvest in secret continues to be a form of sustenance for many villagers who remain in IDP and refugee camps today, particularly when faced with limited food rations.<sup>210</sup>

The variety of agency strategies that villagers have employed throughout 25 years of KHRG reporting is testament to the excessive variety of abuses that they have lived through and, in many cases, continue to feel at risk from. The opportunity for more negotiation or confrontation with armed actors since the ceasefire leads to new avenues for village agency, but the militarised context continues to cause some villagers to feel limited in expressing the injustice and abuses they experience due to their fear of reprisal by armed actors. Therefore many communities still feel safer to employ local, insular methods of avoidance, protection and self-reliance even in 2017.

## Access to justice

In order to challenge and change the context under which abuse against villagers by armed actors happens, justice for both the victim and the perpetrator must be considered. However, recent villager testimonies suggest a lingering lack of faith in the Myanmar justice system to serve and protect them.<sup>211</sup> This extends not only back to the history of the conflict, where victims of severe human rights abuses continue to live without justice and Tatmadaw perpetrators have been awarded impunity for their actions,<sup>212</sup> but relates to the current ineffective justice system at both the local and Myanmar level which villagers have experienced when reporting abuse.

Villagers report a lack of communication from government staff to civilians about how to engage with the legal system in order to claim their rights, and when they do seek to claim their rights to protection they perceive a weak implementation of the rule of law:

<sup>205</sup> Source #42.

<sup>206</sup> For example, villagers feel unsafe to travel in their work field because of landmine contamination, source #11.

<sup>207</sup> [“UNCERTAINTY, FEAR AND FLIGHT: The Current Human Rights Situation in Eastern Pa’an District,”](#) KHRG, November 1998.

<sup>208</sup> [“Hpa-an Interview: Saw A--- and Saw B---, October 2016,”](#) KHRG, February 2017.

<sup>209</sup> [“Nyaunglebin Interview: Naw P---, May 2011,”](#) KHRG, July 2011.

<sup>210</sup> For more information on conditions in IDP and refugee camps, see Chapter 7: Displacement and Return.

<sup>211</sup> For example see source #164; see also source #163.

<sup>212</sup> Section 445 of the Constitution states: *“All policy guidelines, laws, rules, regulations, notifications and declarations of the State Law and Order Restoration Council and the State Peace and Development Council or actions, rights and responsibilities of the State Law and Order Restoration Council and the State Peace and Development Council shall devolve on the Republic of the Union of Myanmar. No proceeding shall be instituted against the said Councils or any member thereof or any member of the Government, in respect of any act done in the execution of their respective duties.”* Constitution of the Republic of the Union of Myanmar, 2008.

*"I have seen neither activities like the township administrator coming and giving awareness to the children [civilians], nor KNU sharing their laws with the civilians. Even if you follow the law some people still try to oppress you, that's why you need human rights."*

Saw PP--- (male, 31), Win Yay Township, Dooplaya District/  
southern Kayin State (received in November 2016)<sup>213</sup>

Villagers continue to not trust the application of the rule of law in Myanmar, which is compounded by bad experiences and human rights abuses at the hands of Myanmar authorities.<sup>214</sup> The inefficient and ineffective judicial and court system,<sup>215</sup> cases of prolonged detention without trial,<sup>216</sup> a lack of public access to military courts where abuses perpetrated by military actors are tried, depriving the affected villagers of knowing the outcome of the case,<sup>217</sup> and cases of punishment which are not proportionate to the military abuse<sup>218</sup> further undermine villagers' faith in the application of the rule of law. With regard to recent Myanmar government efforts towards reform, one community member noted in 2015 that whilst new rights are being written by the Myanmar government, they exist only on paper and the communities do not yet feel that they actually enjoy these rights.<sup>219</sup> This perceived lack of progress in reform, when combined with the ongoing oppressive environment of militarisation, serves to undermine civilians' trust in the Myanmar justice system to protect them.

Within KHRG reports, lack of belief in the justice system relates not only to dissatisfaction after recent experiences. Cases of mass human rights abuses against civilians by Tatmadaw and other armed groups which occurred most frequently prior to the signing of the 2012 ceasefire also remain unresolved, with affected villagers having no route to justice. The majority of Myanmar civilians have grown up under a system where the state military controlled the law and could *"put you [villagers] in jail without trial"*.<sup>220</sup> Furthermore, the impunity of military perpetrators for abuses they have committed leaves some local community members with the impression that the justice system continues to work only in favour of the most powerful people in Myanmar:

*"None of the human rights abuses have been solved or forgiven because, how do I say this, it is like, 'if there is more water, water wins and if there is more fire, fire wins'. I mean people who have more power can do whatever they want."*

Saw QQ--- (male, 41), RR--- village, Thandaunggyi Township,  
Toungoo District/northern Kayin State (received in November 2016)<sup>221</sup>

Other villagers recommend taking steps towards addressing previous human rights abuses suffered on a large scale by villagers:

<sup>213</sup> Source #163.

<sup>214</sup> ["Thaton Interview: Naw C---, June 2015,"](#) KHRG, October 2016.

<sup>215</sup> Source #163.

<sup>216</sup> See, for example: *"At the present time it [the case has been submitted and pending] for almost one year in the office. They [the suspects] have been arrested for a year and they have not been punished and not released; they [Myanmar police] just detain them in the prison [without trial]."* ["Thaton Interview: Naw C---, June 2015,"](#) KHRG, October 2016; see also source #84.

<sup>217</sup> See, for example, the case of two villagers killed in a road accident with a Tatmadaw military truck in Thandaunggyi Township, Toungoo District, May 2016: *"Tatmadaw soldiers took him [Ko Ye] to the military court but villagers still do not know how he was punished and what punishment was given to him. Tatmadaw did not give any compensation to [the families of] two villagers who were killed and they also did not inform the relatives of those two villagers [about the incident]."* ["Toungoo Situation Update: Thandaunggyi Township, June to August 2016,"](#) KHRG, March 2017.

<sup>218</sup> Source #33; see also ["Toungoo Situation Update: Thandaunggyi Township, June to August 2016,"](#) KHRG, March, 2017.

<sup>219</sup> Source #102.

<sup>220</sup> ["FIELD REPORTS: MERGUL-TAVOY DISTRICT,"](#) KHRG, July 1995.

<sup>221</sup> Source #164.



*“Mostly in my area, they placate [forgive] the things that they have done in the past [for peace for both sides] so that the issue does not grow bigger and bigger by fighting against each other. If they take the path of revenge and fighting against each other, the issue will be endless. But if we look on the side of the rule of law, all human beings have human rights therefore if we could give the proper punishment to the person who committed the abuse that would be better.”*

Saw PP---, (Male, 31), Win Yay Township, Doooplaya District/southern Kayin State  
(received in November 2016)<sup>222</sup>

Saw PP--- suggests that to ‘forgive and forget’ is not an appropriate solution to securing peace and preventing further conflict. Instead, he and other villagers want the rule of law to be applied equally for citizens and armed actors, so they may obtain justice and start to feel safe even in the context of militarisation.

## **Conclusion**

KHRG’s 25 years of documenting militarisation presents evidence that militarisation has not accidentally harmed Karen civilians but has at times been used to deliberately and brutally break Karen communities. Communities in southeast Myanmar continue to experience direct abuses by armed actors, even to a lesser extent, in the post-ceasefire period. The legacy of decades of systematic human rights abuses under militarisation is that continued fear and distrust of Tatmadaw, and by extension the Myanmar government and Myanmar justice system, is ingrained in many villagers, and that any militarisation activity of Tatmadaw, BGF and at times EAGs, generates implicit security concerns for local communities. While some abuses have decreased in isolation, such as forced labour and forced recruitment of both adult and underage males, the militarised context in which these abuses happen has not remarkably changed.

Militarisation throughout 25 years continues to have negative impacts on villagers’ livelihoods, and villagers’ safety in responding to these abuses such as confronting perpetrators or reporting the abuses, remains at risk. Evidently, the militarisation of southeast Myanmar, the legacy of extreme military abuse, and impunity of armed actors who committed abuses against civilians creates an environment which undermines villagers’ human rights and fails to prevent the risk to villagers of further abuse by armed actors.

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<sup>222</sup> Source #163.

## Photos: Militarisation



The above photo was taken on February 5<sup>th</sup> 2016 in C--- village, Kawkareik Township, Dooplaya District. The photo shows a father with his two children from B--- village, who fled to C--- village when fighting broke out between BGF and DKBA (splinter) Na Ma Kya group. After they fled, the BGF set alight nine houses in the village, including the houses of villagers who have family members in the DKBA (splinter) Na Ma Kya group. [Photo: KHRG]<sup>223</sup>



The above photo was taken by a KHRG community member who interviewed Naw G--- in D--- village, Kawkareik Township, Dooplaya District on September 1<sup>st</sup> 2016. Naw G--- talked about the injuries that her family gained when mortar shells hit their house due to fighting between BGF and DKBA (splinter) Na Ma Kya in August 2016. Naw G---'s daughter was blinded in one eye in the incident. [Photo: KHRG]<sup>224</sup>



The above photo was taken from a 2006 KHRG report from Lu Thaw Township, Hpapun District. It shows the skeletal remains of two convict porters. Two more skeletal remains of porter are out of sight in this photo. The porters were killed by Tatmadaw troops in Lu Thaw Township, Hpapun District. Note the blue shirts and trousers that make up the standard convict porter uniform. [Photo: KHRG]<sup>225</sup>



The above photo was taken in June 2009, Bu Tho Township, Hpapun District. This man stepped on a Tatmadaw deployed landmine near his home village in Bu Tho Township in 2007. Since losing his leg, he has not been able to work to support his family, so he has moved to stay at Ei Tu Hta IDP camp in Hpapun District where he could access some limited food rations to support himself. [Photo: KHRG]<sup>226</sup>

<sup>223</sup> [“Dooplaya Interview: Naw A--- February 2016,”](#) KHRG, August 2016.

<sup>224</sup> [“Dooplaya Interview: Naw G---, September 2016,”](#) KHRG, December 2016.

<sup>225</sup> [“Less than Human: Convict Porters in the 2005-2006 Northern Karen State Offensive,”](#) KHRG, August 2006.

<sup>226</sup> [“KHRG Photo Gallery 2009,”](#) KHRG, July 2009.



This photo was taken by a KHRG researcher in May 2002, Nabu (T’Nay Hsah) Township, Hpa-an District. Tatmadaw LIB’s #548 and 549 forced villagers from every village tract in Nabu Township to construct a canal. The forced labour on the canal began in January 2002. When this photo was taken in May 2002 the canal was still unfinished. The villagers had to work every day from 6:00 am in the morning until 6:00 pm in the evening. They had to bring their own rice, water and tools and were paid nothing for the work. Many people became sick from the long hours of work and from having to sleep in the open on the ground. A KHRG researcher from the area reported that the construction of the canal has resulted in the destruction of at least 30 paddy fields with no compensation paid to the owners. [Photo: KHRG]<sup>227</sup>



The above photo was taken by a KHRG community member on October 12<sup>th</sup> 2015 at B--- village’s boat’s port in Kyaw Pah village tract, Bu Tho Township, Hpapun District. The photos show how B--- villagers went to the Yunzalin River bank carrying their luggage and children while they were going to Myaing Gyi Ngu Town by motorboat to evade recruitment of adult male villagers into the KNLA. On October 10<sup>th</sup> 2016, KNLA Company #4 Company Commander Hsa Yoo went to the village and held a meeting with villagers regarding the recruitment of adult villagers into the KNLA. In the meeting he explained to villagers about the purpose of the KNLA recruitment. Then, he told villagers who remained in the village not to flee to Myaing Gyi Ngu Town anymore and to inform others that it was safe for them to return as they would not be recruited. [Photo: KHRG]<sup>228</sup>



This photo was taken from a 1995 KHRG report from Mergui-Tavoy District. It shows Tatmadaw soldiers with forced porters crossing the river whilst they are portering. Under the SLORC (Tatmadaw)-NMSP (New Mon State Party) ceasefire of June 1995, SLORC (Tatmadaw) agreed not to take any more porters or porter fees from the Mon area. However, they continued to violate the agreement, using the excuse that “the agreement is only between the two Armies, but the porters are being taken by the Township LORCs (Law and Order Restoration Councils), which are not covered by the ceasefire terms.” [Photo: independent source]<sup>229</sup>

<sup>227</sup> “[PHOTO SET 2002-A: VIII. Children](#),” KHRG, December 2002.

<sup>228</sup> “[Hpapun Situation Update: Bu Tho Township, June to October 2015](#),” KHRG, September 2016.

<sup>229</sup> “[Photos from 1996: Set 96-A](#),” KHRG, February 1996.





The above photo, left, was taken by a KHRG community member on March 10<sup>th</sup>/11<sup>th</sup> 2014, on the road between Kler Lah village and Toungoo Town during a Tatmadaw troop rotation. The soldiers are from Military Operations Command (MOC) #20. The troops rotate every three or four months. These soldiers are based in Buh Hsah Hkee village, Tha Ay Hta village and Naw Soh village. Some villagers stated that they do not want the Tatmadaw soldiers to stay in the military camps that have been built. If possible, they want all the military camps to be withdrawn and dismantled. The above photo on the right was taken on December 1<sup>st</sup> 2014 in Kaw Thay Der village, Htantabin Township, Toungoo District. It shows the Tatmadaw using the village road to send rations to their frontline camp in Buh Hsah Hkee village. Villagers report that persistent militarisation such as this makes them fearful that Tatmadaw is preparing for conflict. [Photos: KHRG]<sup>230</sup>



The above photo was taken in April 2009 of 16 years old Maung Ht---, a deserter from Tatmadaw. Maung Ht--- told KHRG that *"In the past, when I was staying in the SPDC Association [Tatmadaw] I suffered many troubles. I was exploited with insufficient salary and rations. And furthermore, as I didn't have a high level of education, I had to remain at a low-rank. They [Tatmadaw authorities] ordered [the soldiers] as they wanted. I had to meet all of their needs. Because I couldn't endure this treatment, I fled when I got in contact with the KNU... In the same way as me, I pray that the child soldiers who remain with the SPDC [Tatmadaw] Army will be quickly released from oppression and torture."* [Photo: KHRG]<sup>231</sup>



This photo was taken in January 2002, in Lu Thaw Township, Hpapun District. The photo shows Naw S--- looking for any paddy that may be saved after Tatmadaw soldiers burned down her paddy barn in M--- village in Hpapun District in 2002. There were 50 baskets [1,250 kg/2,750 lb] of paddy in the barn. [Photo: KHRG]<sup>232</sup>

<sup>230</sup> Source #60.

<sup>231</sup> "KHRG Photo Gallery 2009," KHRG, July 2009.

<sup>232</sup> "Attacks on Villages and Village Destruction," KHRG, December 2002.



The above photo was taken between Hpapun and Thaton districts and is from a 1997 KHRG report. It shows the head of one village located in the hills between the Yunzalin and Bilin Rivers as he stands among the burned ruins of his village. In his hands he is displaying the Tatmadaw unit scarf accidentally left behind by one of the soldiers who burned the village. The scarf is marked '391/4', for SLORC (Tatmadaw) #391 Light Infantry Battalion, Company #4. [Photo: KHRG]<sup>233</sup>



The above photo was taken on January 18<sup>th</sup> 2002, Hpa-an District. It shows Day Law Pya village as it was burnt by DKBA soldiers from DKBA #999 Brigade. Villagers' paddy supplies were also destroyed in Day Law Pya village, Hpa-an District. [Photo: KHRG]<sup>234</sup>



The above photo was taken in 2003, Htantabin Township, Toungoo District. It shows a 37 years old villager from Htantabin Township who stepped on a landmine planted by Tatmadaw IB #53 while going to his plantation in March 2003. In this photo his left leg is seriously injured and his right foot and lower leg have been blown off. Villagers constructed a stretcher from a bamboo pole and longyi for the injured villager, although it is unconfirmed if he survived his injuries. [Photo: KHRG]<sup>235</sup>



The above photo was taken in Mergui-Tavoy District, July/August 1995. It shows local Mon villagers being forced to labour by Tatmadaw on the construction of the Ye-Tavoy railway in rainy season. The photo shows the futility of forcing villagers to build embankments in rainy season. It also shows that most of the workers are women and children. The armed Tatmadaw guard can be seen in the middle of the group, centre left wearing a green camouflage uniform and hat, guarding them when they are working. [Photo: independent source]<sup>236</sup>

<sup>233</sup> ["Photos from 1997: Set 97-B,"](#) KHRG, September 1997.

<sup>234</sup> ["Attacks on Villages and Village Destruction,"](#) KHRG, December 2002.

<sup>235</sup> ["Enduring Hunger and Repression: Food Scarcity, Internal Displacement, and the Continued Use of Forced Labour in Toungoo District,"](#) KHRG, September 2004.

<sup>236</sup> ["Photos from 1996: Set 96-A,"](#) KHRG, February 1996.





The above photo was taken on June 6<sup>th</sup> 2015 in Hpapun Ka Tin Ta Ya Hospital, Hpapun Town, in Bu Tho Township, Hpapun District. The picture shows Saw A---, 40 years old, who lives in B--- village, Hkaw Poo village tract, Hpapun District. He was hospitalised after stepping on a landmine while out hunting between Y--- forest and Z--- forest. Both KNLA and Tatmadaw have denied responsibility for the landmine. [Photo: KHRG]<sup>237</sup>



The above photo was taken in Htantabin Township, Toungoo District from a 2004 KHRG report. It shows a warning sign written in Burmese erected beside a path leading to plantations just outside of Kler Lah village, a relocation site. It reads, 'Do not cut the trees. There are landmines.' Since the Tatmadaw installed this sign, many villagers have not dared to travel to their plantations for fear of stepping on one of the mines. [Photo: KHRG]<sup>238</sup>



This photo was taken on January 10<sup>th</sup> 2016 in Cc--- village, Kyaukkyi Township, Nyaunglebin District. The photo shows U A---, who estimated that there had been 16 landmine victims in Cc--- village since the 'Four Cuts' period. Because of livelihood difficulties, villagers continue to go out to the forest to find food for their survival even though the area is restricted. For this reason, they are injured by landmines. Among the landmine victims are three of his family members: two of his brothers-in-law and one of his nieces. [Photo: KHRG]<sup>239</sup>



This photo was taken on February 13<sup>th</sup> 2014, in Meh Klaw village tract, Bu Tho Township, Hpapun District, beside a Baw Hta villager's farm. The photo shows two tripwire landmines which Tatmadaw LIB #19 had planted prior to the 2012 preliminary ceasefire. Although the ceasefire was signed they have not removed the landmines yet therefore Baw Hta villagers worry for the safety of their livestock as two buffalos from Baw Hta villagers had been hit by the landmines since the time that the landmines had been planted. [Photo: KHRG]<sup>240</sup>

<sup>237</sup> Source #72.

<sup>238</sup> "Enduring Hunger and Repression: Food Scarcity, Internal Displacement, and the Continued Use of Forced Labour in Toungoo District," KHRG, September 2004.

<sup>239</sup> "Nyaunglebin Interview: U A---, January 2016," KHRG, September 2016.

<sup>240</sup> Source #17.

## Chapter 2: Violent Abuse: Threats, Gender-based Violence, Torture and Killing

*“There’s nothing we can do – there’s always a soldier there, pointing a gun at us.”*

Female villager quoted in a report written by KHRG researcher, Hpa-an, Thaton, Nyaunglebin districts/Kayin State (published in February 1993)<sup>241</sup>

*“We need safety. We also need social organisations for local development [and to provide self-defence training] so that the villagers can be safe from danger.”*

Naw Az--- (female) Kyainseikgyi Township, Doooplaya District/southern Kayin State (Interview received in January 2016)<sup>242</sup>

### Key findings

1. Since the preliminary ceasefire, the use of extrajudicial killings and torture by armed groups, most commonly Tatmadaw, has decreased. However, violent threats continue to be used to advance the interests of armed groups, as well as the Myanmar government and private companies. These threats are frequently of a serious and violent nature, which means that community members are often fearful of retaliation if they report the abuse, which deprives them of justice.
2. Over 25 years of KHRG reporting, villagers’ reports of GBV have not declined. Women continue to report feeling insecure in their own communities, which is in part because of the use of GBV as a military tactic during the conflict, as well as the ongoing violence perpetrated by other community members. Women also report a lack of justice, as frequently the abuse is not investigated fully or the perpetrator is not given an appropriate punishment.
3. Torture continues to be used as a means of punishment and interrogation by some members of the Myanmar police and armed groups, which has led to reports of miscarriages of justice and a criminalisation of villagers by the judicial system.
4. Extrajudicial killings by armed actors have decreased since the preliminary ceasefire; however, the legacy of these killings means that villagers continue to feel unsafe in the presence of the Tatmadaw.
5. The weak implementation of the rule of law and lack of access to justice results in cases of violent abuse remaining unpunished, with victims remaining without justice or closure. The systematic violent abuses committed by armed actors against civilians during the conflict remain unpunished.

### Violent Abuse subsections

- A. Violent threats
- B. Gender-based violence
- C. Torture
- D. Extrajudicial killings

<sup>241</sup> [“SLORC’S USE OF WOMEN PORTERS,”](#) KHRG, February 1993.

<sup>242</sup> In this quote Naw Az--- has provided her opinion about what the villagers need in order to protect themselves from the Tatmadaw, who are based close to her village. Source #107.

## Introduction

This chapter will examine the extent of the violent abuse that community members from southeast Myanmar have suffered from armed groups, mainly Tatmadaw,<sup>243</sup> during the 25 years KHRG has been reporting. The focus of the chapter will be on the current state of violent abuse in southeast Myanmar, however, due to the lasting impact that extreme violence can have, it is vital to consider the extent of violent abuse perpetrated by armed actors during the period of the conflict covered by KHRG's reporting period, from 1992 to 2012, and the lasting effect that this has had on villagers' relationship with the Tatmadaw and the Myanmar government during the current ceasefire period. Throughout the analysis of KHRG's human rights reports four common types of violent abuse have been identified, which are violent threats, gender-based violence (GBV), torture and extrajudicial killing. These were chosen after careful analyses of the voices of the villagers, what they have previously reported and still continue to report are the main issues. Although these are being discussed in isolation, the reality is that the violent abuse in southeast Myanmar has been so prolific that they all overlap with a wide range of other abuses, including militarisation, displacement and livelihood impacts.

This chapter examines reports spanning 25 years covering the four common types of violent abuse in detail, before proceeding to analyse the impacts of these abuses according to villagers, including fear, physical consequences and livelihood consequences, and the agency strategies that villagers employ when they have faced violent abuse. Two case studies, one from 1999 concerning GBV and one from 2015 regarding violent threats, are presented at the end of the chapter.

## 25 years of violent abuse in southeast Myanmar

When KHRG began reporting on the violent human rights abuses in southeast Myanmar the level of violence that was reported was extreme and the vast majority was perpetrated by the Tatmadaw. While the scope of KHRG reports is only the past 25 years, these violent abuses have been ongoing since the beginning of the conflict against Karen people in 1948 and have been part of Myanmar military tactics in combination with other systematic abuses throughout this time. An example of this brutality and lawlessness stretching back decades, before KHRG reports, was in December 1948 when at least 80 Karen Christians are said to have been massacred by the Tatmadaw, when Tatmadaw threw hand grenades into a church in Palaw in Mergui-Tavoy District (Tanintharyi Region).<sup>244</sup> Attacks have been reported on villagers in non-conflict zones across KHRG's research areas, and include the systematic and repeated rape of women, the interrogation and torture of groups of Karen National Liberation Army (KNLA) suspects, and widespread cases of indiscriminate killings. Crucially, these abuses have not been collateral damage as part of a larger conflict, but deliberate military tactics by Tatmadaw against civilians.

While KHRG reports document that the vast majority of the abuses came from the Myanmar government military and their related authorities, the Tatmadaw has not been the only group perpetrating violent abuse throughout the conflict period, beginning in 1948, or who continue to violently abuse villagers since the preliminary ceasefire in January 2012. Since their formation in 1994, the non-state armed actor, Democratic Karen Buddhist Army (DKBA Buddhist), has

<sup>243</sup> Tatmadaw refers to the Myanmar military throughout KHRG's 25 years reporting period. The Myanmar military were commonly referred to by villagers in KHRG research areas as SLORC (State Law and Order Restoration Council) between 1988 to 1997 and SPDC (State Peace and Development Council) from 1998 to 2011, which were the Tatmadaw-proclaimed names of the military government of Myanmar. Villagers also refer to Tatmadaw in some cases as simply "Burmese" or "Burmese soldiers".

<sup>244</sup> This information was not based on KHRG's own research but on historical records, which are not all consistent, and this means that the accuracy cannot be confirmed. Due to the problematic nature of these historical records this case is still contested to this day. References to this attack can be found in: "*Making Enemies: War and State Building in Burma*," M.P. Callahan 1998 and "*The "other" Karen in Myanmar: Ethnic Minorities and the Struggle Without Arms*," Ardeth Maung Thawngmung, 2012.

attacked community members in southeast Myanmar, which included physically attacking refugee camps along the Thai-Myanmar border.<sup>245</sup> In 2010, when parts of the DKBA (Buddhist) agreed to a ceasefire and to transform into battalions in Border Guard Forces (BGF) under the command of Tatmadaw, the newly created BGF began perpetrating violent abuse. Democratic Karen Benevolent Army (DKBA Benevolent), formed from DKBA (Buddhist) soldiers who did not agree to integrate into the BGF in 2010, is also responsible for violent abuses and additional deliberate impacts on civilians after 2010, as they attacked both villagers and other armed groups.<sup>246</sup> Since the Nationwide Ceasefire Agreement (NCA) of October 2015, villagers have also reported individuals from the KNU/KNLA sporadically inciting violence against them. Additionally, in the ceasefire period, violent abuse has been perpetrated by other groups, including the KNU/KNLA Peace Council (KNU/KNLA-PC), Karen People's Party (KPP),<sup>247</sup> Karen National Defence Organisation (KNDO),<sup>248</sup> Democratic Karen Buddhist Army (DKBA Buddhist splinter),<sup>249</sup> Myanmar Police,<sup>250</sup> local administrative leaders<sup>251</sup> and fellow community members.<sup>252</sup> Overall, the extensive systematic violent abuse against Karen civilians, committed by the Tatmadaw prior to 2012, means that the gravity of these abuses remain hard to overcome, and this has been worsened by the ongoing violent abuse of these additional actors.

There has been a decrease in extrajudicial killings and torture since the 2012 preliminary ceasefire, in which the Myanmar government and KNU committed to ending armed conflict and to work towards implementing a nationwide ceasefire.<sup>253</sup> This was further developed in the NCA, when the KNU, DKBA (Buddhist), KNU/KNLA-PC and the Tatmadaw/BGF<sup>254</sup> agreed to protect civilians from armed conflict. Nevertheless, although examples of killing and torture by armed actors, specifically Tatmadaw, have decreased, the effects of the violent abuse committed in the past by Tatmadaw continue for many villagers, and civilians' fear and a lack of trust of Tatmadaw remains. Furthermore, examples of violent threats and GBV have remained constant, demonstrating that violent abuse is still an ongoing issue in southeast Myanmar.

## Legal commitments

In this chapter violent abuse has been separated into four types, however, taken as a whole, violent abuse has had and continues to have a wide and serious impact on Karen communities across southeast Myanmar. Due to the wider impacts that violent abuse can have, such as creating terror and undermining community and family cohesion, there are domestic and international legislation covering these issues.

<sup>245</sup> [“ATTACKS ON KAREN REFUGEE CAMPS: 1998,”](#) KHRG, May 1998.

<sup>246</sup> [“Dooplaya Interview: Naw A---, March 2015,”](#) KHRG, April 2015; see also source #75.

<sup>247</sup> The Karen (or Kayin) People's Party is one of four ethnic Karen political parties represented in the Burmese government, currently holding a single legislative seat. Traditionally the KPP represents those Karen communities living outside of Karen State: Rangoon, Irrawaddy, and Bago regions, as well as Mon State where there is a Karen population. Saw Htun Aung Myint, the party's chairman, once served as a colonel in the Burmese Navy. For an example of their violent acts see source #93.

<sup>248</sup> See [“Hpapun Interview: Naw M---, February 2015,”](#) KHRG, January 2017.

<sup>249</sup> See source #156.

<sup>250</sup> [“Thaton Interview: Naw C---, June 2015,”](#) KHRG, October 2016; see also source #64.

<sup>251</sup> Source #43.

<sup>252</sup> [“Dooplaya Interview: Saw B---, March 2015,”](#) KHRG, November 2016 and [“Dooplaya Incident Report: Rape and Killing of a teenage girl in Kawkareik Township, August 23<sup>rd</sup> 2016,”](#) KHRG, January 2017.

<sup>253</sup> A full list of the 13 points that were agreed by the KNU and the Myanmar government can be found here, [“Preliminary Ceasefire Talks – 2012,”](#) Karen National Union Headquarters, 2012.

<sup>254</sup> Although the BGF did not sign the NCA they are still bound by the agreement because they are under the Tatmadaw army.



In both the 2008 Myanmar Constitution and the Myanmar Penal Code there are articles protecting the fundamental rights of civilians.<sup>255</sup> Although the Myanmar Penal Code covers all activities during the conflict,<sup>256</sup> Tatmadaw had de facto impunity from these laws. Importantly for this chapter, Tatmadaw impunity became formally enshrined in law in the 2008 Myanmar Constitution, as Article 445 states:

*"No proceeding shall be instituted against the said [previously-ruling] Councils or any member thereof or any member of the Government, in respect of any act done in the execution of their respective duties."*<sup>257</sup>

The ongoing violent abuse by many of the armed actors in southeast Myanmar highlights that Myanmar's penal code and constitutional commitments are not being upheld. Therefore, the Tatmadaw is not the only armed actor that acts with impunity, the only difference being that impunity has not been formally enshrined for the other military groups.

Although the Tatmadaw has impunity from domestic legislation, they did sign the NCA and are bound by its agreements. Also bound by these agreements are the KNU, DKBA (Benevolent) and KNU/KNLA-PC, as well as the BGF as they are considered under the Tatmadaw army. Specifically, the NCA stipulates that civilians, which includes community members across southeast Myanmar, need to be protected against the violent abuses discussed in this chapter.<sup>258</sup> Therefore, where the signatories of the NCA are shown to undertake acts of violent abuse they can be seen to be violating the ceasefire agreement. However, it must be noted that the word 'avoid' is used at the beginning of each stipulation, and suggests that some incidences of these violent abuses could be allowed to continue so long as they are not excessive.<sup>259</sup>

Evidently, domestic legislation and the NCA are not able to prevent impunity, especially for the Tatmadaw, but where domestic laws have failed international legislation may be able to provide some guidance. The Fourth Geneva Convention is the most relevant document for this chapter, as it outlines the types of violent abuse that non-combatants should be free from during conflict.<sup>260</sup> Throughout this chapter, it is clear that many of the abuses committed by the Tatmadaw have been in direct violation of the Fourth Geneva Convention.<sup>261</sup> While formal legislation can help to

<sup>255</sup> Article 347, *"The Union shall guarantee any person to enjoy equal rights before the law and shall equally provide legal protection."* ["Constitution of the Republic of the Union of Myanmar,"](#) Ministry of Information, 2008. Article 300, *"Causes death by doing an act with the intention of causing death, or with the intention of causing bodily injury as in fact is sufficient in the ordinary course of nature to cause death, commits the offence of murder."* ["The Myanmar Penal Code,"](#) Myanmar, 1861.

<sup>256</sup> ["The Myanmar Penal Code,"](#) Myanmar, 1861. ["Law Amending the Penal Code,"](#) Myanmar, 2016.

<sup>257</sup> ["Constitution of the Republic of the Union of Myanmar,"](#) Myanmar Ministry of Information, 2008.

<sup>258</sup> Article 9.b, *"Violence, extrajudicial detention, kidnapping, torture, inhumane treatment, imprisonment, killing or otherwise causing the disappearance of the individual."* ["THE NATIONWIDE CEASEFIRE AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE UNION OF MYANMAR AND THE ETHNIC ARMED ORGANIZATIONS,"](#) [Union Peacemaking Working Committee and the Ethnic Armed Organization's National Ceasefire Negotiation Delegation,](#) 2015.

<sup>259</sup> Article 9 of the NCA focuses on the protection of civilians, however, out of the 17 points outlined in this article, only three do not use the word 'avoid'. An example of how the NCA uses the word 'avoid' can be seen in Article 9.e, *"Avoid unlawful and arbitrary arrest, entrapment, prosecution and pronouncement of judgment against civilians."* ["THE NATIONWIDE CEASEFIRE AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE UNION OF MYANMAR AND THE ETHNIC ARMED ORGANIZATIONS,"](#) [Union Peacemaking Working Committee and the Ethnic Armed Organization's National Ceasefire Negotiation Delegation,](#) 2015.

<sup>260</sup> Article 3.a, *"violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture."* ["Convention \(IV\) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949,"](#) International Committee of the Red Cross, August 1949.

<sup>261</sup> Research has already been conducted into the human rights abuses committed during the conflict period, using both international human rights and international humanitarian legislation to support their findings. Most notably, the



guide discussion of human rights abuses in southeast Myanmar across the 25 years of KHRG reporting, the real understanding of violent abuse can only come from listening and understanding the lived experiences of the villagers.

## A. Violent threats

In contrast to other forms of violent abuse, threats made by armed actors, particularly Tatmadaw,<sup>262</sup> have been reported consistently by villagers over the 25 years of KHRG reporting.<sup>263</sup> During the conflict, threats by armed actors, most commonly Tatmadaw, but to a lesser extent DKBA (Buddhist) and BGF (from 2010), were issued to force community members to fulfil other abuses, such as forced relocation or forced labour. Tatmadaw and ethnic armed groups (EAGs) intimidated villagers using an alarming variety of methods, including threatening death, burning villages, torturing and looting.<sup>264</sup> The ongoing nature of villagers' reports shows that these threats have been and still are used to enforce other abuses against Karen civilians. The method of threatening civilians can vary, as some threats in past reports were given verbally,<sup>265</sup> some were by physical threats such as by shooting in the direction of a person,<sup>266</sup> or some were in writing, most notably in the form of order letters.<sup>267</sup> Often these threats were followed by actual acts of violence and other abuses. In comparison, since the 2012 preliminary ceasefire, there has been a continuation in the use of threats as a form of intimidation by armed actors, while the subsequent violent acts have decreased. Due to the legacy of the conflict, powerful armed actor's use of these threats continues to impact Karen civilians through intimidation, fear, coercing villagers, and attempting to undermine villagers' agency in avoiding or counteracting abuse.

Since the preliminary ceasefire, threats have commonly involved private companies<sup>268</sup> and government officials,<sup>269</sup> usually in collaboration with armed actors, who seek to limit the agency and autonomy of villagers by preventing them from resisting land confiscation<sup>270</sup> and using threats to advance their business interests.<sup>271</sup> There are a variety of intimidation tactics that have been utilised to achieve these aims, for example the BGF shelled in the direction of one village,<sup>272</sup> government officials verbally threatened to sue villagers<sup>273</sup> and the Karen Peace Force (KPF)<sup>274</sup>

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International Human Rights Clinic at Harvard Law School accused the Tatmadaw of committing war crimes in eastern Myanmar between 2005 and 2008, highlighting that extensive violent abuses were committed including extrajudicial killings, rape, and torture. "[Legal Memorandum: War Crimes and Crimes against Humanity in Eastern Myanmar](#)," International Human Rights Clinic at Harvard Law School, November 2014.

<sup>262</sup> "[Hpa-an Interview: Naw A---, June 2015](#)," KHRG, June 2016.

<sup>263</sup> "[STATEMENT BY NAW HTOO PAW](#)," KHRG, June 1992; see also Source #112.

<sup>264</sup> "[STARVING THEM OUT: Forced Relocations, Killings and the Systematic Starvation of Villagers in Dooplaya District](#)," KHRG, March 2000; see also "[Forced labour, extortion and the state of education in Dooplaya District](#)," KHRG, October 2007; see also "[SLORC RAPE IN THATON DISTRICT](#)," KHRG, February 1993.

<sup>265</sup> "[STATEMENTS BY KARENNI REFUGEES](#)," KHRG, June 1992.

<sup>266</sup> "[DEATH SQUADS AND DISPLACEMENT](#)," KHRG, May 1999.

<sup>267</sup> "[PHOTO SET 2002-A: Forced Labour](#)," KHRG, December 2002.

<sup>268</sup> Source #112.

<sup>269</sup> "[Hpa-an Interview: Saw H---, February 2016](#)," KHRG, August 2016.

<sup>270</sup> Source #110.

<sup>271</sup> "[Hpa-an Interview: Naw A---, June 2015](#)," KHRG, June 2016.

<sup>272</sup> "[Hpa-an Interview: Saw H---, February 2016](#)," KHRG, August 2016.

<sup>273</sup> "[Dooplaya Interview: Daw A---, October 2015](#)," KHRG, February 2016.

<sup>274</sup> Karen Peace Force (KPF) was formed in February 1997 after splitting from the KNU/KNLA and surrendering to and signing a ceasefire with the Burmese military government. Significant parts of the KPF merged with the Burma/Myanmar government military into Tatmadaw Border Guard Force #1023 whilst others remained independent. The independent (non-Border Guard) KPF controls some administrative areas in addition to road and river checkpoints in the area of Three Pagodas Pass. Following repeated rejections of Burmese government proposals to reform KPF into the Tatmadaw Border Guard, substantial elements have since reformed in the Tatmadaw Border Guard in 2010 while others remain independent.

and BGF threatened to imprison villagers if they complained about land confiscation.<sup>275</sup> In one case, the Tatmadaw stated that they would only give the villagers compensation for the land that was confiscated if the villagers agreed to sign over their lands to them, and moreover they would force them to do the additional abuse of forced portering if they refused to sign:

*“They [Tatmadaw] threatened [the villagers] like, if they did not sign, they would include them in porter [service]. They also said, ‘If you do not sign, we will not give you compensation.’”*

Naw A--- (female, 44), Hlaingbwe Township, Hpa-an District/  
central Kayin State (interviewed in June 2015)<sup>276</sup>

While, there are examples of threats connected to development projects preceding the preliminary ceasefire,<sup>277</sup> most of the examples of threats show that they were a military tactic by Tatmadaw and, at times, DKBA (Buddhist) and BGF. This use of threats as a military tactic is in clear violation of the Fourth Geneva Convention, which prohibits the use of intimidation against civilians during conflict.<sup>278</sup> How Tatmadaw and DKBA (Buddhist) frequently issued threats was through message or order letter by both army camp commanders and battalion commanders. Order letters were sent via messenger (conscripted commonly as a form of forced labour) to the village head, with demands for immediate action and threats of consequence if the village head chooses not to adhere to the order.<sup>279</sup> For example, in 2006 the Tatmadaw ordered, in a series of letters, villagers living east of the Day Loh River, Toungoo District, to relocate; those villagers who chose to defy this order were sent chilli, charcoal and a bullet, to signify torture, village burning and death.<sup>280</sup> Despite these threats, villagers and village heads employed negotiation,<sup>281</sup> avoidance<sup>282</sup> or partial compliance to avoid the full severity of potential abuse.<sup>283</sup>

Additional motives for the threatening behaviour of the Tatmadaw, and at times the DKBA (Buddhist), were to limit action or to impose a punishment for something that was outside of the villagers’ control, deeply and deliberately implicating villagers in the consequences of the conflict. For example, in 2008 DKBA (Buddhist) Battalion #907 officers threatened to confiscate all land from AAK---, AAI---, AAM---, AAN---, AAO---, AAP--- and AAQ villages, in Dooplaya District, if any DKBA (Buddhist) soldiers stood on a KNLA landmine.<sup>284</sup> The impact of the threats therefore extended to villagers livelihood security and daily sustenance, and were a deliberate attack on their livelihoods.

Not only did intimidation create significant insecurity for villagers, the threats that were issued during the conflict period were often extremely violent, and perpetuated the lawless, oppressive, abusive environment in which they were being made; for example, Naw AAs--- was arrested, tortured and then threatened by DKBA (Buddhist) soldiers, including one called Bo XXXX, in 1997:

<sup>275</sup> [“Dooplaya Situation Update: Kawkaik Township, September 2014,”](#) KHRG, November 2014.

<sup>276</sup> [“Hpa-an Interview: Naw A---, June 2015,”](#) KHRG, June 2016.

<sup>277</sup> [“‘Peace’, or Control? The SPDC’s use of the Karen ceasefire to expand its control and repression of villagers in Toungoo District, Northern Karen State,”](#) KHRG, March 2005.

<sup>278</sup> Article 27 states that civilians “shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity.” [“Convention \(IV\) relative to the Protection of Civilian Persons in Time of War,”](#) International Committee of the Red Cross, August 1949.

<sup>279</sup> [“STARVING THEM OUT: Forced Relocations, Killings and the Systematic Starvation of Villagers in Dooplaya District,”](#) KHRG, March 2000.

<sup>280</sup> [“Toungoo District: The civilian response to human rights violations,”](#) KHRG, August 2006.

<sup>281</sup> [“STATEMENT BY NAW HTOO PAW,”](#) KHRG, June 1992.

<sup>282</sup> [“\[We\] summoned \[you\] to attend the meeting at yyyy but \[you\] didn’t come, so come and arrive on 28-10-99, you are informed again.” “Summons to ‘Meetings’,”](#) KHRG, November 1999.

<sup>283</sup> [“STARVING THEM OUT: Forced Relocations, Killings and the Systematic Starvation of Villagers in Dooplaya District,”](#) KHRG, March 2000.

<sup>284</sup> [“DKBA soldiers attack Karen village in Thailand,”](#) KHRG, October 2008.

*"The first time they [DKBA Buddhist] arrested me alone, but the second time they also arrested my relatives P--- and L--- [both men]. P--- is 40 years old and L--- is over 30. They beat P--- one time, but not L---. They said that Bo XXXX's father-in-law died because these two had joined with the Karen soldiers to come and kill him. Bo XXXX told me he would kill 5 people to repay this one life."*

Naw AAs--- (female, 49) quoted in report written by KHRG researcher, Myawaddy Township, Hpa-an District/central Kayin State (published in August 1997)<sup>285</sup>

Whilst the severity of the violence accompanying threats made by powerful armed actors has lessened since the 2012 preliminary ceasefire, threats remain violent and continue to reinforce an environment of insecurity, particularly near armed actors. For example, one KHRG report from October 2014, which details the threats of a BGF Commander in Hpapun District, shows that some armed actors now use threats to increase their impunity, so that they will not be held accountable for other abuses that they have committed:

*"He [BGF Commander] went from village to village, as he was worried that the villagers would complain about him and his business would not run smoothly. He showed his cane stick to the villagers and threatened the villagers."*

Situation Update written by a KHRG researcher, Bu Tho Township, Hpapun District/northeastern Kayin State (published in October 2014)<sup>286</sup>

The threats from the conflict period have an ongoing legacy in southeast Myanmar, and considering that the NCA contains no reference to threats by armed actors, there are few obligations preventing the Tatmadaw and other armed actors from continuing to intimidate villagers as they have done throughout the conflict, which can be seen in the sporadic examples of Tatmadaw commanders seeking to oppressively control villagers with threats. For example, in October 2014 a Tatmadaw commander threatened to kill any villagers outside of their homes at night in AAg--- village, AAh--- village and AAi--- village, in Hpapun District.<sup>287</sup> Moreover, the majority of threats are now used as strategies to advance business and development interests, but the fact that these interests are conducted by armed actors indicates that the relationship of power and abuse between armed actors and Karen civilians remains reminiscent of the conflict era.<sup>288</sup> These threats are now preventing villagers from challenging the actions of powerful actors in southeast Myanmar and allow development projects to be implemented with little benefit for villagers.

## B. Gender-based violence

Throughout 25 years of KHRG reporting, gender-based violence (GBV) has occurred and continues to occur throughout southeast Myanmar in a range of different contexts, places and to a variety of women, with extensive repercussions for women and limited consequences for the perpetrator. Based on KHRG analysis between 1992 and 2012, widespread sexual assault and rape of women by Tatmadaw was ingrained in military tactics of civilian abuse. Since the preliminary ceasefire in 2012, the number of sexual assaults and rapes perpetrated by armed actors has decreased compared to the past, however, these abuses continue, often with impunity, by some armed actors. Furthermore, the culture of impunity that developed during the military era, as well as the lack of comprehensive protections for women in domestic legislation,<sup>289</sup> means that

<sup>285</sup> ["ABUSES AND RELOCATIONS IN PA'AN DISTRICT,"](#) KHRG, August 1997.

<sup>286</sup> Source #34.

<sup>287</sup> ["Hpapun Situation Update: Bu Tho Township, October to November 2014,"](#) KHRG, April 2015.

<sup>288</sup> For more information on the involvement of armed actors in recent development projects see Chapter 6: Development.

<sup>289</sup> Both the Myanmar Penal Code (Article 375) and the NCA prohibit GBV in southeast Myanmar, however, both are not extensive enough to provide real and substantial protections for women. The Myanmar Penal Code has significant gaps for protecting the rights of women, as it allows there to be exceptions to the crime of rape, which includes rape between a husband and wife. However, a Protection and Prevention of Violence against Women (PoVAW) Bill is currently being discussed in the Myanmar parliament and will hopefully be enacted in the near future, see ["Government mulls new law banning violence against women,"](#) Frontier Myanmar, December 30<sup>th</sup> 2016.

civilians can easily perpetrate acts of GBV as well. Overall, it is unlikely that the full scale of this abuse is represented in the KHRG reports, as it is an abuse that is severely underreported because of a combination of threats and social stigma.<sup>290</sup>

Cases since the preliminary ceasefire demonstrate the insecure and unsafe environment in southeast Myanmar for women, which have remained the same throughout KHRG's 25 years. For example, a 16 years old girl was raped and murdered by a fellow villager in 2016, when she had been out of the village collecting betel-nut in Dooplaya District.<sup>291</sup> In particular, GBV often appears to be targeted at vulnerable women, as there are reports of attacks on women who have an intellectual disability<sup>292</sup> or are particularly young,<sup>293</sup> or who stay alone. For example, Naw A--- from Kawkareik Township was raped by a perpetrator who knew she would have been alone when he entered her home. According to the victim:

*"He just asked how many [people] I lived with and I answered that I lived alone. He never has been to my house. That was the first time that he visited me."*

Naw A--- (female, 45), Ab--- village, Kawkareik Township, Dooplaya District/  
southern Kayin State (interviewed in July 2015)<sup>294</sup>

In addition, drugs can also play a role in GBV, as there are accounts of perpetrators being under the influence of yaba at the time of assault.<sup>295</sup> However, it must be noted that drugs are not involved in every case of GBV and that the use of drugs neither causes GBV nor absolves the perpetrator of responsibility for their actions.

In comparison to the opportunistic nature of GBV since the preliminary ceasefire, a common theme in reports from the conflict years was that women were deliberately targeted by Tatmadaw soldiers, showing that rape and GBV was used as a "weapon of war".<sup>296</sup> The activities of the Tatmadaw were in direct violation of international humanitarian and human rights law including: the Geneva Conventions (1949) and Additional Protocols I and II (1977),<sup>297</sup> the Declaration on the Elimination of Violence against Women (1993),<sup>298</sup> the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),<sup>299</sup> the Declaration of Commitment to End Sexual Violence in Conflict (2013),<sup>300</sup> and several binding UN Security Council resolutions such as 1325

<sup>290</sup> For more information on GBV see also, ["Hidden Strengths, Hidden Struggles: Women's testimonies from southeast Myanmar,"](#) KHRG, August 2016.

<sup>291</sup> Source #147.

<sup>292</sup> ["Dooplaya Interview: Naw A---, July 2015,"](#) KHRG, February 2016.

<sup>293</sup> Source #46.

<sup>294</sup> ["Dooplaya Interview: Naw A---, July 2015,"](#) KHRG, February 2016.

<sup>295</sup> ["Dooplaya Incident Report: Rape and Killing of a teenage girl in Kawkareik Township, August 23rd 2016,"](#) KHRG, January 2017.

<sup>296</sup> ["Same Impunity, Same Patterns,"](#) Women's League of Burma, January 2014, pp. 14-23. See also, ["Rape and Sexual Violence by the Burmese Army,"](#) Burma Campaign UK, Burma Briefing No. 34, April 2014, pp. 1-2. "Gender and New Wars," Christine Chinkin and Mary Kaldor, *Journal of International Affairs*, (2013), pp. 167-187.

<sup>297</sup> "Rule 93. Rape and Other forms of Sexual Violence," International Committee of the Red Cross, Customary International Humanitarian Law Database, 2017.

<sup>298</sup> At the beginning of KHRG's reporting the UN General Assembly adopted the Declaration on the Elimination of Violence against Women in 1993. Although not legally binding, this Declaration can give guidance on the stance of the international community in the 1990's and can be seen in significant contrast to the KHRG reports detailing GBV in southeast Myanmar. It states that the signatories were "Concerned that violence against women is an obstacle to the achievement of equality, development and peace." ["Declaration on the Elimination of Violence against Women,"](#) UN, 1993.

<sup>299</sup> ["Convention on the Elimination of All Forms of Discrimination against Women,"](#) UN, 1979. Myanmar acceded to CEDAW in 1997. This Convention places the obligation on the Myanmar government to make sure their institutions do not discriminate against women. In June 2016 KHRG made a stakeholder submission to the monitoring committee of CEDAW to assist it in considering Myanmar's state report. See, ["Submission to the Committee on the Elimination of Discrimination Against Women \(CEDAW\) – 64<sup>th</sup> Session,"](#) KHRG, June 2016.

<sup>300</sup> ["One Year On From Burma Signing Sexual Violence Declaration: No Steps Taken On Implementation,"](#) Burma Campaign UK, Burma Briefing No. 39, June 2015.



(2000), 1820 (2008), 1960 (2010), 2106 (2013) and 2122 (2013)<sup>301</sup>. In reports under conflict, villagers often reported that Tatmadaw used GBV as a tactic to degrade the Karen community and undermine support for the KNU and KNLA, because systematic GBV challenged the existing social structure of communities in southeast Myanmar. In an interview from 1997, Naw Ac--- explained the tactics of the Tatmadaw stating that:

*“If the Burmese [Tatmadaw] capture them [villagers], they will use them as slaves, rape them and beat them until they are dead, because that is what the Burmese Army usually does. They kill the children, they make the husband work, they rape the wives and daughters.”*

Naw Ac--- (female, 27), Ler Mu Lah Township, Mergui-Tavoy District/  
Tanintharyi Region (Interviewed in March 1997)<sup>302</sup>

This suggests that the Tatmadaw used GBV with the intent to attack all levels of Karen society, from the youngest to the oldest members, with specific and extensive violent abuses perpetrated against women. The targeting of women through GBV by the Tatmadaw is clear in reports from the conflict, especially while women were completing forced labour.<sup>303</sup> In an interview from 1992, Daw Ad--- explained the systematic violence she suffered by the Tatmadaw because she was a woman:

*“All night long the soldiers would come and drag women away to be raped. They took turns and women were often raped by several soldiers in one night. I was raped frequently like the others. While I was being raped or trying to sleep I could hear the screams of other women all around. This went on all night, and then in the morning they’d make us carry our loads over mountains again. I felt especially sorry for Naw Ae---, who was being raped very badly every night and was much too small to carry her load.”*

Daw Ad--- (female, 32), Kyaikto Township, Thaton District/  
northern Mon State (interviewed in January 1992)<sup>304</sup>

Rape, including gang rape, of civilian women and girls by Tatmadaw military personnel was a widespread abuse throughout southeast Myanmar, and perpetrated at all levels of the Tatmadaw, from privates to commanders.<sup>305</sup> This explains why the threat of rape was most prevalent where military units were based or when they were temporarily encamped near villages already under Tatmadaw’s control.<sup>306</sup> The structures of power connected to militarisation heightened the villagers’ vulnerability to such abuses, and the widespread use of rape served the military as a tool for intimidation and control of both women and entire communities. This is in contrast to KHRG reports from after the preliminary ceasefire, which shows that GBV has most often been perpetrated by lone individuals. For example, a Tatmadaw soldier attempted to rape a woman in 2013, in Toungoo District, but the case was silenced until he was taken to the local army camp and interrogated.<sup>307</sup> Therefore, although the fear of GBV has not disappeared or lessened for women,

<sup>301</sup> See “[Resolution 1325 \(2000\)](#),” UNSC, S/RES/1325 (2000), October 31<sup>st</sup> 2000; “[Resolution 1820 \(2008\)](#),” UNSC, S/RES/1820 (2008), June 19<sup>th</sup> 2008; “[Resolution 1960 \(2010\)](#),” UNSC, S/RES/1960 (2010), December 16<sup>th</sup> 2010; “[Resolution 2106 \(2013\)](#),” UNSC, S/RES/2106 (2013), June 24<sup>th</sup> 2013; “[Resolution 2122 \(2013\)](#),” UNSC, S/RES/2122 (2013), October 18<sup>th</sup> 2013. These were all unanimously adopted by the 5 permanent and 10 non-permanent members of the UN Security Council.

<sup>302</sup> “[REFUGEES FROM THE SLORC OCCUPATION](#),” KHRG, May 1997.

<sup>303</sup> “[SLORC’S USE OF WOMEN PORTERS](#),” KHRG, February 1993.

<sup>304</sup> “[TESTIMONY OF PORTERS ESCAPED FROM SLORC FORCES](#),” KHRG, January 1992.

<sup>305</sup> “*But, one young Karen lady said kei taw b’yaw ta aw [literally ‘became Burmese Army food’]. The battalion officer [Bo Thu Kha] didn’t rape her. Instead, he asked one of his soldiers who already had a wife and children to force this girl to marry him [Bo Thu Kha]. He later raped this girl.*” “[Nyaunglebin Interview: Naw P---, May 2011](#),” KHRG, July 2011.

<sup>306</sup> “[Pa’an District: Land confiscation, forced labour and extortion undermining villagers’ livelihoods](#),” KHRG, February 2006.

<sup>307</sup> “[Toungoo Incident Report: Sexual assault in Thandaunggyi Township, December 2013](#),” KHRG, May 2014.



the motives, as well as some of the actors, may have changed from a military targeting of Karen society, to individuals attacking women and in doing so undermining the status of women.

### C. Torture

Torture is one of the major issues reported by KHRG throughout the 25 years of documenting human rights abuses. One key finding is that both mental and physical torture has been used systematically by all the armed groups in southeast Myanmar.<sup>308</sup> Torture was used excessively by the Tatmadaw, and to a lesser extent the BGF<sup>309</sup> and DKBA (Buddhist),<sup>310</sup> throughout KHRG's reporting period prior to the 2012 ceasefire. Since the preliminary ceasefire, the Tatmadaw<sup>311</sup> and BGF<sup>312</sup> have continued to be involved in torture of community members, with some cases now reported as involving Karen EAGs, such as the KNLA,<sup>313</sup> KNU/KNLA-PC,<sup>314</sup> KNDO<sup>315</sup> and DKBA (Benevolent).<sup>316</sup> While the rate at which torture committed against Karen civilians by the Tatmadaw has decreased, it is still continuing by armed actors in cases when the villagers are arrested, which indicates that due to the long history of its use during conflict, torture is viewed by many powerful armed actors as a legitimate tool for both interrogation and punishment to the current day.

KHRG has reported widely on the use of torture in southeast Myanmar, and many of the reports from the conflict period can help to explain what torture is and how it is used. KHRG's definition of torture is primarily informed by villager's descriptions, as explained by KHRG in 2006, when it was understood as a military tactic in combination with other abuses:

*"Villagers live in situations of heightened vulnerability where they are prone to beatings and mistreatment by individual soldiers who may wander into their village to loot, deliver orders or simply loiter. While the torture and mistreatment of villagers may not always stem from specific military orders, such abuses serve the overall SPDC objective of militarising Karen territory and cultivating a situation where villagers are easily exploited."*

Thematic Report written by KHRG researchers, Kayin State/  
southeast Myanmar (published in November 2006)<sup>317</sup>

Since the preliminary ceasefire the use of torture has altered, and the current use of torture throughout southeast Myanmar is more often associated with law and order and the justice

<sup>308</sup> The UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment provides context of what torture is in Article 1.1, *"The term 'torture' means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity."* ["Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,"](#) UN, 1984.

<sup>309</sup> ["Torture and killing in Thaton District,"](#) KHRG, October 2012.

<sup>310</sup> ["DKBA bans alcohol consumption to justify human rights abuses in Pa-an District,"](#) KHRG, October 2008.

<sup>311</sup> Source #67.

<sup>312</sup> ["Hpapun Situation Update: Bu Tho Township, June to October 2015,"](#) KHRG, September 2016.

<sup>313</sup> ["Nyaunglebin Interview: Saw P---, December 2015,"](#) KHRG, December 2016.

<sup>314</sup> ["Hpa-an Interview: U A---, November 2014,"](#) KHRG, May 2015.

<sup>315</sup> ["Dooplaya Incident Report: Villagers subjected to forced labour and degrading treatment by the Karen National Defence Organisation, March 2014,"](#) KHRG, September 2014.

<sup>316</sup> ["Dooplaya Interview: Naw A---, March 2015,"](#) KHRG, April 2015.

<sup>317</sup> ["Dignity in the Shadow of Oppression: The abuse and agency of Karen women under militarization,"](#) KHRG, November 2006.

system. Villagers indicate that armed actors,<sup>318</sup> the police, and government officials have misused their powers, as often villagers have reported being arbitrarily arrested and tortured without any explanation or evidence for why they were arrested.<sup>319</sup> In these cases torture can be seen to be used as a method of interrogation, as Ma P--- from Thaton Township, Thaton District explained happened to her husband when he was arrested:

*“On the second time that he was arrested, he was beaten, punched, [and they] hit him [against something], withheld water and food from him for three days, [and] they hung him up by his neck when they questioned him. [When they interrogated him] they made him kneel on a wooden plank full of two inch iron nails.”*

Ma P--- (female, 42), B---Village, Thaton Township, Thaton District/  
northern Mon State (interviewed in July 2015)<sup>320</sup>

A consequence of this torture was that Ma P---’s husband confessed to participating in a robbery, which she contended was not true, and suggests that miscarriages of justice have happened to villagers in southeast Myanmar under the weight of such abuse. This is a serious issue and shows that the Myanmar government continues to allow serious human rights abuses to continue in southeast Myanmar,<sup>321</sup> and that the Myanmar government authorities work towards the criminalisation of villagers rather than providing them with protection.

While torture is now more often used as a method of interrogation, during the conflict torture was used to break civilians down mentally and physically, and to force villagers to comply with orders, to provide information<sup>322</sup> or to punish potential KNLA supporters.<sup>323</sup> The main perpetrator of torture during the conflict was the Tatmadaw, with villagers frequently tortured when portering<sup>324</sup> or when detained if they were suspected to have links to the KNLA.<sup>325</sup> A harrowing case comes from an interview with three women who were tortured over a number of days by the Tatmadaw in 1992, which included incidences of burning, beating, waterboarding and mentally torturing a woman by

<sup>318</sup> This includes the Tatmadaw, BGF, KNLA and DKBA (Benevolent). See [“Commander Pah Mee implicated in violent abuse, disappearance, and killing of village tract leader in Hpapun District, July 2015,”](#) KHRG, March 2016; see also [“Hpapun Interview: U A---, January 2014,”](#) KHRG, October 2014.

<sup>319</sup> [“Dooplaya Interview: Naw A---, March 2015,”](#) KHRG, April 2015.

<sup>320</sup> [“Thaton Interview: Ma N---, July 2015,”](#) KHRG, February 2017.

<sup>321</sup> Myanmar is bound by the fact that the prohibition of torture is a peremptory norm of international law and is part of customary international law. Furthermore, as a signatory of the Fourth Geneva Convention, the Myanmar government can be held accountable to its prohibitions of torture. Article 32 outlines that signatories agree not to torture civilians during conflict, [“Convention \(IV\) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949,”](#) International Committee of the Red Cross, August 1949. Further detail is given in the 1958 commentary, which states that *“The prohibition of torture set forth in this Article is absolute; it covers all forms of torture, whether they form part of penal procedure or are quasi- or extra-judicial acts, and whatever the means employed. There need not necessarily be any attack on physical integrity since the ‘progress’ of science has enabled the use of procedures which, while they involve physical suffering, do not necessarily cause bodily injury.”* It also goes further and says: *“Like murder, torture is one of the acts listed in Article 147 as a ‘grave breach.’”* [“Commentary on the Geneva Conventions of 12 August 1949, Volume IV,”](#) International Committee of the Red Cross, 1958.

<sup>322</sup> [“Papun and Nyaunglebin Districts, Karen State: Internally displaced villagers cornered by 40 SPDC Battalions: Food shortages, disease, killings and life on the run,”](#) KHRG, April 2001.

<sup>323</sup> [“Dignity in the Shadow of Oppression: The abuse and agency of Karen women under militarization,”](#) KHRG, November 2006.

<sup>324</sup> [“FORCED LABOUR AROUND TAUNGGOO TOWN,”](#) KHRG, July 1996; see also [“Tenasserim Division: Forced Relocation and Forced Labour,”](#) KHRG, February 1997.

<sup>325</sup> [“Thaton District: SPDC using violence against villagers to consolidate control,”](#) KHRG, March 2001; see also [“STARVING THEM OUT: Forced Relocations, Killings and the Systematic Starvation of Villagers in Dooplaya District,”](#) KHRG, March 2000.

making her dig and lie beside a grave. According to one of the women, innocent villagers were accused of helping the KNLA and then tortured:

*“They tied up 8 of us by the hands and took us away outside the village. The officer shot a pistol near our ears and I was very afraid. First the soldiers hung us by our hands with rope, so that our feet weren’t touching the ground. They left us hanging like that for one hour. Then they laid us all on the ground on our backs, tied our hands behind our backs and tied our legs up to the tree branch so they were pointing straight up.”*

Villagers quoted in report written by KHRG researcher, Karen State/southeast Myanmar<sup>326</sup> (published in February 1993)<sup>327</sup>

As can be seen in this example, torture was frequently reported to be extreme and sustained, and furthermore, the torture by the Tatmadaw was often very public. The Tatmadaw used these tactics either because the culture of impunity meant that they did not need to hide their activities or because they wanted to make it public as a way to break the morale of Karen communities, and in this way, undermine civilian support for Karen EAGs. For example, in 1994 Tatmadaw very publically tortured a villager and left him to die:

*“On March 3, 1994, soldiers from SLORC [Tatmadaw] Infantry Battalion #35 (based in Kyaukkyi) entered Paw Mu Der village. They found photos in Saw Gay’s house showing a man in Karen uniform, so they accused Saw Gay of having a relative in the Karen Army and ordered him to explain. Afterwards they took him in front of the whole population of the village, including his wife and 2 children (aged 4 and 2), and cut off his arms and legs. They left him bleeding on the ground for 2 hours, but he was still not quite dead so they cut off his penis, then cut open his belly and ripped out his internal organs.”*

Field Report written by KHRG researcher, Nyaunglebin, Mergui-Tavoy, Hpapun Districts/Kayin State (published in April 1994)<sup>328</sup>

These public displays of torture have ceased since the preliminary ceasefire, but as concerning is that torture is now conducted either at night or in secret by armed actors,<sup>329</sup> as a villager explained happened to him after he was arrested by the KNLA in 2016:

*“They [KNLA] grabbed me and put me into the truck and they hit me and punched me. I told them that there was a village leader who they could talk to and they replied that they [the village leader] do not understand [the situation].”*

Saw AAa--- (male, 56), Kyaukgyi Township, Nyaunglebin District/eastern Bago Region (published in November 2016)<sup>330</sup>

Considering that torture now usually accompanies arbitrary arrest, it is concerning that armed actors, government authorities and the Myanmar police now use torture in a more secretive manner, which means that the level of abuse may be more hidden than what is reported. Therefore, although extreme levels of public violence are rarely seen presently in southeast Myanmar, the sporadic use of torture is a significant failing of the Myanmar government and the KNU, as it is a significant breach of international humanitarian legislation, as well as an infringement of the NCA.

<sup>326</sup> The location was not specified in order to maintain the interviewees’ safety.

<sup>327</sup> [“TORTURE OF KAREN WOMEN BY SLORC,”](#) KHRG, February 1993.

<sup>328</sup> [“INCOMING FIELD REPORTS,”](#) KHRG, April 1994.

<sup>329</sup> Source #67.

<sup>330</sup> [“Nyaunglebin Interview: Saw P---, December 2015,”](#) KHRG, December 2016.

## D. Extrajudicial killings

Throughout the 25 years of KHRG reporting, extrajudicial killings have been an ongoing abuse that villagers in southeast Myanmar have been confronted with. During the conflict the vast majority of indiscriminate and extrajudicial killings were perpetrated by the Tatmadaw,<sup>331</sup> with some incidences by the DKBA (Buddhist) and BGF, with the intent to oppress Karen civilians, to punish supporters of the KNU and to create widespread fear. KHRG reports since 2012 indicate that there has been a significant decrease in systematic and large scale extrajudicial killings by armed actors, and the main perpetrator of the recent examples of extrajudicial killings has been the BGF,<sup>332</sup> which suggests that the Tatmadaw is indirectly continuing its violence against community members. Additionally, examples of extrajudicial killings have been committed by the Tatmadaw,<sup>333</sup> KNLA, KNU/KNLA-PC<sup>334</sup> and DKBA (Benevolent).<sup>335</sup> The ceasefire period has seen extrajudicial killings perpetrated by a wider range of actors, but to a much lesser extent. This indicates that use of extrajudicial killings has changed from being a military tactic of targeting the Karen population, to a way of implementing military rules by armed groups or an activity by rogue commanders.

Although there has been a decrease in extrajudicial killing since the preliminary ceasefire, the current risk of villagers being killed by armed actors remains serious, especially by the BGF, who are most frequently reported as carrying out these killings. Examples of killings from Hpa-an District include a refugee shot dead in 2016 by the KNDO for illegally logging,<sup>336</sup> the BGF shooting a villager on sight in 2015<sup>337</sup> and the beating to death of a villager by the BGF after he had had an argument with another villager in 2015.<sup>338</sup> Nevertheless, even though the motives behind the killings have changed, the ongoing incidences of killing of civilians in southeast Myanmar by armed actors indicate that there is impunity of armed actors for these abuses. Furthermore, the extent to which the villagers were targeted during the conflict is still felt in southeast Myanmar, as villagers report that fear in the presence of military, particularly Tatmadaw and BGF, remains.

This fear can be understood through the past KHRG reports, in which villagers reported Tatmadaw's tactics of extrajudicial killings, including the policy of shooting villagers on sight, and the impact this has on their daily lives. KHRG reports from that time detailed that community members were killed in numerous circumstances and places, as part of the complete oppression of Karen civilians. Examples included, people being shot outside their houses,<sup>339</sup> while farming,<sup>340</sup> in the refugee camps,<sup>341</sup> as forced labourers<sup>342</sup>, and during Karen New Year celebrations,<sup>343</sup> to name but a few examples. These highlight that at all stages of a community member's day their lives were at risk. The arbitrary nature with which villagers could be killed by the Tatmadaw, and in later

<sup>331</sup> Examples of the indiscriminate and extrajudicial killings perpetrated by the Tatmadaw include the burning to death of villagers in their own homes in 1997. See, "[Photos from 1997: Set 97-B](#)," KHRG, September 1997; see also "[TORTURE OF KAREN WOMEN BY SLORC](#)," KHRG, February 1993; for more examples of Tatmadaw killings see, "[UNCERTAINTY, FEAR AND FLIGHT: The Current Human Rights Situation in Eastern Pa'an District](#)," KHRG, November 1998.

<sup>332</sup> Source #81; see also "[Hpa-an Incident Report: Explicit and violent threats in Myaing Gyi Ngu Town, Hlaingbwe Township, April 2015](#)," KHRG, August 2015.

<sup>333</sup> Source #58.

<sup>334</sup> "[Hpa-an Interview: U A---, November 2014](#)," KHRG, May 2015.

<sup>335</sup> Source #75.

<sup>336</sup> Source #157.

<sup>337</sup> Source #69.

<sup>338</sup> Source #70.

<sup>339</sup> "[Photos from 1997: Set 97-B](#)," KHRG, September 1997.

<sup>340</sup> "[FIELD REPORTS Taungoo and Other Districts](#)," KHRG, February 1996.

<sup>341</sup> "[ATTACKS ON KAREN REFUGEE CAMPS: 1998](#)," KHRG, May 1998.

<sup>342</sup> "[Taungoo Incident Reports: March and April 2011](#)," KHRG, May 2011.

<sup>343</sup> "[Photos from 1996: Set 96-A](#)," KHRG, March 1996.

reports the DKBA (Buddhist) and BGF, was highlighted in an interview with a female villager from Hpa-an Township, who recounted the killing of two men in February 1994:

*“They [Tatmadaw] arrested and killed two other villagers but nobody saw it, the men just disappeared. One of them was Maung Htun Bwah – they killed him by mistake instead of Maung Htun Oo, who is a Karen soldier. The other was Maung Than Chay. He was just a civilian, and he vouched for Maung Htun Bwah. Then they killed Maung Htun Bwah and took money from him. They thought if they released Maung Than Chay he would cause problems for them by telling people, so they accused him of being on the Karen side and killed him too. Both of them had families.”*

Naw Aq--- (female, 48), Hpa-an Township, Thaton District/  
northern Mon State (published in May 1994)<sup>344</sup>

What is evident in this example is that the motives behind the killings were based upon weak accusations, mistaken identity and rumours, showing that all villagers were vulnerable and suspect to Tatmadaw accusations. Contrastingly, armed groups who commit extrajudicial killings since the preliminary ceasefire are likely to have more specific and targeted motives, such as killing to confiscate land or demonstrate their power against certain individuals.

One particular violent period of killing during the conflict was between 1998 and 2000, when the Tatmadaw used death squads, known locally as *Sa Thon Lon*,<sup>345</sup> to deliberately target any Karen civilians who had ever had a connection to the KNU/KNLA, rumoured or factual, big or small.<sup>346</sup> Villager Saw Ar--- from Mone Township suggested that the *Sa Thon Lon* was part of a wider plan to attack the KNLA by targeting civilians in 1999:

*“They are the Sa Thon Lon. People said that they don’t ask any questions [they kill without interrogation] and they are going to “cut off the tops of all the plants”. The second group, Sweeper, will come to sweep up the people and then the third group will come to scorch the earth and “dig out the roots”. They will kill all the relatives of the forest people [the KNLA].”*

Saw Ar--- (male), quoted in report written by a KHRG researcher, Nyaunglebin  
District/eastern Bago Region (published in May 1999)<sup>347</sup>

The description of the *Sa Thon Lon* indicates that the Tatmadaw had little or no value for the lives of villagers living in southeast Myanmar, explicitly and brutally targeting civilians as a way to undermine the network of Karen communities and their support for the KNLA.<sup>348</sup> During the conflict period, which saw many villagers choosing to strategically displace themselves to avoid such violent abuse, KHRG reported the brutal nature with which the Tatmadaw deliberately attacked villagers over decades, including an incident from 2007 when a 19 year old man was stabbed in the eyes and mouth in Toungoo District<sup>349</sup> and another from 1995 when a villager was beaten, tied up and then stabbed to death in Dooplaya District.<sup>350</sup> Although extrajudicial killing cases span the 25 years of KHRG reporting, these abuses still resonate today because of their

<sup>344</sup> [“CONTINUING SLORC ACTIONS IN KAREN STATE,”](#) KHRG, May 1994.

<sup>345</sup> Sa Sa Sa (Sa Thon Lon) was Burma’s Military Intelligence service during the Tatmadaw era. ‘Sa Sa Sa’ (or ‘Sa Thon Lon’, for ‘Three S’s’) is the abbreviation for DDSI (Directorate of Defence Services Intelligence). Sa Sa Sa was replaced by Sa Ya Pa (Military Security Affairs) in 2004, after Khin Nyunt fell from favour. Past KHRG reports have detailed Sa Sa Sa execution squads, specially trained units tasked with finding and executing villagers who were suspected of having current or past contact with opposition groups. For more information, see [“Suffering in Silence: The Human Rights Nightmare of the Karen People of Burma,”](#) KHRG, 2000.

<sup>346</sup> [“DEATH SQUADS AND DISPLACEMENT,”](#) KHRG, May 1999.

<sup>347</sup> *“When the soldiers asked the officer how they should kill me, he said ‘Don’t waste your bullets. Just beat him to death and cut his throat with a knife.’”* [“Commentary: The Fall of Manerplaw – KHRG #95-C1,”](#) KHRG, February 1995.

<sup>348</sup> [“Commentary: The Fall of Manerplaw – KHRG #95-C1,”](#) KHRG, February 1995.

<sup>349</sup> [“Landmines, Killings and Food Destruction: Civilian life in Toungoo District,”](#) KHRG, August 2007.

<sup>350</sup> [“SLORC IN KYA-IN & KAWKAREIK TOWNSHIPS,”](#) KHRG, February 1996.



seriousness. These widespread extrajudicial killings are hard to forget, and past abuses need to be addressed in the ongoing peace process in order to start to provide villagers with some form of closure.

Although there has been fewer reports of extrajudicial killings since the preliminary ceasefire, there are still incidences of villagers being killed without warning and for minor reasons, giving further reason for Karen villagers to strongly reject the militarisation of their areas. One example of the ongoing abuse comes from a KHRG Incident Report detailing how Saw A---, from B--- village, was fishing when *'he was directly shot by the BGF unexpectedly'* in March 2015. He was then shot twice more and taken to hospital by fellow community members where he died from his injuries. It is noted in the KHRG incident report that the BGF had not implemented any rules for the villagers to follow at the time of the killing, but they have since stated that:

*"We created the rule in our area that we are not allowed [to let] any villagers go out of the village after 6 pm and until 6 am."*

Incident report written by a KHRG researcher, Bu Tho Township, Hpapun District/northeastern Kayin State (published in September 2015)<sup>351</sup>

The killing of Saw A---, based on arbitrary and ill-defined military rules, had a significant impact on the lives of his family, as his widow was left with six children to look after. According to the KHRG Incident Report, Saw A---'s wife, Naw C---, went to the BGF Commander to demand compensation, but this was not paid, despite the Commander giving his agreement. The killing of Saw A--- is a strong example of the risks that the villagers still face in southeast Myanmar from armed groups. It shows the impunity with which the armed groups act, which is informed by the foundation of impunity for Tatmadaw during the conflict; as well as the lack of justice given to villagers by Myanmar authorities. Therefore, in addition to the need to address the past abuses in the peace process, the ongoing impunity and killings need to come to an end to ensure that there is security and justice for villagers in southeast Myanmar.

## **Consequences of violent abuse**

Violent abuse in southeast Myanmar has been perpetrated in a variety of ways, all having similar consequences for villagers. Most notably, threats, GBV, torture and extrajudicial killings help to create an atmosphere of fear of armed actors, most commonly Tatmadaw and BGF, within communities, as well as physical health problems for villagers. Moreover, these physical problems, in combination with the threats, extrajudicial killings, and other violent abuses have had serious impacts on villagers' abilities to maintain their livelihood and have led to the breakdown of families and communities across southeast Myanmar.

## **Fear**

Violent abuse has created an atmosphere of fear within communities, especially an ongoing fear of the Tatmadaw<sup>352</sup> and related Myanmar government authorities. This is a significant barrier now to the acceptability of Myanmar government intervention in southeast Myanmar, the presence of armed actors in Karen and near Karen communities, and the legitimacy of the peace process and political process as a whole as viewed by Karen communities.

Fear of the Tatmadaw is very clear in the reports from the conflict period, which described how villagers fled from their homes if they knew they were approaching, and then being fired upon

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<sup>351</sup> ["Hpapun Incident Report: Villager killed by Border Guard Force \(BGF\) Battalion #1013 in Bu Tho Township, March 2015,"](#) KHRG, September 2015.

<sup>352</sup> ["Dooplaya Situation Update: Kawkaireik Township and Noh T'Kaw Township, April to May 2016,"](#) KHRG, March 2017.

when fleeing. The fear that the Tatmadaw struck in people was articulated by a villager from eastern Hpa-an District in 1997:

*“Nobody had guns or was wearing uniforms – we were all only civilians. The Tatmadaw soldiers just saw people running and shot them. They knew for sure that they were villagers, they shouted “Don’t run!”, but the villagers were afraid of them and ran and they shot at them. Three of them were running through the field, and two of them were hit. Pa Kyi Kheh was hit in the middle of his back. He was hit twice. My younger brother P--- was also wounded. The people who didn’t run saw their friends get shot, so they ran too and then they were also shot at by the soldiers. The Burmese say if we run they will shoot - so they did shoot.”*

Villager quoted in a Commentary written by KHRG researcher,  
Hpa-an District, central Kayin State  
(published in September 1997)<sup>353</sup>

Compounding this fear was the consequence that if caught by the Tatmadaw villagers would be subjected to forced labour<sup>354</sup> and forced recruitment, as well as being tortured,<sup>355</sup> shot on sight,<sup>356</sup> or raped.<sup>357</sup> The fear of forced labour was commonly reported by villagers as it often led to them experiencing extreme violence, with reports of villagers being shot when they could no longer carry supplies<sup>358</sup> and being left to die from weakness or illnesses that they had caught.<sup>359</sup> Therefore, villagers chose to flee from the Tatmadaw because interaction with them more likely than not led to the villagers suffering violently. Of relevance, no steps have been taken by the Myanmar government or Tatmadaw to address these abuses, or the ingrained fear of the perpetrators, which villagers retain to the present day.

In particular, the ingrained fear of the Tatmadaw is frequently voiced by women, who have significant concerns about their safety because of the past and present cases of GBV. There are recent examples of women feeling unsafe in the presence of Tatmadaw soldiers, as noted in one interview with a female villager from Kyainseikgyi Township, Doooplaya District, in 2016:

*“They [Tatmadaw] are male and also have weapons in their hands. We are afraid of them when we travel [do not feel secure when going between places] because we are women. As you know, in the past they killed and raped villagers as they wanted.”*

Naw Af--- (female), Kyainseikgyi Township, Doooplaya District/  
southern Kayin State (interview received in January 2016)<sup>360</sup>

This fear continues to be echoed by female villagers who have reported that they do not feel safe with Tatmadaw and BGF soldiers living nearby and patrolling their area,<sup>361</sup> for reasons including that the young soldiers are often unmarried, the soldiers make lewd remarks at female villagers,<sup>362</sup> and the abuse of rape against ethnic women by Tatmadaw soldiers during the conflict, which remains silenced to this day, without justice.<sup>363</sup> In evidence of their safety concerns, women and

<sup>353</sup> “[COMMENTARY](#),” KHRG, September 1997.

<sup>354</sup> “[STARVING THEM OUT: Forced Relocations, Killings and the Systematic Starvation of Villagers in Doooplaya District](#),” KHRG, March 2000.

<sup>355</sup> “[FORCED LABOUR AROUND TAUNGGOO TOWN](#),” KHRG, July 1996.

<sup>356</sup> “[FORCED LABOUR AROUND TAUNGGOO TOWN](#),” KHRG, July 1996; see also “[COMMENTARY](#),” KHRG, September 1997.

<sup>357</sup> “[TESTIMONY OF PORTERS ESCAPED FROM SLORC FORCES](#),” KHRG, January 1992; see also “[SLORC RAPE IN THATON DISTRICT](#),” KHRG, February 1993.

<sup>358</sup> “[COMMENTARY](#),” KHRG, July 1997.

<sup>359</sup> “[STATEMENTS BY KARENNI REFUGEES](#),” KHRG, June 1992.

<sup>360</sup> Source #107.

<sup>361</sup> Source #115.

<sup>362</sup> Source #107.

<sup>363</sup> Source #123; see also Source #107.

other villagers in recent KHRG reports state that they continue to limit their travels at night in order to stay safe, particularly around army camps.<sup>364</sup> These safety concerns tie in to the perception that Karen villagers are unsafe near Tatmadaw and BGF army bases, and the common and often repeated request from Karen villagers that the Tatmadaw and BGF demilitarise and withdraw from civilian areas in southeast Myanmar.<sup>365</sup>

The desire of villagers for the withdrawal of Tatmadaw and BGF forces indicate that villagers continue to live under the threat of violence, showing that the context of insecurity, military abuse and infringement of villagers' rights remains in southeast Myanmar, as one soldier from DKBA (splinter) Na Ma Kya group told a villager in 2015:

*"I do not have the right to kill you, but I do have the right to beat you."*

Naw A--- (female, 32), F--- village, Kawkareik Township, Dooplaya District/  
southern Kayin State (interviewed in March 2015)<sup>366</sup>

This DKBA (splinter) Na Ma Kya soldier suggests that they have a 'right' to act violently, which is in clear violation of domestic and international legislation and has a direct implication on villagers' ability to trust armed groups. The ability of armed groups to continue to threaten violence indicates that armed actors continue to act with impunity, which exacerbates the fear and mistrust that villagers feel towards the armed groups, especially Tatmadaw and BGF, who remain active in their villages. The fear of the armed groups is an ongoing issue from the conflict, and has often developed out of the lived experience of violent abuse and the physical impact this has had on villagers.

### **Physical consequences of violent abuse**

As torture and GBV are both physical attacks on community members, the victims frequently face physical ramifications, which are often long-term and compounded by the lack of healthcare in southeast Myanmar. For example, a female villager from Hpa-an Township reported the health problems she experienced after she had been tortured in 1994:

*"On April 3 [1994] they [Burmese soldiers] asked me if any Kaw Thoo Lei [KNLA] had entered the village then I said no. And then they just started beating me with a bamboo pole as thick as your wrist. They beat me 3 or 4 times on my ribs. I don't know, but I was told 2 of them are broken. It hurt a lot. I couldn't even breathe. After that I couldn't stand up, and I couldn't lay down either. Even now, people have to help me stand up or lay down. There is no hospital here, so I put special water and saffron on it. These men just accuse us, so we have to deny it and then they beat us."*

Female villager quoted in a report written by KHRG researcher, Hpa-an Township,  
Thaton District/northern Mon State (published in May 1994)<sup>367</sup>

This villager explained that the torture had led to ongoing and long lasting physical problems, which meant that she was unable to return to even a semblance of normality after the abuse. Furthermore, these physical problems that she was left with appear to impact her ability to fend for herself and therefore maintain her livelihood.

As with torture, victims of GBV have to cope with serious physical impacts, including pregnancy and abortion. Villagers reported that pregnancy and abortion often occurred after women had been raped while being forced to porter or labour for the Tatmadaw. The serious nature of the abuse during forced labour and portering meant that women experienced sustained GBV, by

<sup>364</sup> Source #40.

<sup>365</sup> Source #107.

<sup>366</sup> ["Dooplaya Interview: Naw A---, March 2015,"](#) KHRG, April 2015.

<sup>367</sup> ["CONTINUING SLORC ACTIONS IN KAREN STATE,"](#) KHRG, May 1994.

more than one person and over a significant period of time.<sup>368</sup> Unsafe abortions stemming from rape by the Tatmadaw held serious health risks for the women, as explained by Naw Am--- who was raped when she was taken for forced labour in Thaton District in 1993:

*“Then when we got home many of us were pregnant. I was pregnant myself. We all had to get medicine to get rid of the baby. Now I’m in debt 1,000 kyat (US\$1.00) for medicine. One of my friends who came back pregnant got rid of the baby too, and she’s been very sick and thin ever since. She’s still very sick.”*

Naw Am--- (female, 30) quoted in a report written by KHRG researcher, Hpa-an, Thaton, Nyaunglebin Districts/Kayin State (published in February 1993)<sup>369</sup>

These serious health consequences, in combination with livelihood issues and the social stigma for women returning to their communities and families following rape, ensured that this abuse significantly weakened and damaged Karen communities, as intended by the Tatmadaw. Although the number of reports that KHRG has received about pregnancy following rape is limited, more commonly reported is the physical injuries that come from women being beaten or physically attacked because of their gender. Physical impacts come not only from rape but the accompanying violence, which is often reported occurring when victims or their family members try to report cases of GBV.<sup>370</sup> Therefore, the physical effects of GBV are exacerbated by inadequate healthcare, as well as the lack of suitable justice in southeast Myanmar. These physical injuries not only impact the victims themselves, but help to exacerbate additional consequences, most commonly the sustainability of community members’ livelihoods.

### Livelihood consequences of violent abuse

Villagers in southeast Myanmar have frequently reported that violent abuse has left them unable to maintain a sustainable livelihood, which was often because they felt fear and were incapable of working due to physical impairments. Livelihood impacts are rarely restricted to the victim of violent abuse, and community members in KHRG reports have spoken about how the effect of violent abuse by armed groups goes far beyond the immediate victim. Regularly, the impact on the wider family was most significant when villagers were killed by the Tatmadaw, as they left behind family members who often faced financial difficulties because they lost the main income generator for the family.<sup>371</sup> In the cases where the main earner for the family was killed, one of the most notable consequences raised by community members was that the rest of the family struggled to afford food. In recent cases that involved additional armed actors acting with impunity, the extensive impacts are the same, as Naw M--- explained after her husband was killed by a KNDO Deputy Commander in Hpapun Township, Hpapun District, in 2015:

*“I can’t work and earn a living on my own. I don’t even have money to buy MSG484 [common flavour enhancer] now. There is not enough shrimp paste now to make even a batch of pounded chilli paste.”*

Naw M--- (female, 43), P---village, Bu Tho Township, Hpapun District/northeastern Kayin State (interviewed in February 2015)<sup>372</sup>

<sup>368</sup> “I’m glad we survived, but now Khine Khine Soe says that any young woman who has been a porter for long will surely end up pregnant. It makes me very afraid to think about this, but I think she must be right.” [“TESTIMONY OF PORTERS ESCAPED FROM SLORC FORCES,”](#) KHRG, January 1992.

<sup>369</sup> [“SLORC’S USE OF WOMEN PORTERS,”](#) KHRG, February 1993.

<sup>370</sup> “I thought I was going to tell him this. [When we met again] I hadn’t [even] started talking, [when] he violently abused me. He kicked me and shot [at] me [for intimidation].” [“Doooplaya Interview: Naw A---, July 2015,”](#) KHRG, February 2016; see also source #47.

<sup>371</sup> “After he was killed, his family faced many problems because he was a daily worker [worked for daily wages].” [“Toungoo Incident Reports: March and April 2011,”](#) KHRG, May 2011.

<sup>372</sup> [“Hpapun Interview: Naw M---, February 2015,”](#) KHRG, January 2017.

Not only was an earner removed from the family, but families often explained that they found themselves having to pay out significant costs for healthcare. In one incident from 2015 Saw A--- was shot by BGF soldiers and fellow villagers managed to get him to hospital, where he died. The subsequent hospital costs of 900,000 kyat (US\$761.35) had to be covered by his family and in order to manage the wife of Saw A--- demanded compensation to the battalion:

*“How many soldiers [are there] in a battalion? You have to take one month’s salary from all of them and give [that money] to me [to support me] during one month.”*

Villager quoted in an Incident Report written by a KHRG researcher,  
Bu Tho Township, Hpapun District/northeastern Kayin State  
(published in September 2015)<sup>373</sup>

However, in this incidence there was no compensation paid to the widow, and like many families they were left to fend for themselves without their family member. These consequences are very similar to those reported after torture, which also interrupts normal life; it removes family members who provide income,<sup>374</sup> makes them unable to continue their work and at times can lead to high healthcare costs.<sup>375</sup> For example, a villager from Dooطلا District suffered a dislocated shoulder during torture in 1997 and then ‘*couldn’t hold anything in his hands anymore*,’<sup>376</sup> and another villager from Toungoo District reported in 2016 that the village head had problems with his vision because of torture in the past.<sup>377</sup> The only difference between killing and torture is that the villager is able to return home if they survive the torture. However, this does not mean that they return to their community the same as they were before, as they often can no longer work to support their families.

Violent threats made against villagers, in both the conflict and the ceasefire period, can also be seen to have impacted upon villagers livelihoods. Villager’s frequently reported facing insecurity around access to their land, their homes and maintaining their livelihood, because of violent threats. This is demonstrated by a Muslim villager, Maung A---, from Thandaunggyi Township, who faced threats from the villages’ chairman of religious affairs, U Myo Tint, to leave the village. In 2015 Maung A--- described the impact that the threats had on him both emotionally and economically:

*“Therefore, I cannot work freely during the day or sleep very well at night; I have to [always] be aware of the risk he [poses]. He would come into my house and insult me, shouting at me and then go back and come back again and keep complaining about me.”*

Maung A--- (male, 34), Thandaunggyi Township, Toungoo District/  
northern Kayin State (interviewed in March 2015)<sup>378</sup>

The effect of these intimidations on Maung A--- not only affected his ability to look after himself but also his ability to keep working. This is because villagers often feel fearful when faced with threats, and are then limited in their decision making ability. As threats are frequently used to

<sup>373</sup> [“Hpapun Incident Report: Villager killed by Border Guard Force \(BGF\) Battalion #1013 in Bu Tho Township, March 2015,”](#) KHRG, September 2015.

<sup>374</sup> *“I am in trouble as he is not [at] home. It costs money to follow [visit] him. Doing family business [working for our livelihood] requires both of us, husband and wife, in order to run [business] well. Since my husband is not here, how can I do family business [as] only me, the wife? The money that we had saved is gone as I have to follow [visit] him. My siblings also have to support me. Now, my relatives have to send my children to school. It is very difficult for my livelihood [since he is not here].”* [“Thaton Interview: Naw C---, June 2015,”](#) KHRG, October 2016.

<sup>375</sup> [“CONTINUING SLORC ACTIONS IN KAREN STATE,”](#) KHRG, May 1994; see also [“SLORC IN KYA-IN & KAWKAREIK TOWNSHIPS,”](#) KHRG, February 1996.

<sup>376</sup> [“CLAMPDOWN IN SOUTHERN DOOPLAYA Forced relocation and abuses in newly SLORC-occupied area,”](#) KHRG, September 1997.

<sup>377</sup> Source #176.

<sup>378</sup> [“Toungoo Interview: Maung A---, April 2015,”](#) KHRG, January 2016.



coerce someone into doing something that is not in their interests, the fear that threats evoke means that the ultimate aim of the threat usually comes to fruition.

Furthermore, threats are now more commonly linked to land issues and land confiscation,<sup>379</sup> demonstrating that villagers' right to land is restricted and they are denied full autonomy over their living situation.<sup>380</sup> In one case from 2015, Ma A--- reported that the Myanmar government issued a threat of jail to enforce relocation, as the land had been designated as a forest reserve and she was told:

*"You all must provide your signatures. You must finish demolishing your houses in seven days'... If we did not provide our signature, we were going to have serious action taken against us and then put into jail."*

Ma A--- (female, 43), Hpa-an Township, Thaton District/  
northern Mon State (published in August 2015)<sup>381</sup>

Eventually the villagers' homes were destroyed and the villagers were forced to flee. Despite having KNU documents for the land, the threats from the Myanmar government overturned the choice the villagers had made to remain and live on that land. Therefore it is clear that the insecurity villagers feel when faced with violent threats has a negative impact on their lives, which can easily be identified in their livelihood and their ability to work.

The extensive livelihood destruction caused by violent abuse over the 25 years of KHRG reporting cannot be separated from other abuses and concerns raised by Karen villagers throughout this report. Livelihood vulnerabilities have been further aggravated throughout KHRG's reports due to arbitrary taxation and extortion on finances and crops, continued displacement, inadequate health care and the poor treatment of Karen civilians in Myanmar government hospitals, inadequate access to and standard of education, and land confiscation, creating an oppressive cycle of abuse for affected civilians, families and communities and few opportunities to mitigate and manage these vulnerabilities.

### **Breakdown of communities**

The oppressive cycle of abuse, in which violent abuse was central, worked to undermine the structure of society in southeast Myanmar. Violent abuse has had a significant effect on communities in southeast Myanmar, with families being significantly challenged through extrajudicial killings, and on a wider scale, community cohesion has been hindered by torture and the displacement that came from ongoing violent abuse.

The wide scale killing of villagers during the conflict years means that there are a large number of families in southeast Myanmar living with the grief and hardship that follows the loss of a loved one. When a family member is killed, particularly in a violent way and without justice, the lasting effect is often emotional and painful,<sup>382</sup> which was strongly articulated by Naw M---, when she described the murder of her husband by a KNDO Deputy Commander in 2015:

<sup>379</sup> ["Hpa-an Interview: Saw A---, August 2015,"](#) KHRG, November 2016.

<sup>380</sup> *"If you flee from your village, we will set your houses on fire. Even though we did not flee, they still fired artillery at our village. Since they did not allow us to flee, they should not have opened fire on the village. They fired guns in the village but we did not see any group that they were [supposedly] fighting against."* ["Doooplaya Interview: Saw A---, February 2016,"](#) KHRG, November 2016.

<sup>381</sup> ["Thaton Interview: Ma A---, July 2015,"](#) KHRG, August 2015.

<sup>382</sup> *"I told [other people] 'I will not go there, I will just stay with my mother'. My mother was dead here so I will stay with her here."* Source #154.

*"I don't feel any good. I would say it honestly. People say that husband and wife have only one heart. I felt pity on him [my husband] but I could not help. I can't resurrect him. So, I have to work and live poorly."*

Naw M--- (female, 43), P--- village, Bu Tho Township, Hpapun District/  
northeastern Kayin State (interviewed in February 2015)<sup>383</sup>

The effect of the death of a loved one is often dramatic, and as the conflict in southeast Myanmar has been long-lasting, many community members have experienced losing multiple members of their family. For example, Saw Hs--- recounted how his son was shot on sight by the Tatmadaw in 2007, but also recounted the loss of close family members in the 1990's:

*"We were shot at by the SPDC [Tatmadaw] soldiers immediately so we didn't have time to care for each other. At that time one of my children was just three months old. She was lost and my wife also died. One of my relatives found the body of my wife."*

Field Report written by KHRG researcher, Nyaunglebin District/  
eastern Bago Region (published in January 2008)<sup>384</sup>

Villagers demonstrated how they coped with and survived through these indiscriminate killings, however, the absence of justice for these killings impeded their ability to reconcile themselves with their loss. The impact of the destruction of families is further compounded by the displacement that violent abuse, in collaboration with other abuses against Karen civilians, caused, breaking up networks not only of families but of entire communities. Additionally, the Tatmadaw tactics of extrajudicial killings and the loss that Karen families and communities continue to live with make suggestions of 'forgive and forget'<sup>385</sup> unpalatable.

Individuals faced significant losses during the conflict and one source of support would have been the wider community, however, this was seriously hindered as the cohesion of communities was undermined by the targeted abuse of village heads. Village heads were frequently considered to have the responsibility to solve problems for the armed actors, and to be the first point of contact for Tatmadaw and DKBA (Buddhist) when entering villages or making orders, and failure to do so often resulted in torture.<sup>386</sup> As a result, villagers were unwilling to act as village head and the frequent turnover of village heads resulted in a lack of consistent leadership in some communities,<sup>387</sup> undermining village cohesion and security. The risk that the village heads put themselves in is clearly demonstrated in an interview with Saw AaD--- from Dooطلا District in 1998:

*"One of the headmen is named Saw AAt---, he is from AAu--- near Saw Hta. The Burmese soldiers [Tatmadaw] knew that he was the headman and that there were army people around to defend his village, so they put him in a pit in the ground and asked him how many guns were in the village. They said that if he didn't give them the guns they would kill him... Last hot season [earlier in 1998], there was a headman named Saw Aac---. The Burmese didn't make him dig a pit for himself like xxxx, but they tied him up and hung him above the ground and then beat him."*

Saw AaD--- (male, 40), AaE--- village, central Dooطلا District/  
southern Kayin State (published in November 1998)<sup>388</sup>

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<sup>383</sup> ["Hpapun Interview: Naw M---, February 2015,"](#) KHRG, January 2017.

<sup>384</sup> ["Attacks, killings and increased militarisation in Nyaunglebin District,"](#) KHRG, January 2008.

<sup>385</sup> During the 2015 election, and since her election as First State Counsellor of Myanmar, Aung San Suu Kyi has promoted a policy of forgiving the abuses of the civil war, which can be described as to 'forgive and forget'. For more information, see ["Why Myanmar Can't 'Forgive and Forget' Military Abuses,"](#) The Diplomat, March 2016.

<sup>386</sup> ["LIFE AS A VILLAGE HEAD,"](#) KHRG, July 1995.

<sup>387</sup> *"Each month a new village head is elected. We have to do it that way; we don't have someone who always remains as village head. The village head has to change monthly because people don't want to be village head, and the Burmese don't want that [a permanent village head] either. Nobody dares to be a village head for 2 or 3 months."* ["CAUGHT IN THE MIDDLE,"](#) KHRG, September 1999.

<sup>388</sup> ["DOOPLAYA UNDER THE SPDC: Further Developments in the SPDC Occupation of South-Central Karen State,"](#) KHRG, November 1998.

Since the preliminary ceasefire there has been a lack of cases of village heads being subjected to torture and armed actors do appear to have reduced their targeting of village heads. However, this is not to say that village heads are no longer victims, but the few examples appear to be perpetrated by rogue armed actors. For example, in 2015 a village tract leader was tortured by a former KNLA commander, Pah Mee,<sup>389</sup> in Hpapun District. In this case, the village tract leader appears to have suffered regular beatings at the hands of the commander, which had a significant impact on the victim.<sup>390</sup> Not only does torture significantly impact the victim but it undermines the structure of communities, as villagers are still unwilling to act as village head,<sup>391</sup> which can be seen as a legacy of the past abuses.

## Agency

During the conflict, when it posed a severe risk to villagers if they were to confront the armed group directly or request compensation, villagers asserted their agency through avoiding encounters with armed groups that might lead to violent abuse, particularly Tatmadaw. Reports from the conflict period show that villagers placed a greater importance on the avoidance of situations that could lead to violent abuse, including limiting freedom of movement near army camps, village heads refusing demands to attend meetings at army camps,<sup>392</sup> and villagers hiding or fleeing when Tatmadaw columns were approaching.<sup>393</sup> Although the responsibility for ending abuse altogether can only be placed on the armed actors, the agency that villagers demonstrated shows that villagers were active in protecting and shaping their own lives. As was explained in one 2006 KHRG report:

*“This active engagement with the structures of power is missed when they are portrayed as helpless victims whose situation is solely determined by factors external to themselves, such as the abuses of military forces or the provision of international aid.”*

Thematic Report written by KHRG researchers, Toungoo, Hpa-an, Dooplaya, Hpapun, Mergui-Tavoy, Thaton, Nyaunglebin districts/Kayin State (published in November 2006)<sup>394</sup>

In addition to actively avoiding and preventing abuse, many community members also demonstrated methods of compromise to stop threats from erupting into violence, even when faced with extreme levels of violence. In one case in 2007 a village head faced the threat of death, when he told a KPF Commander that the village would be unable to meet his demands for charcoal or payment of 100,000 kyat (US\$100.00):

<sup>389</sup> It is not clear exactly what rank was held by Commander Pah Mee, as he had affiliations with several armed groups active in Hpapun District. According to a statement released by the KNU on October 14<sup>th</sup> 2015, Commander Pah Mee was dismissed from his position with the KNLA in response to his having committed numerous human rights violations and his failure to meet the commands of his KNLA superiors. The statement is available online at [“KNU Brigade 5 respond to the media, regarding media reports of forced recruitment in Brigade 5,”](#) Thaw Thi Kho, October 2015 (Burmese version); English translation available at [“Clarification from the Karen National Union \(KNU\) Mutraw District Regarding Media reports on Forced Recruitment and Other Issues in Mutraw District October 14, 2015,”](#) Karen Kwe News Group, October 2015.

<sup>390</sup> [“Commander Pah Mee implicated in violent abuse, disappearance, and killing of village tract leader in Hpapun District, July 2015,”](#) KHRG, March 2016.

<sup>391</sup> [“Commander Pah Mee implicated in violent abuse, disappearance, and killing of village tract leader in Hpapun District, July 2015,”](#) KHRG, March 2016.

<sup>392</sup> [“FORCED LABOUR AROUND TAUNGGOO TOWN,”](#) KHRG, July 1996

<sup>393</sup> *“But none of the villagers hiding in the forest dared come back; they thought the soldiers were killing us all.”*

[“TORTURE OF KAREN WOMEN BY SLORC,”](#) KHRG, February 1993.

<sup>394</sup> [“Dignity in the Shadow of Oppression: The abuse and agency of Karen women under militarization,”](#) KHRG, November 2006.

*"[KPF Commander] Saw Dah Gay rejected this proposal, fell into a rage, pulled out a grenade and threatened to crush the village head's skull."*

Field report written by a KHRG researcher, Dooplaya District/  
southern Kayin State (published in October 2007)<sup>395</sup>

In order to prevent this violence, the village head persuaded the KPF Commander to accept a pig worth 35,000 kyat (US\$35.00). This demonstrates that in the face of potential violence some villagers were still able to find means to dispel the immediate threat of death; however, this does not mean that the compromise was fair or just. In fact, once the pig was delivered to the KPF Commander he continued to demand payment of 100,000 kyat (US\$100.00). Evidently, agency tactics allow villagers to mitigate and avoid violent abuse by armed actors; however, a more long term solution to these abuses would be to hold armed actors to account over their actions.

As examples of torture and extrajudicial killings have decreased since the preliminary ceasefire, villagers are finding that they no longer have to take evasive or preventative action as often, which could allow them to seek more avenues for justice. Nevertheless, villagers have still reported using strategies to avoid, report or challenge the use of torture by powerful actors. For example, families have paid to have relatives released when they have been arrested, and in some cases victims have tried to escape from the armed groups<sup>396</sup> or attempted to report the abuse to the relevant authority.<sup>397</sup>

Likewise, women continue to report having to take evasive action to prevent GBV, as it has remained a constant abuse across the 25 years of KHRG reporting. The problem with discussing agency and GBV is that the responsibility is often placed upon the women to prevent the abuse, either by hiding,<sup>398</sup> fleeing or fighting back.<sup>399</sup> When in reality there should be more emphasis on promoting gender sensitivity within southeast Myanmar, educating men not to attack women and encouraging women to report the crimes. Part of the reason that the responsibility remains with the women is because, throughout the 25 years of KHRG reporting, women who have experienced GBV have faced shame and stigma within their communities in southeast Myanmar,<sup>400</sup> which continues to hinder their ability to speak out and seek redress. Reports since the preliminary ceasefire suggest that some cases of GBV are now dealt with at a local level, for example by CSOs such as KWO and village heads.<sup>401</sup> However, often when women report the abuse that they have suffered, either to village leaders, the KNU leaders or the relevant Myanmar government departments, women are finding that their cases are not being acted upon or that they are not receiving adequate justice.<sup>402</sup> Therefore their main agency tactic remains one of avoidance of armed actors, which does nothing to address the structure of abuse against women embedded since the conflict, the continued impunity of armed actors, or the ongoing presence of armed actors in southeast Myanmar.

<sup>395</sup> ["Forced labour, extortion and the state of education in Dooplaya District,"](#) KHRG, October 2007.

<sup>396</sup> Source #67.

<sup>397</sup> ["Hpa-an Interview: U A---, November 2014,"](#) KHRG, May 2015.

<sup>398</sup> *"We run for our lives whenever we see them. All the women have to sleep in one house together for safety on those terrible nights."* ["Commentary: The Fall of Manerplaw – KHRG #95-C1,"](#) KHRG, February 1995; see also ["STARVING THEM OUT: Forced Relocations, Killings and the Systematic Starvation of Villagers in Dooplaya District,"](#) KHRG, March 2000.

<sup>399</sup> Source #46.

<sup>400</sup> *"People will look down on them [women] if they talk about it. People will gossip about them if they are raped. People will point their fingers at them. That is why they [women] do not dare to talk about getting raped. Also, parents will not like them if they are raped."* Source #102.

<sup>401</sup> This information is taken from informal stakeholder discussions with CBO staff. KHRG recognises limitations in gathering information on GBV, due to the sensitive nature of the topic, making it one of the most under-reported abuses in southeast Myanmar.

<sup>402</sup> ["Dooplaya Interview: Naw A---, July 2015,"](#) KHRG, February 2016.

Further to the obstructions of social stigma and impunity, there are additional, sometimes self-imposed, barriers that villagers view as insurmountable. In their recent engagements with the Myanmar justice system, villagers highlighted a number of obstacles to formal justice, which included distance to the courts,<sup>403</sup> fees and a lack of Burmese language skills,<sup>404</sup> as well as a lack of witness protection.<sup>405</sup> For example, an Incident Report on the rape of Naw A--- in 2014 explained that:

*“After it was handed to the police, he had to open the case and face the courts. However, as the victim’s family lacked knowledge about the law, as well as money, the victim faced problems.”*

Incident report written by a KHRG researcher, Thandaunggyi Township, Toungoo District/northern Kayin State (received in March 2015)<sup>406</sup>

In spite of both the self-imposed and external barriers, it is essential that villagers take action to report abuses and pressurise armed actors to be held to account, so that the ongoing impunity of armed actors who have committed abuses changes. Seemingly in acknowledgement of this, villagers continue to voice a desire for justice, regardless of the length of time that has passed since the violent abuse. As was highlighted by the cousin of Naw A---, who was commenting on the rape that Naw A--- suffered because of a DKBA (Benevolent) soldier in 2015:

*“It is good that if she [victim] reports the case to the leader so that it will not happen in the future. If we just keep things as is, he might come [back] in the future because he might think that he has done it [rape] and no action has been taken against him so he might keep doing it.”*

Naw A--- (female, 45), Ab--- village, Kawkareik Township, Dooplaya District/southern Kayin State (interviewed in July 2015)<sup>407</sup>

Although the active avoidance of violent abuse has diminished, by demonstrating a desire for justice villagers show that their methods of agency have changed and developed. As more villagers push for fair and adequate justice, the barriers that they face begin to be challenged and in the future may be overcome. Nevertheless, it is clear that impunity still exists and the relationship between Karen civilians and armed groups remains fragile and scarred. Impunity for armed actors means the villagers’ safety is still not guaranteed and will continue the cycle of violent abuse against community members. Both the Myanmar government and KNU need to play a role in ensuring that villagers have access to a fair and free judicial system, as villagers can only play a role in placing pressure on the governing authorities, but real, lasting, beneficial change must come from the governing bodies in southeast Myanmar.

## Case studies

The following case studies highlight villagers’ voices to create an understanding of the full extent of the suffering that previous and continued abuses have had on their lives in southeast Myanmar. Two case studies will be examined, one detailing an example of GBV from 1999, which demonstrates the extent of the violence that women lived with during the conflict, the emotional and physical trauma that they faced and the long-term effect it had on them. Followed by an example of threats from the ceasefire period, which highlights how violent abuses are now perpetrated by more than just the armed groups, the impunity that armed groups continue to experience and how threats have been incorporated into business practices in southeast Myanmar.

<sup>403</sup> Source #153.

<sup>404</sup> “I told them I dare not go there, I do not have money. I can’t speak well and dare not speak at the court.” “[Hpapun Interview: Naw M---, February 2015](#),” KHRG, January 2017.

<sup>405</sup> “[Dooplaya Interview: Saw B---, March 2015](#),” KHRG, November 2016.

<sup>406</sup> Source #63.

<sup>407</sup> “[Dooplaya Interview: Naw A---, July 2015](#),” KHRG, February 2016.



### Case study: GBV

In this case, published by KHRG in 1999, seven female villagers from AAv--- village, Kyaukkyi Township, were arrested by Tatmadaw Infantry Battalion #60 and detained for 15 days. Alongside abuses of arbitrary arrest, torture and violent interrogation, at least two of the women, aged 28 and 51, reported that they were raped.

The 51 years old women gave her account of the atrocities she experienced including the use dehumanising language and the threat of execution that accompanied the GBV:

*“He said that if we lied to him he would kill us, but if we ‘gave them our meat’ he would release us with our lives.”*

The threat of violence was continuous throughout the sexual assault, which highlights the traumatic nature of the abuse:

*“I apologised but told him not to do that to me because I am old. Then he said, ‘Then I must kill you, Mother’. He said it slowly, then he forced me to lay down and hold his penis. I didn’t dare hold his penis, but he drew my hands and forced me to hold it, and he grabbed my buttocks. ... While he was doing it he threatened me with a dagger, he touched it to my chest, neck and armpits.”*

The female village also reports the mental torture that accompanied GBV during their 15 days of arbitrary arrest and detention:

*“Another time after that, they called us in at midnight. They said they would kill us, they touched our chests with a dagger and told us to pray.”*

Notably, the 28 years old female villager, Naw H---, experienced sustained sexual assault, so much so that the Tatmadaw were unwilling to release her with everyone else after 15 days and abuses against her continued:

*“They didn’t release Naw H---. She was handed over to #349. The #349 troops arrested her, locked her in the stocks and then sent her to Shwegyin. They sent her to their Battalion camp in Shwegyin and put her in a cell. Then a Corporal with 2 chevrons came and called her, he took her to the Battalion [HQ] and turned off the light. He was with her for 2 hours. When the soldiers went to look, he had raped her. ... After that we came to the hills and didn’t hear any more about her. She is still in jail.”*

Female villager quoted in report written by a KHRG researcher, Nyaunglebin District/eastern Bago Region (published in May 1999)<sup>408</sup>

Furthermore, the interviewee mentioned that she was aware of another woman, aged 25 years, who was also raped and mentally tortured. This suggests that this was not an isolated case of sexual assault but a common abuse, which affected a wide range of women during the conflict years.

<sup>408</sup> All the proceeding information was taken from “[DEATH SQUADS AND DISPLACEMENT](#),” KHRG, May 1999.

### Case study: Threats

This interview details how Saw H---'s land was confiscated by Kyaw Hlwan Moe and Brothers Company in 2015, and how he faced threats from the company and the BGF to force him to stop working on his land and to relocate.

This case clearly demonstrates the close relationship between armed groups and private companies, as the unknown battalion of the BGF was described as providing security, which means that threats from a private company often come through or are in partnership with military powers:

*"They [BGF's soldiers] fired guns about 40 to 60 times per day. But they did not intend to kill people. Their purpose was to threaten people."*

The collaboration between the private companies and armed groups means that the threats villagers face are often violent. In this case, the BGF shot at the villagers, which had significant consequence in that the villagers stopped using their land:

*"Before, in this area [Pa Tok], farmers nearby worked on it. All villagers around that area collected the wild vegetables and fruits, and worked on that land. Now, nobody dares to go in that area."*

The interview also highlights the long term impact that these violent threats can have, and it also notes the resources that the company has at its disposal, to be able to keep people off their land:

*"But most people dare not work anymore, because they threatened people who work in the farms. It has been three or four years [happening like this]. It is not just happening for the previous months, it has been years. If the farmers plough in their own farm, they [the companies] will take action with an article [criminal charge]. They can say which articles, I do not know which articles."*

Saw H--- and other villagers did demonstrate agency by writing a complaint letter, however, it reveals the challenges the community members faced when trying to challenge a private company and the BGF. Saw H--- summarises the significant impact the violent threats have had, which highlights why the private company was able to achieve its aim of displacing people.

*"There is no mediation but only threatening of the villagers. It has been four to five times that I arrived at the [Myanmar government] district office. I went by myself. The last time, nobody went [with me]. They knew that the authorities would arrest them so they dared not go. So I went there alone. There are many people who are illiterate. I want them [government authority] to understand us. These people are the local people, who worked for the country in the past even if they are illiterate. But they [the company and government] want us to move out from our land. If I look at my uncle, he is illiterate but has been farming since he was young. Look now, the farms that he has worked for many years, for over 40 years have been confiscated now. What do we do now? We do not get back our land and just have to stare [look at what company does] like this? Moreover, these people from an armed group came, fired guns and threatened us. And we [BGF and villagers] are the same Karen ethnicity."*

Saw H--- (male, 36), Hpa-an Town, Hpa-an District/central Kayin State  
(published in August 2016)<sup>409</sup>

<sup>409</sup> All the proceeding information was taken from "[Hpa-an Interview: Saw H---, February 2016](#)," KHRG, August 2016.

## Photos: Violent Abuse: Threats, Gender-based Violence, Torture and Killing



This photo shows a woman named Naw Wah Nay Htoo 38 years old a villager from Hpa-an Township Thaton District who was interviewed about the rape case she suffered. She was raped by a soldier of SLORC in November 1992 when her husband was away from home while her children were fallen asleep. [Photo: KHRG]<sup>410</sup>



This photo was taken on October 7<sup>th</sup> 2014 in AAz--- Village, Dwe Lo Township, Hpapun District. It a photo of Naw ABa---, a mother of an 11 year old girl called Naw ABb--- from AAz--- Village. She reported that her daughter was sexually assaulted on her way to school by a teacher from another village in September 2014. [Photo: KHRG]<sup>411</sup>



This photo shows Naw ABi---, the mother-in-law of Saw ABh--- who was killed by a BGF soldier from Company #2, Battalion #1013 on March 15<sup>th</sup> 2015 around 07:00 pm. She reported that “It is not right for the Border Guard Force [BGF] to do things like this [killing people]. They killed people but they did not take any responsible for it and they did not give any support [to the family].” The BGF Battalion #1013, Company #2, is led by Battalion Commander Maung Lah Kyeh. Regarding the killing of Saw ABh---, he had decided to go spear fishing in Pweh Lo Kloh River along with four other people, including two children. The BGF shot Saw ABh--- at a sugarcane plantation in the Abk---area. [Photo: KHRG]<sup>412</sup>

<sup>410</sup> “[PHOTO DESCRIPTION LIST: SET 93-B](#),” KHRG, March 1993.

<sup>411</sup> Source #139.

<sup>412</sup> Source #180.





This photo shows the body of a 24 years old Karen Animist farmer, Saw Lah Htoo, from Hpapun District. He was burned alive in his house by Tatmadaw troops on July 2<sup>nd</sup> 1997. [Photo: KHRG]<sup>413</sup>



This photo is KHRG published report in 1994. Moo Ko, age 21, a Karen farmer who was captured by the SLORC troops from 27 Battalion when they entered Kru See village on 11<sup>th</sup> September. They cut his throat at 4 am, the next morning, and the villagers discovered his body. The bruises and broken bones all over his body indicate that he was probably very severely tortured before being executed. Moo Ko's father, the village headman, went to plead for the lives of his son and the two other men being held, but the soldiers beat him up and sent him away. [Photo: KHRG]<sup>414</sup>



This is a photo from Nyaunglebin District in 1999. In Baw Bpee Der area of Nyaunglebin district, a *Sa Thon Lon* unit tried to kill Saw K--- by stabbing him, after accusing him of contact with the KNU, but he escaped and fled into the hills in June 1999. [Photo: KHRG]<sup>415</sup>



This photo was taken in June 15<sup>th</sup> 2015, in F--- Village, Sa Kan Gyi village tract, Thaton Township Thaton District. It shows Saw E---, who was arbitrarily arrested and tortured in July 2013 by Myanmar police, following the Yar Zar Min bus robbery. Following the abuse, Saw E--- reported that he faced problems with his livelihood security. [Photo: KHRG]<sup>416</sup>

<sup>413</sup> 97b: “[Photos from 1997: Set 97 B](#),” KHRG September 1997.

<sup>414</sup> “[PHOTO DESCRIPTION LIST: SET 94-C MURDERS \(THATON DISTRICT\), DETENTION \(PAPUN DISTRICT\)](#),” KHRG, October 1994.

<sup>415</sup> “[Set2000a: “PHOTO SET 2000-A](#),” KHRG, June 2000.

<sup>416</sup> Source #179.



This photo shows three women who were interviewed about the torture they suffered at the hands of the Tatmadaw in 1992. They were part of a group of eight women who were tortured over a number of days, which included incidences of burning, beating, waterboarding and mentally torturing a woman by making her dig and lie beside a grave. These three women are: Naw AAw---, age 55, Naw AAX---, age 26, and Naw AAY---, age 40 [Photo: KHRG]<sup>417</sup>



This photo shows an order letter and 9 mm bullet sent by one LIB Commander from Abe--- village, Dooplaya District, in December 2001. The letter was sent to the ABf--- village headwoman and demands planks of wood to be cut and delivered to the army camp. The bullet was included in the envelope as a very direct threat. The village headwoman did not dare to go, so a few days later the LIB (number censored for security) sent another letter and ordered the ABf--- village sawmill owner to make the planks. A list of dimensions for the planks was included and the order stipulated that the planks be sent to ABg--- town by late December 2001. [Photo: KHRG]<sup>418</sup>



This photo was taken in Kyainseikgyi Township, Dooplaya District, and shows the T'la aw<sup>419</sup> tree that was cut down by a member of the KNU, called Ba Oo, on the 16<sup>th</sup> October 2015. The villagers explained that they used the tree to collect leaves, and faced threats from Ba Oo when he cut down the tree. Ba Oo threatened the villagers by saying: "Who dares to come? Whoever comes, I will kill them all." In response the villagers asked: "Does this armed actor have a leader? He lives in the village but nobody dare to tell him to [stop]." [Photo: KHRG]<sup>420</sup>

<sup>417</sup> "PHOTO DESCRIPTION LIST: SET 93-B," KHRG, March 1993.

<sup>418</sup> "PHOTO SET 2002-A: Forced Labour," KHRG, December 2002.

<sup>419</sup> T'la aw trees are teak-like trees with large leaves, which are traditionally collected by villagers and used to make thatch shingles for the roofs of houses.

<sup>420</sup> Source #177.



## Chapter 3: Education

*“Years ago people were happy to get a new school, but now because of the bad economy and no income, people worry about getting a new school. Also, parents’ goals for their children have changed. The parents know that their children will not get jobs if they finish school. I have seen many parents withdraw their children at primary school level. Children have to help their family, and some go to Thailand [to make money].”*

Naw P--- (female, 36), Hpapun District/  
northeastern Kayin State (interviewed in May 1996)<sup>421</sup>

*“In the past our grandparents did not value education, and they also did not know the value of education. Thanks to development, the thinking of our parents has changed in terms of [how we look at] education nowadays. In the past, they used to say that you were able to eat rice whether you were educated or not. Nowadays, that idea does not exist anymore.”*

Situation Update written by a KHRG researcher, Ler Doh Soh Township,  
Mergui-Tavoy District/Tanintharyi Region (received in November 2015)<sup>422</sup>

### Key Findings

1. Over 25 years, human rights abuses and the consequences of the conflict, including displacement and restrictions on freedom of movement, severely hindered villagers’ access to and quality of education in southeast Myanmar. Despite the recent ceasefire agreements and increased expenditures by the Myanmar government to increase access to education among all of its citizens, children in southeast Myanmar still lack access to affordable, high quality schools within a safe physical distance from where they live.
2. Financial barriers and livelihood struggles have acted as impediments to villagers accessing education over 25 years. Free and compulsory primary education is not accessible to all children in southeast Myanmar due to both upfront and hidden costs in the education sector. During conflict, financial demands were often made on villagers separate to education, which affected the extent to which they could pay for schooling. Middle and high school education is particularly hard to access as there are less schools and the fees are higher. These costs create a heavy financial burden for villagers, many of whom continue to face livelihood and food security issues.
3. The teaching of minority ethnic languages remains a priority for villagers. Since 2014, Karen language and culture have been allowed to be taught in the Myanmar government schools, but reports from villagers show disparities in access to culturally appropriate education among children in southeast Myanmar. Villagers’ testimony highlights the importance of teaching Karen history, literature, and language within schools for their cultural identity. During conflict, Tatmadaw explicitly targeted Karen education schools; schools were forcibly closed or converted to a state-sanctioned curriculum.
4. Due to the unresolved legacy of the conflict and their poor experience with Myanmar government schools, many villagers in southeast Myanmar mistrust the Myanmar government, and by association Myanmar government teachers. In addition to not trusting their staff, villagers also question the commitment and quality of education being provided by these teachers.

<sup>421</sup> “[INTERVIEWS ON THE SCHOOL SITUATION](#),” KHRG, June 1996.

<sup>422</sup> “[Mergui-Tavoy Situation Update: Ler Doh Soh Township, June to November 2015](#),” KHRG, July 2016.

## Introduction

This chapter will present villagers' priorities and experiences with education services in southeast Myanmar over 25 years, and ask what are the problems facing both villagers and local service providers now and how is this different from the past. The state education system has long suffered from a critical lack of resources and skills. While in recent years expenditures on education<sup>423</sup> and school enrolment rates<sup>424</sup> have improved, particularly since 2012 following the signing of the preliminary ceasefire, the targeted destruction of the Karen education system, the total lack of investment by the Myanmar government in communities, and the displacement and abuse of Karen communities mean that the education system in southeast Myanmar has struggled to fully recover from the repression and conflict that affected every aspect of Karen society including schools, and arguably continues to affect it. While the lower levels of militarisation and insecurity resulting from the ending of formal conflict have provided villagers with greater ease of access to education, villagers continue to also identify militarisation as a barrier to accessing education.<sup>425</sup>

An analysis of villager testimony over KHRG's 25 years reporting period shows that while there have been improvements in access to education in southeast Myanmar, access to quality education still remains particularly difficult for children in rural areas and for those displaced as a result of conflict, many of whom still lack access to affordable schools within a safe physical distance from where they live. Furthermore, many of the concerns voiced by villagers about the current state of education in southeast Myanmar mirror villagers' concerns throughout KHRG's 25 years including distrust and suspicion of government provided services, insufficient resourcing of educational services, a lack of respect for Karen language and culture within schools, and ongoing barriers to accessing affordable, quality education.

As a mechanism to preserve and reproduce Karen language, culture, and history, the right to education has remained a central concern to Karen villagers and their identity both prior to and during the ceasefire period. Villager testimony shows that the relationship between education and ethnic identity remains as strong now as it did during the context of formal armed conflict. As Myanmar transitions from a state of ceasefire towards a fragile peace, further investment and action will need to be taken by the Myanmar government in consultation with local communities, ethnic education departments, and CBOs, in order to ensure that all children in southeast Myanmar are able to fully realise their right to a culturally appropriate education.

## National and international legal obligations

According to Article 26(2) of the Universal Declaration of Human Rights (UDHR), education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace. The right to mother tongue language education is recognised in several international instruments that the Myanmar government has agreed to including Article 29(1)(c) and 30 of the Convention of the Rights of the Child (CRC) and Article 14 of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).

Over the past decade, the Myanmar government has taken steps to bring its national legislation and policies in regard to education in line with international human rights standards. The right to education is enshrined in Article 366 of Myanmar's 2008 constitution, which guarantees access to

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<sup>423</sup> According to Myanmar's Ministry of Education (MoE), expenditure on education has been increased from 0.7% of GDP in Financial Year (FY) 2010-2011 to 2.1% of GDP in FY 2013-2014. For more information see: "[National EFA Review Report](#)," MoE, March 2014.

<sup>424</sup> According to the UNESCO Institute for Statistics (UIS), there were 284,278 young children not enrolled in school across Myanmar in 2014, compared with 649,341 in 2010. For more information, see: [Myanmar profile](#), UNESCO.

<sup>425</sup> "[Hpapun Interview: Saw A---, January 2014](#)," KHRG, April 2015.

primary education to all children.<sup>426</sup> Additionally, on September 30<sup>th</sup> 2014, President Thein Sein signed the National Education Law (NEL) which included provisions on the introduction of mother tongue-based learning.<sup>427</sup> In the wake of student and teachers' union protests, amendments were made to this law in 2015 including provisions permitting the use of ethnic languages along with the Myanmar language as a classroom language in basic education (Article 43, b).<sup>428</sup> The first National Education Strategic Plan (NESP) was launched in February 2017 which allows for the learning of ethnic languages and culture within schools and the use of ethnic languages as a classroom language.<sup>429</sup> The NESP confirms the Myanmar government's commitment to inclusive education and to the creation of a decentralised education system. Despite positive reforms in the education sector over the last few years however, Karen villagers continue to face major challenges relating to school access, retention, inclusion, and quality assurance of education standards, showing the continuation of some challenges faced by villagers throughout KHRG's 25 year reporting period.

### Villagers' access to education facilities and services

*"Apart from education we have seen the Burma [Myanmar] government struggles to build schools in some places, [but not others] and we have seen the children [in areas where there are schools] have more chances in their studies. If we look at the period of war in the past the children could not go to school. They always had to flee. Because of that many children lost [the chance] to gain an education. We cannot compare the past to the present time anymore [because change has taken place]. Villagers are therefore so pleased that their children can go to school as well as possible [as easily as they can now in comparison to the past], but education is still lacking in many places and villages."*

Situation Update written by a KHRG researcher, Kyainseikgyi Township, Dooplaya District/southern Kayin State (received in February 2015)<sup>430</sup>

KHRG reports show that one of the most notable factors influencing access to education among children in southeast Myanmar over the past 25 years has been the level of military activity in their area. Most notably during the period from 1992-2012, education was severely disrupted due to militarisation including Tatmadaw's<sup>431</sup> destruction of schools and educational buildings and the disturbance and hindrance of students and teachers by military actors, particularly the Tatmadaw.<sup>432</sup> During this time, villagers reported that schools were shut down or targeted by the Tatmadaw. According to villager Saw Fj--- in 1999:

*"Before the SPDC [Tatmadaw] came, we had a school. But after they arrived, our school, our village, and all of our belongings were destroyed."*

Saw Fj--- (male, 30), quoted in a Thematic Report written by a KHRG researcher, Fk---village, Kyainseikgyi Township, Dooplaya District/southern Kayin State (published in March 2000)<sup>433</sup>

<sup>426</sup> ["Constitution of the Republic of the Union of Myanmar,"](#) Myanmar Ministry of Information, 2008.

<sup>427</sup> ["National Education Law,"](#) Union Parliament of Myanmar, Parliamentary Law No. 41, September 2014.

<sup>428</sup> ["National Education Amendment Law,"](#) Union Parliament of Myanmar, Parliamentary Law No. 38, September 2015, (Burmese language only).

<sup>429</sup> ["National Education Strategic Plan 2016-21,"](#) The Government of the Republic of the Union of Myanmar, Ministry of Education, February 2017.

<sup>430</sup> ["Dooplaya Situation Update: Kyainseikgyi Township, December 2014,"](#) KHRG, June 2015.

<sup>431</sup> Tatmadaw refers to the Myanmar military throughout KHRG's 25 years reporting period. The Myanmar military were commonly referred to by villagers in KHRG research areas as SLORC (State Law and Order Restoration Council) between 1988 to 1997 and SPDC (State Peace and Development Council) from 1998 to 2011, which were the Tatmadaw-proclaimed names of the military government of Myanmar. Villagers also refer to Tatmadaw in some cases as simply "Burmese" or "Burmese soldiers".

<sup>432</sup> ["SLORC SHOOTINGS & ARRESTS OF REFUGEES,"](#) KHRG, January 1995.

<sup>433</sup> ["STARVING THEM OUT: Forced Relocations, Killings and the Systematic Starvation of Villagers in Dooplaya District,"](#) KHRG, March 2000.

As a mechanism to preserve and reproduce Karen language and culture, education is essential to Karen villagers' ethnic identity. As such, these targeted attacks on schools were another means to eradicate non-Bamar ethnic identities. According to Saw Fi--- in 2000:

*"Now our children can't write or speak their language because they don't have a chance to learn at school. Our literature has disappeared and is destroyed. The Burmese are fighting us this way."*

Saw Fi--- (male) quoted in a Commentary written by a KHRG researcher, Kler Lah relocation site, Htantabin Township, Toungoo District/northern Kayin State (published in October 2000)<sup>434</sup>

In addition to the targeted looting and destruction of Karen educational facilities, villagers were also blocked from building new schools<sup>435</sup> or did not do so out of fear that building new schools in their villages would increase the likelihood that they would be targeted by armed actors. For example, villagers in the Meh Kreh area of Hpa-an District in 1998 had their villages burned down, but feared that building new schools would attract a second Tatmadaw attack. The attacking of school buildings by Tatmadaw was perceived by villagers to have direct intention of repressing their ethnic culture. In the experience of villagers in the Meh Kreh area, the Tatmadaw suspected the teachers in these schools of being trained in a KNU school and, by association, as being in support of a Karen ethnic armed group. As a result of the government and Tatmadaw suspicion that KNU schools promoted ethnic insurgency, the children in these areas had no access even to primary school.<sup>436</sup> Furthermore, movement restrictions and the danger of landmines or capture and abuse by Tatmadaw soldiers operating under a shoot-on-sight policy made it impossible for both teachers and children to travel to schools in other villages or towns.<sup>437</sup>

Coupled with the destruction and closure of schools, villagers have also endured other human rights abuses such as systematic violence, unrelenting forced labour, destruction of goods and property, physical torture, and forced relocation. As a result, villagers often chose to strategically displace themselves to avoid further abuses. These abuses directly affected education as displaced villagers were unable to establish permanent schools. Villager Naw D--- recounts her struggle accessing education throughout years of abuse from Tatmadaw:

*"Because of the SPDC [Tatmadaw] operations, we cannot count how many times we have fled in the forest. There was one year when we had to leave our school and we couldn't study at all for the whole year. I had to repeat the same grade the next year."*

Naw D--- quoted in a Field Report written by a KHRG researcher, Hpapun District/northeastern Kayin State (published in June 2008)<sup>438</sup>

In addition to the physical barriers in accessing education brought on by systematic abuses, villagers have continually reported that insurmountable economic barriers prevent children from attending school. Throughout KHRG's 25 years, parents who wished to send their children to school often have had to pay for tuition fees, school materials, and other arbitrary fees. The demands for additional fees at school placed further strain on family resources already constricted

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<sup>434</sup> ["PEACE VILLAGES AND HIDING VILLAGES: Roads, Relocations, and the Campaign for Control in Toungoo District,"](#) KHRG, October 2000.

<sup>435</sup> *"[T]hey [SLORC/Tatmadaw] come to the village and give the villagers big problems. So the villagers have to teach their children secretly. The SLORC has a school close to the town, and they say that any villager who wants their children to go to school must send them to this school and no other. But the villagers can't, because it's too far. To get there takes a 7 hours walk, from early morning till noon."* ["SLORC ABUSES IN HLAING BWE AREA,"](#) KHRG, March 1994.

<sup>436</sup> ["UNCERTAINTY, FEAR AND FLIGHT: The Current Human Rights Situation in Eastern Pa'an District,"](#) KHRG, November 1998.

<sup>437</sup> ["Toungoo District: The civilian response to human rights violations,"](#) KHRG, August 2006.

<sup>438</sup> ["Burma Army attacks and civilian displacement in northern Papun District,"](#) KHRG, June 2008.

during the conflict by the excessive demands of the Tatmadaw and EAGs.<sup>439</sup> Faced with demands to supply materials for forced labour, extortion and the forced payment of fees to armed groups particularly in the 1990s and 2000s, most families didn't have enough money left to pay the costs of sending their children to school. According to a schoolteacher in a Myanmar government school in Mergui-Tavoy District in 1995, the main reason students were absent from school was that their parents were poor.<sup>440</sup> Furthermore, throughout both conflict and a fragile peace, livelihood struggles have restricted children's access to education. Parents, who were unable to maintain the livelihood needs of their families on their income alone, particularly when their livelihood security was threatened under conflict by excessive demands on their time and finances through forced labour and other abuses, often relied on the extra support from their children through labour or to help out at home.<sup>441</sup>

Since the ending of formal conflict, the Myanmar government has increased its expenditure on education as evidenced by KHRG reports of new government schools opening in all seven locally defined Karen Districts. Despite increased financial investments by the Myanmar government to increase access to education among all of its citizens, reports from community members show that many children in southeast Myanmar still lack access to affordable schools within a safe physical distance from where they live. In fact, many of the concerns voiced by villagers in regard to accessing education prior to the ceasefire period still persist today including physical and economic barriers to education, insufficient livelihoods,<sup>442</sup> food security issues,<sup>443</sup> and an insufficient number of schools<sup>444</sup> and school teachers. The situation is particularly difficult in very rural areas where there is poor investment resulting in lower access to education. As mentioned by a community member in Nyaunglebin District:

*"For the schools that the leaders [from the education department] can reach, we have seen that [the education situation] has been improved for [by] villagers that [are] actively [striving] for [better] education. We are so worried that there is poor support for the education of the villagers in the rural areas, so that the things that should be happening are not happening."*

Situation Update written by a KHRG researcher, Nyaunglebin District/  
eastern Bago Region (received in July 2014)<sup>445</sup>

Villagers in rural areas of southeast Myanmar still face insurmountable financial obstacles in sending their children to school. In the post-ceasefire period, villagers are still required to make significant financial investments in order for their children to attend school. One villager reported *"although education has improved after the 2012 preliminary ceasefire, students do not have access to free education and they still have to pay schools fees."*<sup>446</sup> In addition to these fees, some villagers also have to hire and provide financial support for teachers including paying for their food and accommodation costs,<sup>447</sup> travel expenses,<sup>448</sup> and salaries,<sup>449</sup> creating a heavy financial burden for villagers' already experiencing livelihood and food security issues. A villager from Toungoo District reported in 2015:

<sup>439</sup> ["Forced Labour, Extortion and Abuses in Papun District,"](#) KHRG, June 2006; for more information see Chapter 5: Looting, Extortion and Arbitrary Taxation.

<sup>440</sup> ["FIELD REPORTS: MERGUI-TAVOY DISTRICT,"](#) KHRG, July 1995.

<sup>441</sup> ["CAUGHT IN THE MIDDLE,"](#) KHRG, September 1999.

<sup>442</sup> ["Hpapun Situation Update: Bu Tho Township, January to June 2014,"](#) KHRG, December 2014.

<sup>443</sup> ["Hpapun Situation Update: Lu Thaw Township, March to May 2014,"](#) KHRG, November 2014.

<sup>444</sup> ["Dooplaya Situation Update: Kyainseikgyi, Kawkareik and Kyonedoe townships, October 2013 to January 2014,"](#) KHRG, July 2014.

<sup>445</sup> Source #30.

<sup>446</sup> ["Hpapun Situation Update: Dwe Lo Township, January to May 2016,"](#) KHRG, September 2016.

<sup>447</sup> ["Dooplaya Situation Update: Kyonedoe and Kawkareik townships, July to November 2014,"](#) KHRG, January 2016.

<sup>448</sup> ["Thaton Situation Update: Hpa-an Township, January to June 2014,"](#) KHRG, October 2014.

<sup>449</sup> ["Toungoo Situation Update: Thandaunggyi Township, June to August 2016,"](#) KHRG, March 2017.



*“The villagers themselves have to find school teachers and have to financially support them. For the large villages, they have money [due to the higher number of villagers able to provide support]. Therefore, there is no difficulty for them, but for the small villages [with fewer people], villagers have no money to support the teachers and they also do daily work to earn their meal. Thus, the children are not able to go to school, but instead have to help their parents to [do] house work.”*

Situation Update written by a KHRG researcher, Htantabin and Thandaunggyi Township, Toungoo District/northern Kayin State (received in July 2015)<sup>450</sup>

For families experiencing livelihood issues, little progress appears to have been made over 25 years of KHRG reports, as parents and children often have to prioritise income generating activities over receiving an education. As noted by a villager from Dooplaya District:

*“For the parents who earn daily wages, they are not able to take their children to school; some children have to look after their younger brothers and sisters and some children have to assist their parents. Some parents of children who have finished primary and middle school were not able to keep supporting their education so [the children] had to quit school and help their parents.”*

Situation Update written by a KHRG researcher, Kyonedoe and Kawkareik Townships, Dooplaya District/southern Kayin State (received in November 2014)<sup>451</sup>

## Location of schools

Another factor in determining access to education is the type of governance where a school is located. Since the 1970's, the KNU-administered Karen Education Department (KED) has developed an expansive education system that prioritises the learning of Karen languages and ethnic identity. As a result, there have historically been and continue to be substantial differences between the Myanmar government administered and KNU administered education systems, which has its own teachers, policies, curriculum, and management. While the village schools that are in KNU-controlled areas receive support from the Karen Education Department (KED) from the KNU, such as books, pens, pencils, and other kinds of materials for the schools,<sup>452</sup> locally led or KED schools in mixed control areas struggle to build enough school facilities and provide students with quality teachers and education materials. Lacking additional financial support from for their children. A villager from Dooplaya District reported to KHRG in December 2014:

*“The leaders and area leaders are also struggling [to build schools] in the places where the Burma government has not done anything yet, but not all places [are struggling]. We need more support for education.”*

Situation Update written by a KHRG researcher, Dooplaya District/southern Kayin State (received in December 2014)<sup>453</sup>

This is particularly true in villages with smaller numbers of households. In these areas, villagers report that the education system is poorly supported by the Myanmar government. In 2014, villagers in Thandaunggyi Township, Toungoo District, submitted a request to the Myanmar government for the cost of the materials for the school building and its construction, based on the number of households and students, but the number of households was too low for the government to support the school.<sup>454</sup> This suggests that the government does not value each child's access to education equally, as children in rural areas continue to be denied schooling. Villagers living in an area without a school who are unable to receive financial support from the Myanmar government have chosen to build their own self-reliant schools using their own funding and employing teachers from the local community and, in some cases, work with other Myanmar

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<sup>450</sup> Source #78.

<sup>451</sup> “[Dooplaya Situation Update: Kyonedoe and Kawkareik townships, July to November 2014](#),” KHRG, January 2016.

<sup>452</sup> “[Thaton Situation Update: Thaton Township, July to October 2015](#),” KHRG, April 2016.

<sup>453</sup> “[Dooplaya Situation Update: Kyainseikgyi Township, December 2014](#),” KHRG, June 2015.

<sup>454</sup> “[Toungoo Situation Update: Thandaunggyi Township, July to November 2014](#),” KHRG, April 2015.

government schools.<sup>455</sup> The problem of schooling in rural areas of southeast Myanmar is particularly apparent in the lack of middle and high schools. Children who are able to pass seventh and eighth standards<sup>456</sup> must finish their studies in the towns, refugee camps, and other places where high schools are located.<sup>457</sup> Problematically, this results in some primary school children not continuing to middle and high schools because of lack of access. According to one community member from Dwe Lo Township:

*“There are a few high schools in Dwe Lo Township. Most of the schools are middle schools and primary schools. The villages that have many households set up middle schools and villages which have fewer households set up primary schools. All school age children have the chance to go to school in Dwe Lo Township. Some children who finished middle school go to refugee camps and some go to the city to continue their study.”*

Situation Update written by a KHRG researcher, Dwe Lo Township, Hpapun District/  
northeastern Kayin State (received in February 2013)<sup>458</sup>

Traveling long distances to access education is particularly difficult for girls. Due to the fear of their daughters being subjected to physical or sexual assault, parents are more hesitant to send their girls away to a distant school than their boys. Given that most middle and high schools are located in towns and cities, many girls from rural areas are unable to continue their education past the primary level.<sup>459</sup>

While the financial abuses and serious livelihood restrictions that were pertinent during the conflict and acted as significant barriers to accessing education have reduced, the above cases show that villagers in southeast Myanmar continue to face financial barriers and livelihood struggles that prevent many children accessing education. Additionally, the persistent lack of investment in education in rural areas has done little to improve livelihood struggles for rural communities and opportunities for rural children.

### Quality of education in southeast Myanmar

Interviews with community members over KHRG’s 25 years reporting period show that as access to education in some parts of southeast Myanmar has started to expand, villagers have become increasingly concerned with the quality and standard of education in southeast Myanmar. While reports from villagers particularly in the 1990s and 2000s highlighted the need for better quality education, interviews with villagers often focused more heavily on the impact of the prolonged conflict on children’s access to education. Since the ceasefire period, direct attacks on educational facilities have diminished but ongoing militarisation continues to disrupt education and has resulted in schools closing when fighting occurs in the area.<sup>460</sup> Throughout armed conflict, villagers repeatedly experienced forced labour, forced relocation, displacement, violence and abuse at the hands of the Tatmadaw and ethnic armed groups. In an effort to evade encroaching army units, most notably Tatmadaw, villagers often fled into the forest. This subsequent displacement

<sup>455</sup> [“Thaton Situation Update: Thaton Township, April 2014”](#) KHRG, January 2015.

<sup>456</sup> A Standard refers to a grade in the Burmese education system. Primary school runs from Standard 1 to Standard 4, middle school is Standards 5-8 and high school is Standards 9-10.

<sup>457</sup> [“Hpapun Situation Update: Dwe Lo Township, August to October 2015,”](#) KHRG, March 2016; see also [“Hpapun Situation Update: Dwe Lo Township, February and March 2014,”](#) KHRG, November 2014.

<sup>458</sup> Source #10.

<sup>459</sup> [“Hidden Strengths, Hidden Struggles: Women’s testimonies from southeast Myanmar,”](#) KHRG, August 2016.

<sup>460</sup> [“The Asia Highway: Planned Eindu to Kawkaik Town road construction threatens villagers’ livelihoods,”](#) KHRG, March 2015; see also [“Recent fighting between newly-reformed DKBA and joint forces of BGF and Tatmadaw soldiers led more than six thousand Karen villagers to flee in Hpa-an District, September 2016,”](#) KHRG, December 2016; [“Thaton Interview: Ma A---, July 2015,”](#) KHRG, August, 2015.

negatively impacted not only children's access to education but also the quality of education that they could receive, such as the conditions under which they could continue their study.<sup>461</sup>

*"Because the SPDC [Tatmadaw] is active near my neighbours' village, we have had to flee from our village. The school year is not finished yet so the children have had to continue their schooling under the trees in the jungle."*

Saw L--- (male, 59), L---village, Lu Thaw Township, Hpapun District/  
northeastern Kayin State (interviewed in January 2007)<sup>462</sup>

For the villagers in the forest, there was virtually no access at all to schools. In order to continue teaching their children in hidden sites, parents constructed makeshift blackboards against trees or constructed rudimentary school shelters which sometimes served as basic schools for displaced children from several communities. While displaced communities quickly restarted schools at forest hiding sites, the constant disruptions in education coupled with the lack of facilities and education materials made it impossible for children to receive a quality education. Displaced communities were fortunate if a teacher was displaced with them; many children continued their education by whatever means possible in these jungle camps without formally qualified teachers, curricula or materials. Many villagers in 2017 remain displaced in refugee and IDP camps, affecting their choices with regard to accessing education, and the stability of their access to education itself.

Additionally, throughout 25 years of reporting, villagers who have not been displaced have also raised their concerns about the quality of education in their communities. Villagers with access to schools run by the Myanmar government have consistently reported issues with quality assurance standards prior to and after the cessation of formal conflict. Myanmar government schools lacked minimal resources, the teachers were underpaid, and the curriculum was strictly Bamar, problems which continue to persist. Community members particularly in rural parts of southeast Myanmar also reported to KHRG that the Myanmar government supplied teachers often left after a few months never to return. Instead, they stayed in the provincial towns and collected their state teaching salary despite not working.<sup>463</sup> Because the schools were understaffed, the villagers often hired people from within the village to teach in the schools alongside the Myanmar government teachers, although they lacked formal qualifications and the villagers did not receive government funding for these local staff.<sup>464</sup> In many areas, villagers stated that they did not have sufficient funds to construct a school building or hire qualified teachers, so many children missed out entirely on formal education and the majority never had a chance to study beyond primary school.<sup>465</sup> These issues highlight that even when education was available during the conflict, the quality was unacceptable.

As conflict has lessened, villagers' main concerns have also stayed the same with regard to problems with Myanmar government services. Villagers continue to report their dissatisfaction with the quality of teachers<sup>466</sup> and school facilities,<sup>467</sup> the non-integration of Karen culture within the education curriculum,<sup>468</sup> and recognition of educational certification received in non-state schools.<sup>469</sup>

<sup>461</sup> ["Road construction, attacks on displaced communities and the impact on education in northern Papun District,"](#) KHRG, March 2007.

<sup>462</sup> ["Road construction, attacks on displaced communities and the impact on education in northern Papun District,"](#) KHRG, March 2007.

<sup>463</sup> ["PEACE VILLAGES AND HIDING VILLAGES: Roads, Relocations, and the Campaign for Control in Toungoo District,"](#) KHRG, October 2000.

<sup>464</sup> ["PEACE VILLAGES AND HIDING VILLAGES: Roads, Relocations, and the Campaign for Control in Toungoo District,"](#) KHRG, October 2000.

<sup>465</sup> ["Continued Militarisation, Killings and Fear in Dooplaya District,"](#) KHRG, June 2005.

<sup>466</sup> ["Toungoo Situation Update: Thandaunggyi Township, January to February 2015,"](#) KHRG, October 2005.

<sup>467</sup> ["Toungoo Situation Update: Thandaunggyi Township, November 2015 to February 2016,"](#) KHRG, November 2016.

<sup>468</sup> ["Dooplaya Situation Update: Win Yaw Township, November to December 2013,"](#) KHRG, July 2014.

<sup>469</sup> ["Dooplaya Situation Update: Kyonedoe Township, January to June 2014,"](#) KHRG, September 2014.

Since the 2012 ceasefire, the Myanmar government has made efforts to expand education access in remote areas due to the improved security situation. In spite of improvements in availability and accessibility of schools, many villagers in rural areas still lack access to adequate school facilities and education materials. Poor school resources affect not only some Myanmar government but also for some KED schools. For example, one KHRG community member from Toungoo District reported in 2016 that students in his area do not feel secure because the KED School they attend does not have a secure roof or floor. Moreover, quality is further compromised due to overcrowding in the schools in some villages so students do not have enough space to learn.<sup>470</sup>

Villagers' concerns with Myanmar government teachers have also not lessened. As part of its efforts to improve access to education for students in southeast Myanmar, the Myanmar government intensified its efforts to recruit a sufficient number of government teachers to teach in these areas. Due to the unresolved legacy of the conflict and their poor experience with Myanmar government schools, many Karen villagers mistrust the Myanmar government, and by association Myanmar government teachers. In addition to not trusting their staff, villagers also question the commitment and quality of education being provided by these teachers. A villager from Toungoo District describes the low standard of education in his area due to poor teacher quality:

*"If I have to talk about education, I can say that the teachers need more capacity building – they are not qualified. Because of this, the kindergarten and primary students have to pay tuition [for private after school classes].<sup>471</sup> The situation is that they will only [be able to] pass their grade if they pay the tuition. Another thing is the teachers themselves cannot read and pronounce [words] properly; we can find those kinds of situations. Moreover, the teachers cannot explain the lessons very well, so they mostly let the students memorise the lesson [use rote learning techniques]."*

Maung A--- (male, 34), Fa--- village, Thandaunggyi Township, Toungoo District/  
northern Kayin State (interviewed in March 2015)<sup>472</sup>

The poor education provided by Myanmar government staff affects not only villagers' relationships with the teachers, it also has financial consequences. Due to the low quality of teaching there now exists an expectation in many areas that students should pay for private after-school lessons if they want to be able to pass their classes, adding an additional financial barrier to ensuring equal access to education for all children. This situation has created deeply unequal education outcomes. Students who are unable to afford private lessons are further disadvantaged.

The poor quality teaching by Myanmar government staff is further problematised by teacher absenteeism. Similar to villagers' reports of government supplied teachers leaving after a few months never to return,<sup>473</sup> recent reports from villagers show that Myanmar government appointed teachers often have to travel to town in order to attend training or pick up their stipends, which hinders students in rural areas from receiving the same quality education as students from urban areas. According to a community member from Dooplaya District:

*"Both teachers hired [by the villagers] and those appointed by the government [and sent to teaching posts in different areas of the country] have to attend training or sit exams once every three or four months. [The training sessions or exams] take between two days and one month [to*

<sup>470</sup> "[T]he villagers submitted their case [information about overcrowding] to the Burma/Myanmar government in order to get support, but the Burma/Myanmar government did not give them any support. The villagers proposed to the Burma/Myanmar government [that they need to] rebuild the school more than three times. Yet, there was no reply from the Burma/Myanmar government." ["Toungoo Situation Update: Thandaunggyi Township, November 2015 to February 2016,"](#) KHRG, November 2016.

<sup>471</sup> Although the interviewee calls this fee "tuition," he is referring to a fee for private, after-school lessons, taught by the school teachers of their own volition. Since the quality of education in the day schools is very poor, it is common for parents who are able to afford after-school lessons to send their children to these properly-taught classes.

<sup>472</sup> ["Toungoo Interview: Maung A---, April 2015,"](#) KHRG, January 2016.

<sup>473</sup> ["PEACE VILLAGES AND HIDING VILLAGES: Roads, Relocations, and the Campaign for Control in Toungoo District,"](#) KHRG, October 2000.



*complete], and because there are no teachers to replace them [while they are in training or sitting exams] it disrupts the education of the students.”*

Situation Update written by a KHRG researcher, Kyonedoe Township, Dooplaya District/  
southern Kayin State (received in February 2014)<sup>474</sup>

In addition to the lack of capacity of Myanmar government teachers to provide quality education in southeast Myanmar, trust in teachers is further undermined by cases of abuse. Community members have reported several cases of abuse perpetrated by government teachers against students. Reports by KHRG confirm incidents of teachers beating students for not passing their monthly exams<sup>475</sup> and subjects<sup>476</sup> or were unable to follow the government curriculum.<sup>477</sup> For example, in C--- village, Pa Heh village tract, primary school students who did not pass their examinations were punished by their teacher who made them sit down and stand up 500 to 1,000 times.<sup>478</sup>

The poor quality teaching and abuse by government teachers has only exacerbated villagers' mistrust of government provided services, a legacy created during formal conflict, but one that cannot be resolved without further action by the Myanmar government to improve the quality of education services in southeast Myanmar including building the capacity of government teachers to provide high quality and culturally appropriate education, without discrimination.

### **Towards an inclusive education: Teaching Karen culture and languages within schools**

A significant source of contention with regard to Myanmar government education is the lack of inclusivity of Karen culture into the education system. Despite villagers' increased access to education in southeast Myanmar, a long history of forced assimilation on the part of the Myanmar state and Tatmadaw, particularly within the education system, has created a deep-seated fear and mistrust of the government among Karen villagers which still persists today. The development of educational services outside the state system arose in self-reliance in response to the lack of access to schools among children in southeast Myanmar, but also as a means to resist 'Burmanisation'<sup>479</sup> through the development of an education system that respected and preserved Karen culture. The KNU-administered Karen Education Department (KED) has always prioritised the learning of Karen languages and ethnic identity. As such, KED administered education has and continues to play a significant role in preserving and reproducing Karen language, culture, and history.

According to KHRG reports, forced assimilation policies implemented by the Myanmar government has resulted in many KNU administered schools being forcibly closed or destroyed and Karen language, literature, and traditions were banned from classrooms, particularly prior to the 2012 ceasefire. During this time, villagers struggled to keep schools open unless they hired Myanmar government-sanctioned teachers as officers were suspicious of any service which was not directly controlled by the Tatmadaw. Throughout southeast Myanmar, many villages used to have primary schools supported by the KNU or schools they set up and ran entirely by themselves, but these were systematically forced to shut down by the Tatmadaw. In order to open their schools, villages

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<sup>474</sup> [“Dooplaya Situation Update: Kyonedoe Township, September to December 2013,”](#) KHRG, September 2014.

<sup>475</sup> *“On October 22<sup>nd</sup> 2015, Hpapun High School Education Administrator U Pa Thaw Khel's son Saw Tha Hay Bluh, who is teaching in Baw Hta Primary School, beat the students who did not pass their monthly exams. He beat them on their heads, thighs and calves. We saw that the calves and thighs of the students were bruised and some students were not able to go to school [after having been beaten by the teacher].”* [“Hpapun Situation Update: Bu Tho Township, June to October 2015,”](#) KHRG, February 2016.

<sup>476</sup> Source #62.

<sup>477</sup> *“In some villages, some people said that Burmese female teachers brutally beat the children [students] if they could not follow the lessons.”* [“Dooplaya Situation Update: Win Yay Township, June to July 2015,”](#) KHRG, March 2017.

<sup>478</sup> Source #62.

<sup>479</sup> A term used by ethnic minority groups to describe the assimilation policy implemented by the Burmese government to assimilate non-Burman/Bamar ethnic groups into Burman/Bamar.



were required to obtain the regime's approval to run a school, to pay all the costs and salary of a Myanmar government-trained teacher, and to teach the official Myanmar government curriculum.<sup>480</sup> According to one villager from Hpa-an District:

*"If you want a school, the teachers must be Burmese government teachers, or else they will kill them. They really will, the Burmese will kill them. ... They will never allow us to study Karen [language]. The teachers must come from Burma with their Burmese teacher's card. Our Karen teachers have no Burmese teacher's cards, so if they see our teachers they will kill them. That's why we can't try to open a school."*

Saw Fd--- (male, 43), Fe--- village, Hpa-an District/  
central Kayin State (interviewed in April 1998)<sup>481</sup>

These attacks on Karen education, including teachers of self-reliant Karen schools and the school facilities, accompanied deliberate attacks on villages and the deliberate targeting of Karen people by the Tatmadaw. The Tatmadaw inflicted abuses on all parts of Karen culture, including the education system, demonising Karen culture as rebellious and accusing Karen people of supporting or being ethnic insurgents.

In seeking to stamp out Karen culture, the Myanmar government curriculum specifically forbade the teaching of any languages except Burmese and English. Villagers who wished their children to be literate in their mother tongue had to find someone to teach their children outside of official school hours or organise a summer course during their school break,<sup>482</sup> often at great risk:

*"The subjects that they teach in school are English, Burmese, and math. They don't allow the teaching of ethnic groups' languages. In our village there are both Karen and Mon people, and both of them want to teach their own language. But the Burmese do not allow the children to learn it. In my opinion this is one of their ethnic cleansing policies."*

Saw Ff--- (male, 34), Fg--- village, Waw Raw Township, Doooplaya District/  
southern Kayin State (interviewed in August 1999)<sup>483</sup>

Since 2014, Karen language and culture have been allowed to be taught in Myanmar government schools as part of Myanmar's National Education Law, but according to reports from villagers, there are disparities in access to culturally appropriate education among children in southeast Myanmar. In some areas such as the Dweh Hkee area, Leh Doh Soh Township, Mergui-Tavoy District, villagers have reported that Karen language, culture, and history can be taught in the schools in their villages.<sup>484</sup> KHRG reports show that Karen is generally taught before and after school hours, showing that the teaching of ethnic languages continues to not be accommodated in Myanmar government curriculum.<sup>485</sup> The following excerpt of a situation update from Mone Township, Nyaunglebin District in 2016 shows that whilst Karen can be taught it is generally taught before and after formal school hours:

*"Th[e] [new] school gives the students an opportunity to study Karen language and culture so one [Karen subject] teacher was chosen from the village. This Karen subject teacher gets a salary from Myanmar/Burma government as well. The [students] study Karen language and culture from 08:30 am to 09:00 am in the morning before school starts and then from 14:30 pm to 15:15 pm in*

<sup>480</sup> ["STARVING THEM OUT: Forced Relocations, Killings and the Systematic Starvation of Villagers in Doooplaya District,"](#) KHRG, March 2000.

<sup>481</sup> ["UNCERTAINTY, FEAR AND FLIGHT: The Current Human Rights Situation in Eastern Pa'an District,"](#) KHRG November 1998.

<sup>482</sup> Source #28.

<sup>483</sup> ["STARVING THEM OUT: Forced Relocations, Killings and the Systematic Starvation of Villagers in Doooplaya District,"](#) KHRG, March 2000.

<sup>484</sup> ["Mergui-Tavoy Situation Update: Ler Doh Soh Township, June to November 2015,"](#) KHRG, July 2016.

<sup>485</sup> ["Toungoo Situation Update: Thandaunggyi Township, June to August 2016,"](#) KHRG, March 2017.

*the afternoon [each day]. They [students] are given an opportunity to study Karen language and culture in the morning and in the afternoon every day of the week.”*

Situation Update written by a KHRG researcher, Mone Township, Nyaunglebin District/  
eastern Bago Region (received in August 2016)<sup>486</sup>

Other KHRG reports show that many villagers lack access to Karen language instruction with many government-led schools still not ensuring students’ right to mother tongue language education. A villager in Mergui-Tavoy reported to KHRG in 2015:

*“At this time, we see [the] Burmese government tells [us] that they are going to give the rights [to teach the Karen language] to the local Karen school. It says that Karen language will be taught in the class. Not in the extra class (extra time outside of official school hours). In spite of saying like that, we clearly see that school teachers do not teach Karen language in the class.”*

Situation Update written by a KHRG researcher, Mergui-Tavoy District/  
Tanintharyi Region (received in November 2015)<sup>487</sup>

In addition to the lack of teaching in Karen, and of the Karen language, numerous reports from community members continue to express a deep mistrust of government teachers and resentment towards the expansion of Myanmar government authority through education provision. In recent years, the Myanmar government has been investing in the local (KED) government schools and sending their own trained teachers to teach in them which have caused tension among Karen teachers. A teacher from Fh--- village recounted her negative experiences working with government teachers:

*“I have been teaching since [from] 2006 till 2015 and I have faced too many things [difficulties] with Myanmar government teachers and this school was not built by [the] government, it was built by the villagers of Fh--- village as a self-rely [self-reliant school]. But in 2014, Myanmar government teachers entered into this school and one teacher from the Myanmar government side was posted as an officer in charge of the school although the school was not built by the government. Therefore, one of the local teachers at that school was not feeling well [happy] about that and said that ‘these Myanmar government teachers just come to be a master in our school’”*

Situation Update written by a KHRG researcher, Kyonedoe Township, Dooplaya District/  
southern Kayin State (received in August 2015)<sup>488</sup>

In some cases, the Myanmar government has expanded state structures in southeast Myanmar without taking into account existing local activities and services showing a lack of transparency and consultation with local stakeholders.<sup>489</sup> In a 2014 interview with KHRG, a villager from Thaton District recounted the experiences of teachers in his area:

*“Regarding a problem which happened in the education sector, since the government sent too many of their teachers to mountain villages, some of the local teachers who the Karen Education Department [KED] had already selected became jobless. What is more, it has made the burden on the villagers heavier as they have to provide the food for the government teachers.”*

Situation Update written by a KHRG researcher, Hpa-an Township, Thaton District/  
northern Mon State (received in July 2014)<sup>490</sup>

Community members’ current concerns with Myanmar government expansion and the lack of support for Karen education are worsened when they are forced, as in the excerpt above, to take financial responsibility for the Myanmar government teachers. Additionally, the abusive policies

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<sup>486</sup> “[Nyaunglebin Situation Update: Mone Township, February to August 2016](#),” KHRG, November 2016.

<sup>487</sup> Source #98.

<sup>488</sup> Source #85.

<sup>489</sup> This is consistent with KHRG’s findings with regard to Myanmar government investments in services and sectors other than education, for more information see Chapter 6: Development.

<sup>490</sup> “[Thaton Situation Update: Hpa-an Township, January to June 2014](#),” KHRG, October 2014.

that underpinned forced repression and assimilation of Karen into Bamar culture is still tied to the Myanmar government education system, making many community members unwilling to welcome new government imposition in this area.

Villagers have repeatedly turned to self-reliance when the Myanmar government has failed to provide the necessary services for them, and when Tatmadaw has targeted every aspect of Karen culture including education. However, whilst many children have received a thorough education through schools run by KED, CBOs or community members in refugee camps, these education facilities continue to not be recognised by the Myanmar government. Since non-state education qualifications are not recognised by the Myanmar government, graduates from these schools find it difficult to enter the government education system, access job opportunities in Myanmar, or apply for universities abroad. In a 2016 interview, a community member from Doooplaya District reported not only immediate financial consequences but also longer term limitations on job opportunities because of this system:

*“Even if our children passed [the KNU] schools they still have to take government examination in order to get certificate. We have to spend a lot of money so it caused problems for the [villagers] who do not have enough money. So even if they passed [the KNU] school they can only do ordinary jobs. They only gave [job] opportunities to the people who passed the Myanmar government schools [not the KNU schools]. For the people who passed government school they have a government certificate with them and if they are required to show their certificate, they can show it.”*

Naw Fb--- (female), Fc--- village, Kyainseikgyi Township, Doooplaya District/  
southern Kayin State (received in January 2016)<sup>491</sup>

The lack of formal recognition of credible qualifications issued by non-state schools has created an inconsistent quality standard of education in southeast Myanmar and further marginalises Karen villagers. For the children of villagers who were displaced during the conflict, this lack of accreditation further isolates and acts as a significant barrier to their successful and supported reintegration into Myanmar society. In combination with an ongoing mistrust of Myanmar government services and staff, the Myanmar government’s lack of formal accreditation afforded to many educated Karen youth does little to build a relationship between the Karen community and the Myanmar government, or address the hardships that Karen villagers have lived through due to decades of Myanmar government and Tatmadaw policies. This trust can only be fostered through transparent and participatory collaboration between the Myanmar government and ethnic education departments to ensure that villager’s concerns and expectations regarding the provision of culturally appropriate education are respected.

## Education for community development and peace building

In the wake of these exclusionary practices and policies, villagers over 25 years of KHRG reports have utilised various resistance strategies to directly counter the marginalisation of Karen culture and language within the education system including arranging for teachers to teach the Karen language outside of school hours,<sup>492</sup> building self-reliant (independent) schools,<sup>493</sup> and raising the Karen flag in front of a school.<sup>494</sup> Villager testimony throughout KHRG’s reporting period shows

<sup>491</sup> Source #107.

<sup>492</sup> *“Using any opportunity that they get, the teachers try to teach the students the Karen subject and Karen children can write a bit in their language. Because of the [efforts of the] Karen teachers, students get the opportunity to study Karen language in the township office. The education is getting better and the situation has improved compared to before.”* [“Mergui-Tavoy Situation Update: K’Ser Doh Township, August to October 2015,”](#) KHRG, May 2016.

<sup>493</sup> *“In the KNU-controlled area, [the villagers] build self-reliant schools so the children can go to school and they [also] hire teachers to teach.”* Source #94.

<sup>494</sup> *“[T]hey know that the Burma government does not like it, but they [Karen villagers] know the Karen people are asking for equality from the Burma government so they are raising the Karen flag.”* [“Hpa-an Situation Update: Paingkyon Township, June to October 2014,”](#) KHRG August 2015.

that education itself has and continues to be a form of resistance and an essential way to maintain Karen culture. In the words of one villager from Kyaukkyi Township, Nyaunglebin District in 2016:

*"I think that even though we cannot fight with our guns, we can fight with our words or pens."*

Naw Fi--- (female, 24), Fj--- village, Fj--- village tract. Kyaukkyi Township,  
Nyaunglebin District/eastern Bago Region  
(received in December 2016)<sup>495</sup>

The importance of education as a means to safeguard villagers' ethnic language, culture, and identity has not diminished during the ceasefire period, but has taken on new significance as Myanmar transitions from a state of ceasefire towards a fragile peace. Given the legacy of conflict and the Myanmar government's attempts at forced assimilation through education, villagers continue to distrust government-led services and view the expansion of government-led education into Karen areas in the wake of the formal ceasefire as another means to expand government control over Karen communities. As villager testimony highlights, Karen identity is inextricably linked to the provision of culturally appropriate education. The expansion of government-led education services, which fail to integrate Karen culture within the education curriculum, are viewed by some villagers as a continued attack on Karen culture, particularly when they replace existing locally led services. A villager from Thaton District expresses his concern over the expansion of government run education services which displaced KNU schools:

*"Our enemy [Burma/Myanmar government] entering into [attacking] our community is the biggest challenge facing my community. The Burmese do not attack us by [through] militarisation, but they attack us by [taking control over our local] education system. Therefore, it decreases our [Karen] school numbers and there are just a few Kaw Thoo Lei [Karen] schools left in my area. I think all of the schools in my area were possibly replaced by Burma/Myanmar government schools."*

Saw Fo--- (male, 27), Fp--- village, Bilin Township, Thaton District/  
northern Mon State (interviewed in December 2016)<sup>496</sup>

Saw Fo---'s testimony highlights the continued underlying tensions between Bamar, Karen and other ethnic groups in southeast Myanmar during the ceasefire period. Disagreements regarding culturally appropriate education risk further exacerbating these tensions and can hinder peace building as Karen culture is perceived to be under threat again from the majority culture. The opportunity for suitable education to stabilise communities and bring about improvements is evident in the testimony of this villager from Hpapun District, where education is closely linked to being able to protect Karen culture from oppression:

*"As we are living in the community, we want to improve the education for [our] children. This is for the future. If our children are able to read and write, they will be able to produce good ideas [about] how to improve their community. If they [children] are well-educated, they will be able to improve their lives and [their] communities. If they can improve their communities, they will become good and useful citizens. If we do not have knowledge or if we are not literate, we cannot go anywhere and we will be going around [and around] here [in] a circle [not making any progress]. Therefore, we will continuously be suffering from oppression."*

U Fm--- (male, 53), Fn--- village, K'Taing Tee Village Tract, Hpapun Township,  
Hpapun District/northeastern Kayin State (received in January 2017)<sup>497</sup>

It is evident from these testimonies that education has the chance to either stabilise or undermine efforts towards peace in southeast Myanmar. Investing in high quality, community-led, culturally appropriate education, with equal access in both rural and urban areas, would show a long-term investment in, as well as a protection and strengthening of, Karen culture. Alternatively, forcing a Myanmar government agenda for education, without support of Karen language, staffing and

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<sup>495</sup> Source #165.

<sup>496</sup> Source #174.

<sup>497</sup> Source #170.

traditions, will only serve to exacerbate that tensions that remain unresolved, according to 25 years of KHRG reporting, including the lack of respect for Karen language, poor experiences of Karen students at the hands of Myanmar government teachers, the poor quality of services afforded to Karen villagers and the maintenance of a terse relationship between Myanmar government staff and Karen communities.

## **Conclusion**

Political and legal reforms coupled with greater investments in education by the Myanmar government have led in some parts of southeast Myanmar to better access to education in Karen areas, as well as the introduction of Karen language being taught within government schools. While this has been viewed by villagers as a positive step, for many villagers' access to education remains blocked by the lack of school facilities, particularly at higher levels, that are a safe distance from or within their community. Villagers continue to face financial barriers and livelihood struggles, which have impeded their access to education over 25 years. Upfront and hidden costs in the education sector continue to hinder children in southeast Myanmar from accessing education, particularly middle and high school level education.

Villagers' concerns about education are furthered by sub-par teaching in available schools and the continuance of fees for some aspects of education, notably extra tuition classes to compensate for the poor quality and attendance of Myanmar government teachers. Additionally, the Myanmar government has not taken any action to implement the teaching of Karen culture and history within the government administered education system nor has the government taken any steps toward teaching subjects in Karen languages. Reports from community members over KHRG's 25 years reporting period showcase the strong link between teaching Karen languages and culture within schools and the pride in maintaining Karen identity. As such, villagers have always fought to provide a culturally acceptable education to their children, even under trying and dangerous circumstances where doing so put them at direct risk.

Furthermore, the Myanmar government's lack of transparency and consultation with ethnic education departments, villagers, and ethnic community based organisations in southeast Myanmar when expanding government-led education services continues to perpetuate villagers' mistrust of Myanmar government schools, and by association Myanmar government teachers. The need to improve the quality of education and unresolved legacy of mistrust in government led services will require greater coordination and communication between the Myanmar government and ethnic education departments. The Myanmar government will also need to ensure that all schools are equipped with sufficient funds, resources, and teachers who have the knowledge, skills and attitude to provide culturally appropriate education and respond to Karen children's needs. Despite the implementation of some administrative and legal measures, further action needs to be taken by the Myanmar government to ensure equal access to the right to education for all children in southeast Myanmar, with particular emphasis on the support of minority ethnic cultures through the education system.



## Photos: Education



The primary schools in Khaw Hta and Yah Aw villages, Nyaunglebin District, were among the buildings burned by Tatmadaw troops from LIB #589 and LIB #350 at the start of December 2004. The people of both villages fled into the forest, where within a few days the schoolteachers had set up makeshift blackboards and students from both villages tried to continue learning. [Photos: KHRG]<sup>498</sup>



This photo from a 1997 KHRG report shows a Tatmadaw ‘government’ middle school in Noh Aw village, until the village was ordered to move, the ‘government’ teacher fled, and Tatmadaw troops came and burned the school and much of the village. Though it was a ‘government’ school, the villagers had to pay for the construction, build it, pay for and support the teacher, and pay for all school supplies. This is normal, as all the Tatmadaw does is send a teacher, and then burn the school. [Photo: KHRG]<sup>499</sup>



This photo shows school teacher Naw T---, who is 19 years old, teaching a lesson to her students at the P--- internally displaced village in Thandaunggyi Township, Toungoo District, in November 2002. Having to close whenever Tatmadaw patrols are around, her school can stay open on average only one week out of every month. [Photo: KHRG]<sup>500</sup>



After their villages and schools were burned by Tatmadaw Light Infantry Division #66 in December 1999/January 2000, a village teacher teaches some of the children from three villages in western Lu Thaw township, Hpapun District, that have been displaced in the forest. [Photo: KHRG]<sup>501</sup>

<sup>498</sup> [“PHOTO SET 2005-A: Children,”](#) KHRG, May 2005.

<sup>499</sup> [“Free-fire Zones in Tenasserim Division,”](#) KHRG, May 1997.

<sup>500</sup> [“Enduring Hunger and Repression: Food Scarcity, Internal Displacement, and the Continued Use of Forced Labour in Toungoo District,”](#) KHRG, September 2004.

<sup>501</sup> [“PHOTO SET 2002-A,”](#) KHRG, June 2000.



This photo was taken on June 29<sup>th</sup> 2015. The photo show a groups of students learning and taking a class on the ground-area underneath a house, as there is no school room in Shwe Nyaung Pin village, Thandaung Town, Toungoo District. As Shwe Nyaung Pin villagers want their children to get access to education, they have rented this space for their children to study in. The building does not have adequate space, fresh air or light and leaks in the rainy season. Parents requested support from the Myanmar government but have not received any response. [Photo: KHRG]<sup>502</sup>



This photo was taken on December 1<sup>st</sup> 2015. It shows Ku Pyoung village's primary school, located in Thandaunggyi Township, Toungoo District. This school is very old and in need of repair and renovation. It is a self-reliant school that has been managed and supported by villagers for a long time. Villagers have already applied three times for financial support from the Myanmar government but have not received any response from the government. The students and teachers report that they do need feel safe and secure due to the old building. [Photo: KHRG]<sup>503</sup>



Students who have just finished their school year at an IDP camp in Hpapun District return to their home villages. The students are shown here on March 20<sup>th</sup> 2009 hurriedly crossing a Tatmadaw-controlled vehicle road while Karen National Liberation Army (KNLA) soldiers take security. Because of insecurity and a lack of educational facilities at their home villages, which remain outside of Tatmadaw-controlled areas, these students must take this risky journey simply to access schools. [Photo: KHRG]<sup>504</sup>



This photo was taken in December 2014. It shows children in the rural hill village of Mae K'Ler Kee village, Dooplaya District. There are only around 20 families remaining in the village due to mass displacement during conflict. Very few agencies and organisations are able to reach this area. Villagers, with the help of the village head, agreed to hire a local community member to teach them with school materials, such as books, for 15,000 Baht (US\$435.16) per month, in order for their children to study. Prior to 2014 the children in this village had not attended school. [Photo: KHRG]<sup>505</sup>

<sup>502</sup> Source #80.

<sup>503</sup> Source #114.

<sup>504</sup> "KHRG Photo Gallery 2009," KHRG, July 2009.

<sup>505</sup> Source #50.





This photo was taken in July 2002. It shows students and teachers of the school at L--- hiding site in Lu Thaw Township, Hpapun District. This school only teaches classes from Kindergarten to Third Standard (Grade Three). Very few IDP schools are able to teach beyond primary school (Standard four) level because most of the teachers never had a chance themselves to study beyond Standard Four. [Photo: KHRG]<sup>506</sup>



This photo was taken in July 2002. Students and teachers at a school set up by internally displaced villagers at T--- in Lu Thaw township, Hpapun District. Whenever the villagers hear an approaching Tatmadaw column, they must close the school and flee deeper into the mountains. [Photo: KHRG]<sup>507</sup>



This photo was taken on December 31<sup>st</sup> 2014. It shows a temporary teaching place in A'pa Lon village, Win Yin Township, Dooplaya District, which is under a monastery as there is no school in this village. In total there are 65 students from Kindergarten to Sixth Standard. The students are divided into two groups to be taught as they don't have enough space for more classes. One group is taught under the monastery, the other group of students is taught outside. [Photo: KHRG]<sup>508</sup>



13 years old Naw A--- and her younger sister, 11 years old Naw M---, are shown here on November 17<sup>th</sup> 2008 helping their family by pounding paddy to remove the husks at their home in Thaton District. Naw A--- is the eldest daughter in the family and currently attends third standard. After finishing school, in the evening both girls regularly help their parents with work around the house. Livelihood needs significantly affect the amount of time that many children have for their education. [Photo: KHRG]<sup>509</sup>

<sup>506</sup> ["PHOTO SET 2005-A: Children,"](#) KHRG, May 2005.

<sup>507</sup> ["PHOTO SET 2005-A: Children,"](#) KHRG, May 2005.

<sup>508</sup> Source #54.

<sup>509</sup> ["KHRG Photo Gallery 2009,"](#) KHRG, July 2009.



13 years old Saw E--- is shown here on July 25<sup>th</sup> 2008 at his family's farm field in Bilin Township, Thaton District, marching a buffalo around to break up the soil in preparation for planting paddy. Although Saw E--- is only 13 years old, he cannot currently attend school because his parents cannot afford the school fees and need him to work and contribute to the household income. Saw E--- has therefore had to work for his parents and also engage in wage labour tending to other people's buffalo and cattle. [Photo: KHRG]<sup>510</sup>



In April 2006, Tatmadaw Light Infantry Battalion #349 forcibly relocated the residents of numerous villages in Nyaunglebin District to Htaik Htoo relocation site, which is also located in Nyaunglebin District. Over nearly three years, the empty homes and other buildings in the formerly occupied villages became dilapidated. However, in December 2008, the former residents of B--- village, one of those that had been previously relocated, were able to return to their homes and have since rebuilt the local school, as shown in the photo, although without any Myanmar government assistance. [Photo: KHRG]<sup>511</sup>



This photo taken in 2005 shows Naw R---, aged 17, who is a schoolteacher in Hpapun district. Naw R--- lives in a house the villagers built for her, where she raises chickens as a way to get money to go home during the school holidays. On August 28<sup>th</sup> 2005, Tatmadaw troops from Light Infantry Division #44, Infantry Battalion #207 Column 2, came and stayed a night in the village, and the next morning they stole four of her chickens. She says she didn't dare complain for fear of retaliation. [Photo: KHRG]<sup>512</sup>



This photo taken in 2004 shows students from S--- village's middle school in Toungoo District studying. On December 18<sup>th</sup> 2004, a column from Tatmadaw LIB #590 (commanded by Battalion Commander Ko Ko Oo), based in Tha Aye Hta, marched through several villages in the area, so the villagers fled to the forest around B--- area. Local schoolteachers planned and discussed how they could teach in hiding in the forest. Middle school students here are preparing their lessons. Continuing school activities is one way that Karen displaced people retain their dignity and community while on the move. [Photo: KHRG]<sup>513</sup>

<sup>510</sup> "KHRG Photo Gallery 2009," KHRG, July 2009.

<sup>511</sup> "KHRG Photo Gallery 2009," KHRG, July 2009.

<sup>512</sup> "KHRG Photo Gallery: 2005: Education and 'Development' Projects," KHRG, April 2006.

<sup>513</sup> "PHOTO SET 2005-A: Children," KHRG, May 2005.



## Chapter 4: Health

*“We dare not go to the government hospital if we have no money. If we don’t take money they don’t give us medicine. [If it is serious] we have to try hard to find the money to cure the disease. Mostly we treat things using traditional medicines. My children have never had an injection or vaccination. They called us to go and get vaccinations for our children but we were afraid because people said their children got fevers after the injection.”*

Naw Ek---(female, 30), quoted in a report written by a KHRG researcher, El--- village, Mone Township, Nyaunglebin District/eastern Bago Region (published in May 1999)<sup>514</sup>

*“They [the Burma/Myanmar government] just declared the building of the clinics under their name [so they can claim they have worked for the development of the villages]. We know this as they have not yet [provided] enough medics, nurses and medicines. If you question the villagers [living] there, [near] the clinics that they had built, they only say that those [buildings] are not clinics [since they are never open for patients].”*

Situation Update written by a KHRG researcher, Thaton Township, Thaton District/northern Mon State (received in January 2016)<sup>515</sup>

### Key Findings

1. Access to healthcare has been a significant concern throughout 25 years of KHRG reporting. Access to healthcare for villagers has been deliberately denied through Tatmadaw’s imposed restrictions on freedom of movement and the trading of medical supplies in the 1990s and 2000s. Since the 2012 ceasefire, barriers in accessing healthcare have changed from conflict-related to infrastructure-dependent, including the lack of adequate roads to rural areas, and the lack of functioning healthcare facilities in rural areas.
2. Displaced villagers suffer disproportionately from a lack of access to healthcare and medical supplies when in hiding. Due to severe restrictions on villagers’ movement, sickness, malnutrition and disease are estimated to have killed more people throughout the conflict than the direct violent abuses of Tatmadaw and EAGs.
3. When healthcare facilities are available and accessible, patients report that they are frequently understaffed, lack essential medical supplies, and operate unreliable opening hours. Additionally, villagers have raised complaints about the acceptability of healthcare standards, particularly those made recently available since the 2012 preliminary ceasefire. They have experienced disrespectful and discriminatory Myanmar government healthcare staff, lack of information on the side effects of medicine prescribed, and arbitrary denial of treatment.
4. The standard of healthcare services, when made available, has been consistently low throughout 25 years of KHRG reports, particularly in rural areas of southeast Myanmar. Villagers have relied on traditional medics and traditional medicines, most especially during conflict and when in hiding, but this dependence continues in areas which are not served by permanent healthcare staff and in areas where medical supplies are not available.
5. Significant financial barriers persist with regard to free and equal access to healthcare. The financial consequences of Tatmadaw, BGF and EAG abuses, including financial extortion and a lack of time for villagers to work for their own livelihoods, left many villagers financially insecure and unable to pay for basic medicines. Whilst these abuses have reduced, villagers report that they continue to find healthcare inaccessible due to financial barriers including the cost of travel to hospitals, the cost of medicine, and the unwillingness of some healthcare staff to treat poorer patients.

<sup>514</sup> “[DEATH SQUADS AND DISPLACEMENT](#),” KHRG, May 1999.

<sup>515</sup> “[Thaton Situation Update: Thaton Township, January to June 2015](#),” KHRG, January 2016.



## Introduction

Based on villagers' testimony, this healthcare chapter provides an analysis of how villagers' experiences and perspectives in regards to their health needs have evolved over the past 25 years. Over a quarter of a century, villagers in southeast Myanmar have consistently identified access to and the acceptability of essential healthcare services as one of the biggest challenges they face, despite the changing context. Decades of conflict have severely impacted civilian health in more ways than direct abuse and torture, by prompting displacement and impeding investments and improvements in essential health infrastructure, particularly in rural areas. Since the 2012 preliminary ceasefire, the situation of human rights violations which impact the condition of villagers' health in KHRG operation areas have improved to a notable extent. However, significant shortfalls in healthcare provision remain and whilst abuses have decreased, the additional health consequences of conflict on livelihood and financial insecurity, vulnerability to disease, lack of basic health awareness, lack of access to a range of medicines and treatments, a shortfall in skilled and qualified healthcare workers, and inadequate medical and transport infrastructure have not decreased. The result is that despite an easing of direct abuses against villagers by Tatmadaw and some EAGs, serious health concerns persist for villagers in southeast Myanmar.

This chapter is structured to review villagers' concerns and experiences over 25 years with regard to: access to healthcare; the acceptability of healthcare services related to supplies and services; the acceptability of healthcare services related to staff and skills; and the impact of livelihood and financial insecurity on access to healthcare.

## Myanmar's legal and political commitments

The right to health is recognised as a basic human right in the UDHR,<sup>516</sup> the ICESCR,<sup>517</sup> and a political commitment under Myanmar's 2008 Constitution, Article 367:

*"Every citizen shall, in accord with the health policy laid down by the Union, have the right to health care."*<sup>518</sup>

Additionally relevant, protection of the health of civilians in conflict, including the treatment of wounded<sup>519</sup> and the protection of medical facilities and staff,<sup>520</sup> is recognised in both customary international humanitarian law and the First and Fourth Geneva Conventions of 1949.

In addition to international law, villagers explicitly recognise health as an essential right, and necessary for their access to other basic rights, including education and livelihood security:

*"Every right is important but you have to be healthy if you want to gain education. Therefore, the right to education can [only] come after the right to healthcare. Things are like that. You must be*

<sup>516</sup> Article 25, "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services." "[Universal Declaration of Human Rights](#)," United Nations General Assembly, December 1949. Myanmar was one of the first countries to vote in favour of adopting this non-binding Declaration.

<sup>517</sup> Article 12, "The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health." "[International Covenant on Economic, Social and Cultural Rights](#)," United Nations General Assembly, 1966. Myanmar signed the ICESCR in July 2015.

<sup>518</sup> "[CONSTITUTION OF THE REPUBLIC OF THE UNION OF MYANMAR](#)," September 2008.

<sup>519</sup> The killing or denial of medical treatment to the wounded in conflict is a grave breach of the Geneva Convention of 1949, see Article 3.2: "The wounded and sick shall be collected and cared for." Geneva Convention, 1949.

<sup>520</sup> Article 18, "Civilian hospitals organized to give care to the wounded and sick, the infirm and maternity cases, may in no circumstances be the object of attack but shall at all times be respected and protected by the Parties to the conflict." "[Convention \(IV\) relative to the Protection of Civilian Persons in Time of War](#)," International Committee of the Red Cross, August 1949. See also "[Customary IHL: Rule 28. Medical Units](#)," International Committee of the Red Cross, 2012.

*healthy if you want to study. If you are healthy, you can work to earn a living. To be able to earn a living, you need to [also] have freedom of movement and the right to work. Thus, [if you have these] there is no barrier to block your rights. As a human, we have to use our rights in an appropriate way. Nobody should disturb [take away] our rights. We have to take our rights fully [not one right without another] and we have to do our best. If we can work, we can get [enough] food. If we get food, we are healthy. As long as we are healthy, we can study. If we can study, we will be educated. If we are educated, we can improve our community.*

Naw Ew--- (female, 24), Ex---- village, Khel Ken Koh village tract, Kyaukkyi Township, Nyaunglebin District/eastern Bago Region (interview received in December 2016)<sup>521</sup>

## Access to healthcare: attacks and restrictions

Decades of prolonged conflict in southeast Myanmar have intertwined with the systematic abuses of armed actors against civilians and caused, amongst other concerns, deliberate and debilitating attacks on villagers' access to healthcare. Particularly in the late 1990s and early 2000s, medical facilities which were often established and run by the local community with KNU or CBO support, were targeted or destroyed by the Tatmadaw<sup>522</sup> as part of their aggressive 'Four Cuts' policy.<sup>523</sup> For example, one photo caption written by a KHRG community member from Hpapun District in 2002 shows:

*"[This photo shows] The remains of a clinic built by the KNU at Oo Da Hta near the Salween River in Hpapun District. The clinic was built to provide medicine and some measure of healthcare to villagers in the area. The clinic was only temporary because of the possibility of SPDC [Tatmadaw] troops moving into the area. The SPDC came and burned it in early May 2002 at the same time that they burned Kho Kay village."*

Photo Note written by a KHRG researcher, Hpapun District/northeastern Kayin State (published in December 2002)<sup>524</sup>

Attacks on healthcare facilities continued as Tatmadaw sought to drive villagers out of certain areas, directly blocking their access to healthcare. These were not isolated attacks but part of Tatmadaw strategy to crush any forms of community reliance, evident through almost 20 years of KHRG reports, prior to 2012. Where emergency healthcare facilities were provided, such as by Back Pack Health Worker Team (BPHWT) and Free Burma Rangers (FBR), they were also at risk of being attacked, as was the case when Tatmadaw shelled one IDP site in Ma No Roh village

<sup>521</sup> Source #165.

<sup>522</sup> Tatmadaw refers to the Myanmar military throughout KHRG's 25 years reporting period. The Myanmar military were commonly referred to by villagers in KHRG research areas as SLORC (State Law and Order Restoration Council) between 1988 to 1997 and SPDC (State Peace and Development Council) from 1998 to 2011, which were the Tatmadaw-proclaimed names of the military government of Myanmar. Villagers also refer to Tatmadaw in some cases as simply "Burmese" or "Burmese soldiers".

<sup>523</sup> In Burma/Myanmar, the scorched earth policy of 'pyat lay pyat', literally 'cut the four cuts', was a counter-insurgency strategy employed by the Tatmadaw as early as the 1950's, and officially adopted in the mid-1960's, aiming to destroy links between insurgents and sources of funding, supplies, intelligence, and recruits from local villages. See Martin Smith. *Burma: Insurgency and the Politics of Ethnicity*, New York: St. Martin's Press, 1999 pp. 258-262. See also, "[GRAVE VIOLATIONS: ASSESSING ABUSES OF CHILD RIGHTS IN KAREN AREAS DURING 2009](#)," KHRG, January 2010; and "[Attacks and displacement in Nyaunglebin District](#)," KHRG, April 2010.

<sup>524</sup> "[Papun and Nyaunglebin Districts, Karen State: Internally displaced villagers cornered by 40 SPDC Battalions; Food shortages, disease, killings and life on the run](#)," KHRG, April 2001; see also "[Photo Set 2002, Section 2: Attacks on Villages and Village Destruction](#)," KHRG, December 2002. Attacking medical units is recognised as a grave breach of customary international humanitarian law. See, "[Rule 28. Medical Units](#)," International Committee of the Red Cross, 2012. It is a breach of the Fourth Geneva Convention, Article 18, "*Civilian hospitals organized to give care to the wounded and sick, the infirm and maternity cases, may in no circumstances be the object of attack but shall at all times be respected and protected by the Parties to the conflict.*" "[Convention \(IV\) relative to the Protection of Civilian Persons in Time of War](#)," International Committee of the Red Cross, August 1949.

tract, Tanintharyi Township, Mergui-Tavoy District in January 2011 whilst BPHWT were providing emergency medical care to the displaced villagers, evidenced in the testimony of a BPHWT medic:

*"It happened when I was staying at P--- village [IDP hiding site] and looking after patients. The SPDC Army [Tatmadaw] Soldiers came and fired mortars at the place we stayed. At that time, during the mortar attack, we all ran up to the mountain, including the children."*

Saw Ep--- (BPHWT) (male, 30), P--- village, Tanintharyi Township, Mergui-Tavoy District/Tanintharyi Region (published in September 2011)<sup>525</sup>

Deliberate attacks on villagers and their basic health infrastructure have receded since the signing of the 2012 preliminary ceasefire. A further change in villagers' access to health is their perception of their safety and security to travel. Many villagers since the 2012 ceasefire report that feel safer to travel and face fewer restrictions on their freedom of movement, which has resulted in greater physical access to healthcare services.<sup>526</sup> Prior to this, life-threatening restrictions were imposed on villagers by Tatmadaw. Movement restrictions obstructed villagers living in supposed "rebel" or "black"<sup>527</sup> areas from travelling to reach hospitals or clinics, and from traveling outside of their home communities to buy medical supplies.<sup>528</sup> Villagers who did so risked being arbitrarily arrested, abused or shot on sight by Tatmadaw. Tatmadaw actively prohibited any medicine reaching these areas as part of their program to make sure no supplies could reach opposition forces, enforcing these restrictions at frequent checkpoints or arbitrarily searching villagers on roads and village paths to check they were carrying no medicine. These prohibitions were ultimately more deadly than Tatmadaw's direct attacks:

*"The villagers in hiding have also lost many people to disease. In every group of families there are people suffering from malaria and other fevers, diarrhoea, dysentery, oedema, respiratory and stomach ailments. Many more have died this way, particularly children and the elderly, than have been shot by the troops. None of the villagers have any medicines, they only have whatever herbal remedies they can find in the forest. Before this operation began they could walk to towns to buy medicine or medicine sellers would occasionally come through their areas, but no longer. Even in parts of eastern Shwegyin Township which should be an easy walk to Shwegyin Town,*

<sup>525</sup> ["Tenasserim Interview: Saw K---, August 2011,"](#) KHRG, September 2011.

<sup>526</sup> Source #115; see also "[The two biggest challenges facing the community are] [h]ealth and conflict between Tatmadaw and other ethnic armed groups. These two things are important." Source #168.

<sup>527</sup> Tatmadaw expert Maung Aung Myoe explains that the three-phased Tatmadaw counter-insurgency plan, developed in the 1960s, designates a territory as black, brown or white according to the extent of ethnic armed group (EAG) activity. Phase one transforms a 'black area' into a 'brown area,' meaning it transforms from an area controlled by EAGs where the Tatmadaw operates, to a Tatmadaw-controlled area where EAGs operate. The second phase is to transform the area from a 'brown area' into a 'white area,' where the area is cleared of insurgent activities. The final phase is to transform a white area into a 'hard-core area,' during which more organisational works are necessary and the government forms pro-government military units for overall national defence. See Maung Aung Myo, *Building the Tatmadaw: Myanmar Armed Forces Since 1948*, Singapore: Institute of Southeast Asian Studies, 2009, p. 31-32; see also *Neither Friend Nor Foe: Myanmar's Relations with Thailand Since 1988*, Singapore: Institute of Defence and Strategic Studies Nanyang Technological University, 2002, p. 71.

<sup>528</sup> These restrictions were reported by KHRG as recently as 2009 in Toungoo District: "On November 20th, 2009, MOC #5 began blocking villagers from Kler La and Gkaw Thay Der, Tantabin Township from travelling on the road to Toungoo. This occurred at a time when such a large number of individuals from areas around Kler La and Gkaw Thay Der were suffering from the flu and other winter illnesses that the Kler La hospital was full to the point of turning away patients. The movement restrictions prevented individuals from villages without medical facilities or medicines from travelling to Kler La to seek treatment, while preventing individuals already in Kler La but not admitted to the hospital from travelling to other towns or cities to get treatment or medicines. The situation was reported to SPDC [Tatmadaw] officials but the restrictions were not adjusted or relaxed. Such restrictions, which are particularly harmful for vulnerable populations such as children in need of medical treatment, are considered a 'grave violation' of children's rights and explicitly condemned by United Nations Security Council Resolution (UNSCR) 1612." ["Forced Labour, Movement and Trade Restrictions in Toungoo District,"](#) KHRG, March 2010.

*SLORC/SPDC [Tatmadaw] forces have blocked off all the paths since late 1997 in order to prevent these villagers from having any access to outside food or medicines.”*

Report written by a KHRG researcher, Hpapun and Nyaunglebin Districts/  
Kayin State (published in February 1998)<sup>529</sup>

Villagers caught with medical supplies had these items confiscated as part of the ‘Four Cuts’ policy and faced the risk of excessive abuse under the accusation that they were using medical supplies to support Karen ethnic armed groups (EAGs)<sup>530</sup> or trade with villagers in hiding, a common strategy used by villagers to support each other throughout oppression.<sup>531</sup> Villagers who were forcibly relocated faced further abuse as they were relocated to areas under strict Tatmadaw surveillance, without access to services including healthcare or medical supplies, forced to buy basic medicine at inflated prices from Tatmadaw medics, and were restricted from traveling outside of these relocation zones without paying extortionate fees for permission letters in order to access hospitals or clinics when sick.<sup>532</sup>

### **Access to healthcare: consequences of human rights abuse**

Villagers also report that they have faced life-threatening and debilitating health consequences as a direct consequence of abuse which has been worsened by the situation of healthcare service and standard. Villagers, most notably prior to the 2012 ceasefire, have been repeatedly subjected to violence, torture, killing, forced labour, and made to work as porters,<sup>533</sup> with severe and often long-term negative impacts on their health. Forced to work as porters, villagers have been tortured, made to carry heavy loads for long distances with enforced restrictions on food, water and medicine during their labour, resulting in severe weakness and, for some, death.<sup>534</sup> An escapee porter conscripted by Tatmadaw, Daw Ea--- from Thaton District, testified about the insufferable health consequences of portering:

*“I had to carry bombs for 21 days through the forest and over mountains, into the areas where they’re fighting the Karen soldiers. It was almost impossible to keep up because the load was so heavy and we got almost no food. If we were lucky,<sup>535</sup> once a day we got a little rice, but nothing*

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<sup>529</sup> [“The SLORC/SPDC Campaign to Obliterate All Hill Villages in Papun and Eastern Nyaunglebin Districts,”](#) KHRG, February 1998; see also [“Toungoo Situation Update: April 2011,”](#) KHRG, June 2011; [“ATTACKS ON KAREN REFUGEE CAMPS,”](#) KHRG, March 1997.

<sup>530</sup> *“The prohibition on carrying medicine means that it must be bought and carried secretly to the villages. The carrier risks being accused of supplying medicine to the resistance and probable execution.”* [“PEACE VILLAGES AND HIDING VILLAGES: Roads, Relocations, and the Campaign for Control in Toungoo District”](#) KHRG, October 2000; see also [“Papun and Nyaunglebin Districts, Karen State: Internally displaced villagers cornered by 40 SPDC Battalions; Food shortages, disease, killings and life on the run,”](#) KHRG, April 2000.

<sup>531</sup> [“Forced Labour, Movement and Trade Restrictions in Toungoo District,”](#) KHRG, March 2010.

<sup>532</sup> *“They didn’t provide food [at the relocation site]; the people had to bring their own food to eat. If you want to take medicine, you have to buy it and if you don’t buy it, you can’t have medicine. Sometimes you can trade it for chicken: 2 tablets of para [Paracetamol] for ½ viss of chicken. But they don’t give it to you for free. You have to trade with the Burmese soldier’s medic.”* [“STARVING THEM OUT: Forced Relocations, Killings and the Systematic Starvation of Villagers in Dooplaya District,”](#) KHRG, March 2000.

<sup>533</sup> [“Tenasserim Division: Forced Relocation and Forced Labour,”](#) KHRG, February 1997; see also [“INCOMING FIELD REPORTS,”](#) KHRG, August 1994.

<sup>534</sup> See, for example, the testimony of Saw Eu---, 27 years old who was forced to porter in 1992 and saw 4 fellow porters be left behind to die due to weakness: *“I saw it 4 times. The men got malaria and couldn’t carry, so the soldiers kicked them and let them sit down, then they beat them up and left them behind. I got malaria and asked for water when we were climbing mountains. They refused to give me water and I cried. I couldn’t help crying all the time. I wanted to unload my burden but they wouldn’t allow me. I needed water, but they wouldn’t let me have any.”* [“PORTER TESTIMONIES: KAWMOORA REGION,”](#) KHRG, December 1992. The killing of wounded prisoners or combatants in conflict is a grave breach of the Geneva Convention, see 3.2: *“The wounded and sick shall be collected and cared for.”* [“Geneva Convention relative to the Treatment of Prisoners of War: 75 U.N.T.S. 135,”](#) International Committee of the Red Cross (ICRC), October 1950.

<sup>535</sup> This word has been correctly amended to ‘lucky’ from ‘luckily’ in the original published report.



*to eat with it... We were all very weak, and many men and women were ill with chills and fever, but the hurt and sick were still forced to carry their loads and keep up, even if they had to be dragged."*

Daw Ea--- (female, 32), quoted in a report written by a KHRG researcher, Kyaikto Township, Thaton District/northern Mon State (published in January 1992)<sup>536</sup>

Due to the inhumane conditions villagers have endured during portering and forced labour, villagers have suffered from various diseases and health ailments. Without adequate access to healthcare facilities and services, countless villagers have died of treatable diseases during decades of Tatmadaw's oppressive control, often malaria or diarrhoea.<sup>537</sup> The abuses by Tatmadaw and at times EAGs therefore have had prolonged health impacts for villagers, including weakness, disease and death, that extend beyond the direct remit of violent abuse for which they can be directly held accountable for. The lack of acceptable and accessible healthcare services in southeast Myanmar therefore carries with it memories of negligence and abuse by Tatmadaw of villagers' health under conflict.

As a result of human rights abuses perpetrated by Tatmadaw and EAGs, many villagers chose to strategically displace themselves. This further limited their access to healthcare, and IDPs or villagers temporarily in hiding have faced some of the most severe health impacts of the conflict, dying from preventable diseases. Saw Eo--- describes the conditions of people hiding from Tatmadaw in Nyaunglebin District in 1999:

*"The most common illnesses they suffer from are fever and malaria. People with fevers or malaria who wouldn't normally die are dying because there is no medicine. Most of the people who have died are children, ages 1 to 5 years old. I saw children with fevers, and because they had no medicine the fever never went down. Even though they put sesame oil on the body of the child, they still die. There is no gauze, no cotton and no medicine for when someone is injured. All they have are their traditional healing practices, but those are not perfect without some medicine as well."*

Saw Eo--- (male), quoted in Report written by a KHRG researcher, Nyaunglebin District/eastern Bago Region (published in May 1999)<sup>538</sup>

### **Access to healthcare: lack of investment in rural areas**

Basic physical access to healthcare facilities therefore can be life-saving, including freedom of movement for villagers to travel to access clinics and medical supplies as well as the commitment to making more services at a higher standard available in rural areas. The lifting of restrictions and the reduction of the abuses of forced labour, torture and extrajudicial killings has evidently increased the potential for villagers to access healthcare, and the pressure has now turned to improving infrastructure and healthcare standards to support this. Whilst in some areas the situation of access to acceptable healthcare has improved, rural villagers continue to report significant barriers and remain at higher risk of sickness, disease and death than their urban neighbours. Much of the investment in improving healthcare access in recent years has largely

<sup>536</sup> ["TESTIMONY OF PORTERS ESCAPED FROM SLORC FORCES,"](#) KHRG, January 1992.

<sup>537</sup> *"The health situation for the internally displaced villagers is very serious. There is no medicine in the Ywa Bone villages and they are completely dependent on traditional medicines made from roots and leaves. Without letters of recommendation it is impossible to send people to Kler Lah or Toungoo for treatment. Twenty displaced people from Ha Toh Per village died from diarrhoea in 1999, simply due to a lack of basic medicines."* ["PEACE VILLAGES AND HIDING VILLAGES: Roads, Relocations, and the Campaign for Control in Toungoo District,"](#) KHRG, October 2000; see also ["ABUSES AND RELOCATIONS IN PA'AN DISTRICT,"](#) KHRG, August 1997; ["Papun and Nyaunglebin Districts, Karen State: Internally displaced villagers cornered by 40 SPDC Battalions; Food shortages, disease, killings and life on the run,"](#) KHRG, April 2001.

<sup>538</sup> ["DEATH SQUADS AND DISPLACEMENT,"](#) KHRG, May 1999; see also ["PORTER TESTIMONIES: KAWMOORA REGION,"](#) KHRG, December 1992; ["SLORC SHOOTINGS & ARRESTS OF REFUGEES,"](#) KHRG, January 1995.



focused on larger villages,<sup>539</sup> towns, and cities. Therefore, most villagers in rural areas continue to report that the distance they must travel to access the nearest hospital or clinic is too far, particularly in emergency cases.<sup>540</sup> Additionally, this distance burdens them financially due to travel costs, and is especially difficult for vulnerable populations such as pregnant women and elderly villagers.<sup>541</sup> Saw Es--- in Htee Th'Blu Hta village tract, Hpapun District, 2016, describes the as yet un-met need for improved infrastructure and healthcare services in rural areas:

*"When I was sick, my neighbours had to carry me to the hospital on a bad [unpaved] road. Therefore, if people [authorities] construct a better road for us then it will be a good thing for us. If we have a good road then we can go to hospital by car, then we will arrive to hospital quickly. There is no hospital in the eastern area [where the rural villages are located] so we have to go to the western area [where the town is located]."*

Saw Es--- (male, 45) Et--- village, Htee Th'Blu Hta village tract, Bu Tho Township, Hpapun District/northeastern Kayin State (interviewed in December 2016)<sup>542</sup>

The Myanmar government has taken steps to address this void in services for the rural population, attempting to train and dispatch health workers to rural areas in southeast Myanmar where they previously were not working. However, physical access such as inadequate roads and bridges reinforces the isolation of these villages, as many health workers cannot access them, or are unwilling to access them:

*"Although the Township administrator sends a doctor from Thandaunggyi Township [to the villages], the doctor does not go to the villages since there is problem for the car to travel there. The road which goes to the villages that the doctor has to take for treating the [villagers'] illnesses takes three hours by motorcycle. The road is also rough since it was constructed by the villagers. The doctor said, "I cannot sacrifice myself," and he turned back at the half way [point]."*

Situation Update written by a KHRG researcher, Thandaunggyi Township, Toungoo District/northern Kayin State (received in November 2015)<sup>543</sup>

Myanmar government health workers being absent from their appointed villages, as evident in the above case, have serious consequences for villagers in need of healthcare, such as the death of a mother in child birth:

*"On May 29<sup>th</sup> 2014, in Toungoo District, Thandaunggyi Township, a villager from A--- village delivered her baby. There were mid-wives appointed by the [Burma/Myanmar] government, but they were never in the village. She had to deliver the baby with a hired [non-formally trained] midwife. Because she delivered the baby with a hired mid-wife, it took so long that her placenta did not come out and the hired mid-wife [had to] cut her placenta out with scissors. The blood ran without stopping and she died. If there were mid-wives [from the Burma/Myanmar government] and medicine, we could have saved the pregnant woman".*

Situation Update written by a KHRG researcher, Thandaunggyi Township, Toungoo District/northern Kayin State (received in July 2014)<sup>544</sup>

<sup>539</sup> ["Doooplaya Interview: Saw B---, March 2015,"](#) KHRG, November 2016; see also ["Nyaunglebin Situation Update: Mone Township, November 2013 to January 2014,"](#) KHRG, July 2014.

<sup>540</sup> ["Papun Situation Update: Northern Lu Thaw Township, March to June 2012,"](#) KHRG, September 2012; see also ["Nyaunglebin Situation Update: Mone Township, November 2013 to January 2014,"](#) KHRG, July 2014; ["Toungoo Interview: Naw A---, January 2015,"](#) KHRG, July 2015.

<sup>541</sup> Source #129; see also ["Hpapun Interview: Saw A---, July 2015,"](#) KHRG, April 2017.

<sup>542</sup> Source #168.

<sup>543</sup> Source #94.

<sup>544</sup> ["Toungoo Situation Update: Thandaunggyi Township, April to June 2014,"](#) KHRG December 2014; see also source #11.

The above case shows that even when Myanmar government health workers have been appointed in rural areas, they often do not stay in the village reliably or permanently, leaving villagers to rely on unskilled, traditional medics. In many cases where government health workers refuse to go to rural areas despite the health needs of villagers, they are also unwilling to stay in the villages because of poor living conditions, further deteriorating rural villagers' access to healthcare.<sup>545</sup> As noted by a community member in Bilin Township, Thaton District in 2014:

*"In Ec--- village, the Myanmar government set up a clinic for the villagers but the government health worker who is going to take care of the villagers does not want to live amongst the Karen people. I heard from the villagers that she said that if she is given the responsibility of injecting vaccines [for the villagers], she will come and inject the vaccine and then she will return to her village."*

Situation Update written by a KHRG researcher, Bilin Township, Thaton District/  
northern Mon State (received in November 2014)<sup>546</sup>

The above testimony by a KHRG researcher suggests that not only physical barriers of a lack of clinics and infrastructure in rural areas impact villagers' access to healthcare, but also ethnic divisions continue to impact the adequacy of healthcare that Karen villagers receive, as a trained, appointed Myanmar government health worker does not want to live *"amongst the Karen people"*.

In some areas however, villagers report that there has been a marked increase in the number of Myanmar government health services available,<sup>547</sup> including both the number of staff and number of newly constructed clinics. Naw Ew--- from Kyaukkyi Township, Nyaunglebin District in 2016 notes Myanmar government staff are now more present in her area and villagers feel safer to contact them:

*"Regarding healthcare, in the past it was not easy to call a Myanmar government doctor if we were sick. Now there are Myanmar government doctors entering our village. Our Karen people are just health workers [without full medical training]. Therefore, if we get a serious illness, we just call the Myanmar government doctor. In the past, when we were sick, we dared not to call doctors at night. That is why some sick people suffered until they died. After the ceasefire, we dare to go to call the doctors to come and provide medical treatment whenever we want to."*

Naw Ew--- (female, 24), Ex---- village, Khel Ken Koh village tract, Kyaukkyi Township,  
Nyaunglebin District/eastern Bago Region (interview received in December 2016)<sup>548</sup>

However, villagers report that many healthcare facilities that have been established in the post-ceasefire period are poorly constructed and lack trained medical staff, equipment, and essential medicines.<sup>549</sup> As reported by Saw PP--- from Dooplaya District in 2016:

*"Currently, there is hospital but there are no medics and medicine. And sometimes there is medicine but there are not enough different types of medicines so [villagers] have buy [medicine from outside]."*

Saw PP--- (male, 37), Win Yay Township, Dooplaya District/southern Kayin State  
(interview received in November 2016)<sup>550</sup>

In addition to a lack of supplies and staff, due to a lack of consistent funding and oversight by the Myanmar government or the authority responsible for the construction, some newly constructed

<sup>545</sup> ["Toungoo Situation Update: Thandaunggyi Township, March to July 2015,"](#) KHRG, March 2016.

<sup>546</sup> ["Thaton Situation Update: Bilin Township, August to October 2014,"](#) KHRG, April 2015.

<sup>547</sup> Source #50.

<sup>548</sup> Source #165.

<sup>549</sup> ["Thaton Situation Update: Thaton Township, July to October 2015,"](#) KHRG, April 2016.

<sup>550</sup> Source #163.

healthcare facilities never open<sup>551</sup> or are defunct as soon as the opening ceremony has been completed.<sup>552</sup> One KHRG researcher from Thaton District reported to KHRG in 2014:

*"We [the community] need more healthcares [professionals] in this area [Thaton Township]. The Myanmar government built clinics in many places but there are no nurses or medics. There are no people who look after these buildings so some of the buildings were destroyed and some became goat pens."*

Situation Update written by a KHRG researcher, Thaton Township,  
Thaton District/northern Mon State (received in July 2014)<sup>553</sup>

### **Access to healthcare: communication and coordination**

Given both the lack of access and void in rural areas of functioning and culturally appropriate Myanmar government healthcare facilities, villagers have consistently relied on a number of different actors to fill the gaps in service provision. Most of these services are provided by Karen healthcare CBOs and the Karen Department of Health and Welfare (KDHW) under the KNU administration, neither of which could operate openly under conflict for risk of being accused of supporting Karen EAGs through their work.<sup>554</sup> However, one villager in Hpa-an District reported in 2014 that the Myanmar government has not given the option for healthcare services to be KNU-led or self-reliant and community-led, asserting its presence in areas where villagers state their preference for services provided by local actors instead of the Myanmar government:

*"[W]e heard that they [the Burma/Myanmar government] came and built hospitals in Klaw Ga Di village and Shan Ywa Thit village. But they do not allow Karen [KNU] to build a 50 bed or 100 bed hospital in Paingkyon Town."*

Saw A--- (male, 36), C--- village, Nabu Township, Hpa-an District/  
central Kayin State (interviewed in May 2014)<sup>555</sup>

Since the 2012 ceasefire, there has also been an increase in health CBOs operating in rural southeast Myanmar. While these CBOs often provide essential vaccinations and basic medical supplies to villagers in rural areas, villagers have raised concerns over the unpredictability of their services due to a lack of consultation and communication between villagers and the healthcare provider. This lack of communication and consultation is evident in many services that are provided in southeast Myanmar,<sup>556</sup> and has resulted in confusion among villagers and an overlap in services in some areas whilst a void continues in other areas. For example, a KHRG researcher from Dooplaya District reported in 2014:

*"There are two township clinics that were opened by the KNU which are free of charge. Although each township has [Burma/Myanmar government] Anti-Malaria Teams, there are [additional] government organisations and associations entering the community [other than the] Anti-Malaria Team, including Mother and Child Care and Polio Protection and Immunisation and Anti-Tuberculosis. Villagers do not know which injection they should get and they also worry that they will not get the right injection. In 2013 a medical complication arose after a villager had an*

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<sup>551</sup> Source #123.

<sup>552</sup> *"The clinic was already built and the opening ceremony also was already held but until the present time the lock [on the clinic] has never opened [for the villagers]. There are also no medics or patients. The villagers were mainly talking about that clinic. A villager from Eu--- village said that the clinic looks very beautiful but you cannot use it for anything."* Source #123; see also ["Toungoo Situation Update: Thandaunggyi Township, November 2015 to February 2016,"](#) KHRG, November 2016.

<sup>553</sup> ["Thaton Situation Update: Thaton Township, April 2014,"](#) KHRG, January 2015.

<sup>554</sup> ["Dooplaya Situation Update: Kyonedoe Township, January to June 2014,"](#) KHRG, September 2014; see also ["Thaton Situation Update: Thaton Township, July to October 2015,"](#) KHRG, April 2016; ["Toungoo Situation Update: Thandaunggyi Township, November 2015 to February 2016,"](#) KHRG, November 2016.

<sup>555</sup> ["Hpa-an Interview: Saw A---, May 2014,"](#) KHRG, May 2015.

<sup>556</sup> For more information see Chapter 6: Development.

injection for elephantiasis.<sup>557</sup> *Because of the 2013 medical complication, villagers were concerned with which health teams [or organisations] will arrive next to give help.*

Situation Update written by a KHRG researcher, Win Yay Township, Dooplaya District/southern Kayin State (received in November 2014)<sup>558</sup>

As the above report suggests, healthcare providers have been active in increasing health awareness trainings to villagers after the preliminary ceasefire, although many areas remain poorly serviced and lack permanent healthcare staff.<sup>559</sup> Additionally, villagers have found that they are not consulted on their health priorities with regards to the trainings that are available, and do not know the schedule of when these mobile teams will return to their community.<sup>560</sup>

However, the presence of KNU medics and CBOs has provided essential, if not consistent or extensive, healthcare for villagers particularly in more remote areas and for villagers who face financial barriers to traveling and accessing Myanmar government hospitals, easing some villagers' health concerns. According to one KHRG community member from Thaton District in 2015:

*"Those who live near towns go to town for treatment. Those who have insufficient money for treatment, they find their own ways of treating their illnesses. In KNU side [KNU-controlled areas], Back Pack<sup>561</sup> has set up clinics in every area. Therefore, those who cannot afford to go to town [for treatment] try to go to the KNU side [clinics], where they also receive enough medicine"*

Situation Update written by a KHRG researcher, Thaton Township, Thaton District/northern Mon State (received in November 2015)<sup>562</sup>

The reliance on CBOs and local Karen medics due to inadequate Myanmar government services is evident throughout KHRG's 25 years and the presence of these local organisations has been life-saving for villagers in hiding or immobile due to severe movement restrictions and poor infrastructure.<sup>563</sup> However, even with these various actors providing services in rural areas, many villagers have suffered over 25 years from inadequate access to healthcare facilities and services. The recent improvement in quantity of healthcare buildings has done little to improve the health of villagers on the ground if the services remain unstaffed, without medicine, and without coordination or consultation by different service providers.

### **Acceptability of healthcare: inadequate staff and skill**

In addition to concerns with regard to lack of access, villagers have consistently raised their concerns over quality of healthcare services. In recent reports, notably since 2014, when clinics and healthcare services are staffed, villagers also report that the quality of the services provided by Myanmar government health workers is poor. The lack of trained medical staff, generally supplied by the Myanmar government, will take longer to overcome than the lack of a physical building or well-stocked medicine cabinet. The training that both KNU medics and Myanmar health workers

<sup>557</sup> KHRG has previously published reports detailing incidents of negative side-effects as a result of elephantiasis vaccine. The KHRG community member could be referring to the incident which occurred between September 9<sup>th</sup> and 13<sup>th</sup> 2013, when elephantiasis vaccine was distributed to 1144 villagers from Kawkaireik Township by the Myanmar government. Some villagers who received the vaccination experienced dizziness, vomiting, itchy skin, swollen testicles, and even one case of miscarriage. For further details see, "[Dooplaya Situation Update: Kyonedoe Township, September to December 2013](#)," KHRG, September 2014. Similar incidents occurred in other districts. See for example, "[Field Report: Thaton District, September 2012 to December 2013](#)," KHRG, December 2015.

<sup>558</sup> "[Dooplaya Situation Update: Kyonedoe and Kawkaireik townships, July to November 2014](#)," KHRG, January 2016.

<sup>559</sup> Source #108.

<sup>560</sup> "[Thaton Situation Update: Hpa-an Township, January to June 2014](#)," KHRG, October 2014; see also "[Toungoo Photo Set: Ongoing militarisation and dam building consequences, March to April 2013](#)," KHRG, February 2014.

<sup>561</sup> Back Pack refers to the Back Pack Health Workers' Team (BPHWT), an organisation that provides medical treatment for villagers in remote areas.

<sup>562</sup> "[Thaton Situation Update: Thaton Township, July to October 2015](#)," KHRG, April 2016.

<sup>563</sup> "[Toungoo district: Civilians displaced by dams, roads, and military control](#)," KHRG, August 2005; see also "[Living conditions for displaced villagers and ongoing abuses in Tenasserim Division](#)," KHRG, October 2009.



receive is too brief to secure the knowledge and skills necessary to provide quality healthcare services to villagers. As a result, when healthcare services are available, insufficiently trained health workers can often do little to address villagers' health concerns and simply refer sick villagers to other clinics which are further away.<sup>564</sup>

*"The health workers were elected to work for the health service but they are not well trained or qualified to treat serious patients so, the villagers have to face challenges. For the villagers who face serious diseases, most of them go to town for the medical treatment."*

Saw Eh--- (male, 24), Ei--- village tract, Thaton Township, Thaton District/  
northern Mon State (interview received in November 2016)<sup>565</sup>

In addition to not being well trained or qualified, villagers report that these health workers often fail to communicate effectively with their patients and results in many villagers currently not knowing their health options and being uncertain whether it is safe to take certain medicines, such as in the area of reproductive health, with serious health consequences:

*"[There is a] lack of health awareness at the Township level. [...] In rural areas, women do not want to use contraceptive pills because they are afraid to use them. There is no effective awareness [conducted]. If there is effective awareness, there would be no big concern [for them to use contraceptive pills]. In Kyaukkyi Town, many women had not given birth to their child successfully [they have faced birth complications] because they lack access to [health] awareness. They do [not] have knowledge on what to do and what not to do [when getting pregnant and giving birth]. Moreover, there are few health workers. In Karen State [southeast Myanmar], [pregnant] women in the villages are not well taken care by the [health workers]. Because women have a lack of knowledge about reproductive health, about what to do and what they should not do, about one third of women who got married after [they turned] 18 years old have lost their baby [in childbirth or infancy]."*

Naw Ej---- (female, 38), Ek---- section, Kyaukkyi Township, Nyaunglebin District/  
eastern Bago Region (received in February 2016)<sup>566</sup>

Problems of poor communication between health workers and patients, a lack of awareness for patients about their health options, and poorly trained medical staff, are evident also in recent cases where healthcare providers have denied patients treatment for no evident reason,<sup>567</sup> failed to communicate how to safely and effectively use prescribed medicine and medical supplies,<sup>568</sup> acted negligently by failing to discuss potential side effects of treatment with patients,<sup>569</sup> and been unable to offer effective treatment to patients in need.<sup>570</sup> This is aggravated by the lack of culturally appropriate staffing in southeast Myanmar, with many Myanmar government-appointed healthcare staff being unable to speak Karen and therefore unable to communicate with patients effectively.<sup>571</sup> For this reason, villagers have reported serious side effects after receiving

<sup>564</sup> *"We do not have clinics in our village but we have midwives and local health workers who know a bit about how to give treatments to sick people. We just get injections from them. If we have serious sickness or diseases, we have to go to [clinics] in Ep--- village to get medical treatment."* Source #170; see also ["Toungoo Situation Update: Thandaunggyi Township, July to November 2014,"](#) KHRG, April 2015; see also source #161.

<sup>565</sup> Source #161.

<sup>566</sup> Source #108.

<sup>567</sup> Source #43.

<sup>568</sup> Source #17.

<sup>569</sup> ["Toungoo Situation Update: Thandaunggyi Township, January to February 2015,"](#) KHRG, October 2015. KHRG has received several other reports of villagers experiencing negative side effects after taking medicine for elephantiasis provided by the Myanmar government. See for example, ["Dooplaya Situation Update: Kyonedoe Township, September to December 2013,"](#) KHRG, September 2014; as well as ["Hpa-an Interview: Saw A---, May 2014,"](#) KHRG, May 2014; see also ["Hpa-an Interview: Saw U---, December 2013,"](#) KHRG, October 2014; and ["Field Report: Thaton District, September 2012 to December 2013,"](#) KHRG, December 2014.

<sup>570</sup> ["Hpapun Interview: Saw A---, July 2015,"](#) KHRG, April 2017.

<sup>571</sup> ["Toungoo Situation Update: Thandaunggyi Township, June to August 2016,"](#) KHRG, March 2017.



vaccinations from insufficiently trained health workers, and lack trust in some Myanmar government health workers to work in the best interests of the patient.<sup>572</sup> These experiences do little to empower villagers to respond to their own health needs. Furthermore, reports of poor communication do little to encourage villagers to access Myanmar government services where they are made available.

### Access to healthcare: livelihood and financial insecurity

An additional concern with regard to access to healthcare for villagers in southeast Myanmar is their livelihood and financial insecurity. For villagers able to access Myanmar government health facilities such as those located in larger towns, particularly in the post-ceasefire era, the cost of healthcare services and prescribed medicines have been described as unaffordable.<sup>573</sup> This financial barrier has been present throughout KHRG's 25 years reporting period. Villagers throughout the reporting period have faced debt in order to pay for the cost of medicine and medical treatments for their family members<sup>574</sup> while some have sold personal possessions to cover these expenses.<sup>575</sup> According to Saw PP--- from Dooplaya District in 2016:

*"For some widows, they do not have money therefore they sell their land or borrow money from others and they are in a situation of debt. They receive medical treatment and have to repay their debts as well, so they cannot be safe from debt."*

Saw PP--- (male, 37), Win Yay Township, Dooplaya District/  
southern Kayin State (interview received in November 2016)<sup>576</sup>

Poorer villagers who struggle to pay for the cost of healthcare services identify a further barrier in accessing adequate services, reporting that they are discriminated against with regard to priority health treatment or are not treated at all. This is the case with both private and public health workers who have discriminated against poorer patients.<sup>577</sup> In this case, poorer patients report that they are ignored by health workers,<sup>578</sup> feel pressured to pay more money to receive better treatment,<sup>579</sup> and receive sub-standard care due to their financial status.<sup>580</sup> The benefits of good quality healthcare therefore remain inaccessible to villagers who do not have sufficient finances. This has significant impacts, as noted by one KHRG researcher in Thandaunggyi Township, 2014:

*"There is one thing; naturally, some medics only look for their self-profit and they do not fully sacrifice or show their benevolence to the patients [by treating poorer patients]. For the rich people, as they have money, they do not have to face big problems [to access medical treatment]. Because of having a shortage of medicine, [villagers] have to face problems in many ways and some people have lost their lives for nothing [because they could not afford treatment or access medicine]."*

Situation Update written by a KHRG researcher, Thandaunggyi Township,  
Toungoo District/northern Kayin State (received in July 2014)<sup>581</sup>

<sup>572</sup> ["Toungoo Situation Update: Thandaunggyi Township, April to June 2014,"](#) KHRG, December 2014; ["Dooplaya Situation Update: Kyonedoe Township, September to December 2013,"](#) KHRG, September 2014.

<sup>573</sup> Source #94.

<sup>574</sup> Source #18.

<sup>575</sup> ["SLORC IN KYA-IN & KAWKAREIK TOWNSHIPS,"](#) KHRG, February 1996.

<sup>576</sup> Source #163.

<sup>577</sup> Source #30; see also ["Hpapun Situation Update: Bu Tho Township, February to July 2014,"](#) KHRG, September 2014.

<sup>578</sup> Source #94; see also ["Toungoo Situation Update: Thandaunggyi Township, April to June 2014,"](#) KHRG, December 2014; and ["Hpapun Situation Update: Dwe Lo Township, May to August 2016,"](#) KHRG, January 2017.

<sup>579</sup> Source #139.

<sup>580</sup> ["Thaton Situation Update: Thaton Township, July to October 2015,"](#) KHRG, April 2016.

<sup>581</sup> Sources #30.

These financial concerns over both access and acceptability of treatment are raised in a context where many villagers report recurring livelihood insecurities and financial instability. Villagers' livelihood insecurities have been present throughout 25 years of KHRG reports and have continually impacted their basic health and survival, as villagers have been forced to pay for basic medicines which should have been supplied by Myanmar government for free:

*"The SPDC [Tatmadaw/Myanmar government], when it does allot money to build a clinic, will not provide medics with training, nor give the village money for medicine. In many cases medics must buy medicine for the village with their own money, then rely on the villagers to pay them back. When supplies are short villagers must cope with saline injections and Paracetamol as the only available treatment unless it is serious enough to make a journey to the nearest hospital, often many days' journey by foot."*

Report written by a KHRG researcher, Dooplaya District/  
southern Kayin State (published in March 2000)<sup>582</sup>

Additionally, through abuse by armed actors, namely Tatmadaw, villagers according to KHRG reports have been forced into states of poverty and financial insecurity, directly impacting their health. Due to constant demands for forced labour evident in KHRG reports between 1992 and 2012, with some districts reporting cases of forced labour ongoing in 2015 and 2016, villagers have often been left with little time to devote to their farms and other income generating activities, negatively impacting their livelihood, finances and food security.<sup>583</sup> These concerns have been compounded by Tatmadaw's direct theft and destruction of land, food stores, and means of food production during village attacks in the 1990s most commonly, but also in the late 2000s.<sup>584</sup> The abuses of theft, looting, extortion, land confiscation and forced labour have weakened traditional livelihood subsistence, directly impacted villagers' food security, financial security and, therefore, their physical health. As such, villagers throughout KHRG's reporting period have been left with little money to spend on health services or medications, forced to go without treatment or to sell their remaining possessions for treatment.<sup>585</sup>

Serious livelihood struggles have been heightened in cases of severe health problems caused by abuse, and the right to health is repeatedly identified by many villagers as essential in order to secure their own livelihood.<sup>586</sup> For example, villagers who have been left disabled after being shot or maimed by landmines have reported the difficulty of securing their livelihood after the abuse.<sup>587</sup> This concern is intensified by the lack of adequate support services that can support survivors of serious abuse, and in some cases during KHRG's reporting period has led villagers to take their own lives, such as 18 years old Saw Ed--- from Ee--- village, Toungoo District, in 2007:

<sup>582</sup> ["STARVING THEM OUT: Forced Relocations, Killings and the Systematic Starvation of Villagers in Dooplaya District,"](#) KHRG, March 2000.

<sup>583</sup> ["UNCERTAINTY, FEAR AND FLIGHT: The Current Human Rights Situation in Eastern Pa'an District,"](#) KHRG, November 1998.

<sup>584</sup> For more information see Chapter 5: Looting, Extortion and Arbitrary Taxation.

<sup>585</sup> ["SLORC IN KYA-IN & KAWKAREIK TOWNSHIPS,"](#) KHRG, February 1996; ["Achieving Health Equity in Contested Areas of Southeast Myanmar,"](#) The Asia Foundation, June 2016.

<sup>586</sup> "[My most important human right] is health. I have been sick [and not accessed medical care] for around three years, so I cannot work on my farm. Therefore, I have to buy paddy for my family but I do not have money and I do not know where to find money. I am not healthy so I cannot do any job. Moreover, I cannot do anything [to improve my health] without money." Source #168; see also "On April 13<sup>th</sup> 1997 my cousin was hurt by the SLORC [Tatmadaw] because for only one day he'd missed going for labour building the houses for SLORC [soldiers'] families. The SLORC hit him with a gun on his head, above his right ear, and his head was broken. So then the SLORC sent him to the hospital, but they didn't give any food to feed him in the hospital, and they didn't even pay the cost of the medicine. They only paid the hospital for the first day. Now my cousin still isn't healed yet. He said he'll come here once he heals. His farm and his big house were already taken by the SLORC because his fields are near the SLORC camp." ["ABUSES AND RELOCATIONS IN PA'AN DISTRICT,"](#) KHRG, August 1997.

<sup>587</sup> ["Nyaunglebin Interview: U A---, January 2016,"](#) KHRG, February 2017.

*"In the rainy season Saw Ed--- was forced to porter food supplies for the soldiers of [Tatmadaw] MOC #5. During this forced labour, he was made to act as a human minesweeper at the front of the patrol and consequently lost a leg when he stepped on a landmine. On returning from hospital, he discovered his wife had no remaining rice left to cook for them. Knowing the difficulties he would face without his leg and the situation he and his wife were already facing, he also decided he didn't want to continue his life and hung himself on September 10<sup>th</sup> 2007."*

Commentary written by a KHRG researcher, Toungoo District/  
northern Kayin State (published in December 2007)<sup>588</sup>

Of concern, villagers living with disabilities related to landmine incidents or other physical effects of the conflict continue to suffer due to the void in adequate health services and no additional welfare support. It is therefore pertinent that villagers, particularly those who have lived through sickness, abuse and poverty, continue to face the health consequences of insecure livelihoods and finances with regards to access and acceptability of health services, highlighting that healthcare has not been and continues to not be free, with equal treatment and equal access for villagers in southeast Myanmar.

### **Access to healthcare: reliance on traditional medicine**

The lack of trained healthcare staff, deficient health infrastructure, and poor experiences with some health workers means that villagers continue to rely on local medics with uncertain levels of training for their healthcare, which in some cases has significantly worsened villagers' health problems. Additionally, as a result of the lack of available, accessible, and affordable healthcare services, many villagers in rural areas rely on the use of traditional medicine or buy non-prescribed medications to treat their medical ailments, a common agency tactic also during conflict.<sup>589</sup> Under these circumstances, little appears to have changed over 25 years. In 2014, a community member from Toungoo District reported:

*"For some villagers, when they are sick they just work it out in their own way by buying oral medicine or intravenous medicine from the shops, [while] some just heal the sickness by traditional medicines from the plants. If a critical illness happens [to a villager] and if they go to the hospital it is expensive and there are patients who cannot afford to go to the hospital. Because of these reasons, some villages' patients pass away without having a chance to go to the hospital, as they cannot afford to go to the hospital."*

Situation Update written by a KHRG researcher, Thandaunggyi Township, Toungoo District/  
northern Kayin State (received in November 2014)<sup>590</sup>

During conflict villagers who could not access healthcare facilities or medics due to physical, economic, or safety barriers also relied heavily on the use of local healers and traditional medicine even to treat serious illnesses and wounds.<sup>591</sup> This reliance was most acute for villagers in hiding or those who had fled abuse, who had no option to access health services or basic medicines, such as IDPs from Nyaunglebin District in 1999:

*"They have no medicines and speak of treating gunshot wounds by applying sesame oil after saying incantations. When interviewed one villager sent out a plea for help with supplies of rice, cookpots and medicines, saying that other things they can make from the forest but not these."*

Field report written by a KHRG researcher, Nyaunglebin District/  
eastern Bago Region (published in February 1999)<sup>592</sup>

<sup>588</sup> ["Villagers risk arrest and execution to harvest their crops,"](#) KHRG, December 2007.

<sup>589</sup> ["STARVING THEM OUT: Forced Relocations, Killings and the Systematic Starvation of Villagers in Dooplaya District,"](#) KHRG, March 2000; see also ["Toungoo Situation Update: Thandaunggyi Township, April to June 2014,"](#) KHRG, December 2014; ["Toungoo Situation Update: Thandaunggyi Township, July to November 2014,"](#) KHRG, April 2015.

<sup>590</sup> ["Toungoo Situation Update: Thandaunggyi Township, July to November 2014,"](#) KHRG, April 2015.

<sup>591</sup> ["Dooplaya Situation Update: Kya In Seik Kyi Township, September 2012,"](#) KHRG, June 2013.

<sup>592</sup> ["KAREN HUMAN RIGHTS GROUP INFORMATION UPDATE,"](#) KHRG, February 1999.

## Conclusion

The cases analysed and presented here demonstrate the persistent void in healthcare services in southeast Myanmar over 25 years, and the life threatening consequences that this continues to have. Whilst some recent developments have been hailed as improvements, such as the increased construction of clinics and hospitals, and the lifting of restrictions on freedom of movement and trade of medical supplies, this chapter demonstrates that many essential healthcare services remain both inaccessible and unacceptable, particularly for vulnerable and rural populations in southeast Myanmar. Severe barriers to security of health under conflict due to movement restrictions, prohibitions on medicine, displacement and forced relocation have diminished, only to be overshadowed by physical barriers of poor roads preventing both patients travelling to hospitals and health workers travelling to villages, and the lack of permanent health workers in rural areas result in continued cases of villagers not receiving the treatment that they need, often urgently. The result is the same: that villagers in southeast Myanmar do not have adequate access to healthcare services, and sickness and death from otherwise preventable cases continues to be the result.

Moreover, villagers' voices presented here testify that when services are available, the quality remains unacceptable, with cases of discrimination by health workers against poorer patients, patients receiving incorrect treatment, and patients lacking access to the necessary medicines. Additionally, a significant barrier to accessing adequate healthcare for villagers in southeast Myanmar which is yet to be removed is financial, as throughout KHRG's 25 years analysis villagers' have reported the severe financial consequences of both abuse and health treatment, with many falling into debt in order to pay for even basic healthcare. Villagers have used their own strategies to maintain health, relying on the use of traditional herbal medicine and local healers, but these cases fall short of acceptable health standards and villagers express their desire for improved access to health in all areas.

Ultimately, whilst the most severe restrictions and abuses which impacted villagers health during conflict have reduced, it is concerning to see that the necessary services have not been established in the post-ceasefire period to the extent and standard that is urgently needed. The result is that, whilst the extreme and immediate health consequences of abuse and conflict are no longer present in KHRG reports, villagers remain blocked from enjoying their right to full health.



## Photos: Health



This photo was taken on January 18<sup>th</sup> 2017 in Taung Soe village, Si Pyay village tract, Win Yay Township, Dooplaya District. This photo shows a local clinic in Taung Soe village. According to villagers, there are not enough health workers at this clinic and the health workers do not always stay at the clinic so villagers continue to face troubles when they are sick. [Photo: KHRG]<sup>593</sup>



This photo was taken on November 29<sup>th</sup> 2015 in Tha Main Dwut village, Tha Main Dwut Village Tract, Kawkareik Township, Dooplaya District. It shows a clinic constructed by the Myanmar government health department. However, since the clinic was constructed there have been no health workers or medicines. For these reasons, villagers couldn't use it. [Photo: KHRG]<sup>594</sup>



This photo was taken on June 6<sup>th</sup> 2016, in Cow Thaw Cow village, Hon Thaw Plo village tract, Thandaunggyi Township, Toungoo District. It shows a KDHW clinic with health administrators who operate under the KNU health department. The health workers do not have enough medicines however they try to take care of local villagers as much as they can. [Photo: KHRG]<sup>595</sup>



This photo was taken on November 11<sup>th</sup> 2016 in Tha Main Dwut village, Tha Main Dwut village tract, Kawkareik Township, Dooplaya District. It shows members of the Backpack Health Worker Team (BPHWT) trying to help sick villagers by giving them medical treatment for free in Tha Main Dut village. [Photo: KHRG]<sup>596</sup>

<sup>593</sup> Source #175.

<sup>594</sup> Source #6.

<sup>595</sup> Source #138.

<sup>596</sup> Source #166.



This photo was taken in September 2014. It shows a clinic that was built by the Myanmar government in order to improve the health of the villagers in Kah Lee Kee village, Kyainseikgyi Township, Dooplaya District. In the past year villagers report that they have suffered from various diseases and that some villagers have died for treatable diseases. However, they report that the health situation is getting better compared to the past because now the clinic is available in the village. [Photo: KHRG]<sup>597</sup>



This photo was taken on April 20<sup>th</sup> 2014 in Kyoh Kah Loh village, Htee Th'Daw Htah village tract, Buh Tho Township, Hpapun District. This photo shows a clinic constructed by an unknown NGO, with some involvement from the Myanmar government. The clinic was completed in 2012. This clinic aims to help villagers to get access to healthcare close to their area but until now villagers have not seen any medicine, only clinic construction. Villagers at the time this photo was taken did not have any information about whether they will get medicine in this clinic or not. [Photo: KHRG]<sup>598</sup>



This photo was taken on December 27<sup>th</sup> 2014 at Leik Tho Town, Thandaunggyi Township, Toungoo District. It shows a free healthcare service provided at the public hospital. The service is led by the local KNU government and medical specialists. [Photo: KHRG]<sup>599</sup>



This photo was taken on April 19<sup>th</sup> 2014 in Meh Lah Htah area, Htee Th'Daw Htah village tract, Bu Tho Township, Hpapun District. It shows a women suffering from an unknown illness. She cannot access proper treatment or prescription medicine due to the cost of travel and treatment, and the distance to the hospital. Instead her husband is making a traditional herbal and leaf medicine for her. [Photo: KHRG]<sup>600</sup>

<sup>597</sup> Source #50.

<sup>598</sup> Source #31.

<sup>599</sup> Source #65.

<sup>600</sup> Source #31.





IDP villagers in Lu Thaw Township, Hpapun District are shown here on March 4<sup>th</sup> 2009, having come to D--- IDP camp in order to receive medical treatment from a mobile Karen medical team. Such aid, delivered by local Karen staff working with small mobile medical teams which obtain supplies from across the border in Thailand remains crucial means by which IDP communities are able to address their health needs. [Photo: KHRG]<sup>601</sup>



This picture, taken on September 10<sup>th</sup> 2009, shows 39 years old convict porter Maung Tha---, who escaped after being taken from prison and forced to carry supplies for LIB #212. Maung Tha--- had been serving a 7 years term. He was sent to act as a porter on December 5<sup>th</sup> 2008. He told KHRG he escaped because he could no longer bear the heavy loads and verbal and physical abuse by soldiers. On his right shoulder can be seen scars from sores developed while carrying his loads. [Photo: KHRG]<sup>602</sup>



This photo from a 2000 KHRG report shows the body of villager Saw Maw Toh from K--- village in western Lu Thaw township, Hpapun District. Saw Maw Toh, aged 40, had fled with other villagers when Light Infantry Division #66 destroyed their village, but then died of illness in the forest because there was no medicine. He leaves a wife and 2 children aged 1 and 9. [Photo: KHRG]<sup>603</sup>



This photo from a 2000 KHRG report shows a sick villager staying in his hiding place Mone Township, Nyaunglebin District, unable to leave to access medicine. Tatmadaw troops had been sweeping their area since November, causing many villagers to go into hiding. This villager has been sick but has not got medicine. Thousands of internally displaced villagers were living in hiding in the forested hills with little food and no medicines during this time, dodging Tatmadaw patrols which systematically destroyed their shelters and food supplies. [Photo: KHRG]<sup>604</sup>

<sup>601</sup> “[KHRG Photo Gallery 2009](#),” KHRG, July 2009.

<sup>602</sup> “[KHRG Photo Gallery 2010: Convict Porters](#),” KHRG, June 2010.

<sup>603</sup> “[PHOTO SET 2000-A](#),” KHRG, June 2000.

<sup>604</sup> “[PHOTO SET 2000-A](#),” KHRG, June 2000.



This photo is of a villager in Hpapun District, 1994, who was shot from behind by a Tatmadaw patrol as he was fleeing to avoid being taken as a porter. The bullet entry wound is in the back of his right thigh, and the larger exit wound on the front of his thigh. He is having the wound cleaned with a needle and a string soaked in antiseptic, without anaesthetic. His bandage is a rag held on with a bamboo legging. [Photo: KHRG]<sup>605</sup>



This photo shows a mother and her son in Kwih Kaneh Khoh village, Kyainseikgyi Township, Dooplaya District, November 1996. On 27<sup>th</sup> October 1996 a column of Tatmadaw troops attacked and looted Kwih Kaneh Khoh village, Kyainseikgyi Township, Dooplaya District (southwest of Kyaikdon). The village was completely undefended and the troops marched into all 30 houses and looted everything, leaving the villagers with nothing. Just afterwards this woman's son fell sick, and when this photo was taken 3 weeks later he could no longer move. Tatmadaw does not allow medical supplies to enter this area. [Photo: KHRG]<sup>606</sup>



This photo from a report by KHRG in 1997 shows Maung PQ---, aged 28, a Muslim villager from Myawaddy Township, Dooplaya/Hpa-an District, who was taken as a frontline porter in 1996 even though he was already sick with malaria. Two weeks later he collapsed under his 40-kilo load of mortar shells, so he was kicked and beaten unconscious by the commander and kicked down a slope to die. Other porters escaped later and returned to find him and carry him to Thailand. Doctors operated 3 times, drained 1.5 litres of pus from his arm and thigh, and found he had a permanent corneal scar, a broken rib, serious damage to his arm, and the muscles of his thigh were so badly beaten that he will never walk properly again, all from the beatings. He was not even strong enough to be interviewed until one month later. [Photo: KHRG]<sup>607</sup>

<sup>605</sup> [“PHOTO DESCRIPTION LIST: SET 94-C MURDERS \(THATON DISTRICT\), DETENTION \(PAPUN DISTRICT\),”](#) KHRG, October 1994.

<sup>606</sup> [“Dooplaya District: Before the Offensive,”](#) KHRG, May 1997.

<sup>607</sup> [“Dooplaya District: Before the Offensive,”](#) KHRG, May 1997.





This photo, taken in eastern Nyaunglebin/Hpapun District, shows a woman who had fled her hill village due to Tatmadaw attacks in 1997. The woman is hiding in a forest shelter and had been down with serious dysentery for several days. She had no medicine, and could die from this illness. [Photo: KHRG]<sup>608</sup>



This photo from a 1994 KHRG report shows a sick and malnourished baby Karen girl in Thaton district. Infant mortality in these areas was extremely high due to Tatmadaw offensives, looting, extortion, and the Tatmadaw blockade against any medicines entering this 'insurgent' area. [Photo: KHRG]<sup>609</sup>

<sup>608</sup> [“The SLORC/SPDC Campaign to Obliterate All Hill Villages in Papun and Eastern Nyaunglebin Districts,”](#) KHRG, February 1998.

<sup>609</sup> [“PHOTO DESCRIPTION LIST: SET 94-C MURDERS \(THATON DISTRICT\), DETENTION \(PAPUN DISTRICT\),”](#) KHRG, October 1994.

## Chapter 5: Looting, Extortion and Arbitrary Taxation

*“They [SPDC/Tatmadaw] asked me for money but I had no money because I was just a farmer. I only had money sometimes when I hired myself out to work. If I couldn’t give them money they said they’d hit me and kill me. So I had to borrow some money from another villager. If I couldn’t find the money, I had to go as a porter for them.”*

Saw Da--- (male), quoted in a report written by KHRG, Db---- village, Hpa-an District/central Kayin State (interviewed in September 1998)<sup>610</sup>

*“We [villagers] have to pay them [KNU] every year. We have to pay cardamom and motorbike [taxes to] them. The KNLA [Karen National Liberation Army] also demanded money from us. They [villagers] mainly complained about cardamom and motorbike taxations. They [villagers] always talk to the village heads to bring up this issue whenever they [village heads] go to a meeting along with [KNU] top leaders. They taxed it in two levels. They firstly demanded it at the village level, then at the checkpoint level.”*

Saw A--- (male, 52), B--- village, Htantabin Township, Toungoo District/northern Kayin State (published in November 2016)<sup>611</sup>

### Key Findings

1. Villagers report that taxes in southeast Myanmar remain unclear and arbitrary, and that, in addition to taxation by the Myanmar government and KNU, they are often taxed by multiple armed groups. Villagers report that they do not see any benefit to their lives from taxation and that the taxation is not proportionate to their income, making it a financial burden. The burden that taxation places on villagers, with little to no social benefit provided in return for this taxation means that most taxation in southeast Myanmar can be viewed as arbitrary. Furthermore, villagers continue to mistrust the tax system due to excessive taxes and extortion levied on them throughout the conflict by Tatmadaw and EAGs.
2. The persistent presence of armed checkpoints is a significant restriction on villagers’ trade, freedom of movement, access to basic goods and ability to earn an income. These checkpoints are often run by multiple armed groups in southeast Myanmar. Furthermore, the presence of checkpoints increases villagers’ exposure to armed actors and, therefore, to additional abuses including threats, arbitrary arrest, violent abuse and detention.
3. During the conflict, looting and extortion, committed most commonly by Tatmadaw, acted as direct attacks on villagers livelihoods. A significant consequence of looting and extortion, when combined with additional abuses in armed conflict, was displacement, and many villagers faced debt or refused to meet the demands levied on their village by armed actors.
4. Extortion, while less frequent since the 2012 ceasefire, is a barrier for villagers to access justice when it is imposed by powerful actors, including the Myanmar Police and armed groups. The incidences of extortion in the justice system mean that villagers do not feel that the system works for their protection and helps to maintain their mistrust of the Myanmar government.

### Introduction

Consistently, throughout the 25 years of KHRG reporting, villagers in southeast Myanmar have found that their financial security has been undermined through various forms of abuse at the hands of armed actors. The analysis of KHRG reports has shown that Karen villagers have been

<sup>610</sup> [“UNCERTAINTY, FEAR AND FLIGHT: The Current Human Rights Situation in Eastern Pa’an District,”](#) KHRG, November 1998.

<sup>611</sup> [“Toungoo Interview: Saw A---, December 2015,”](#) KHRG, November 2016.

systematically targeted and impoverished through the methods of looting, extortion and arbitrary taxation. Whilst these abuses may not cause bodily harm, unlike some of the abuses covered in this report, they are included here because the impact that they had and continue to have on villagers in southeast Myanmar is as significant. Furthermore, although these abuses have been separated, they cannot be viewed completely in isolation, as they often accompany each other, as well as other abuses including displacement, violent threats, and land confiscation.

This chapter will highlight how villagers describe these abuses as serious because they severely undermine their ability to survive and fend for themselves, targeting basic possessions and villagers' savings, which are a form of security. However, in order to understand the present financial situation many villagers find themselves in, it is necessary to compare and contrast the current ceasefire period, which began with the preliminary ceasefire in 2012, with the conflict period covered by KHRG reports between 1992 and 2012, whilst maintaining an understanding that sporadic conflict has also continued since 2012. After the examination of the reports spanning 25 years, this chapter will proceed to analyse the impacts of these abuses according to villagers, including financial hardship, displacement, fear and mistrust of the taxation system. Finally, the agency strategies that villagers employ when they face looting, extortion and arbitrary taxation will be discussed.

## 25 years of looting, extortion and arbitrary taxation

The majority of the looting, extortion and arbitrary taxation committed during the conflict period covered by KHRG reports, between 1992 and 2012, were perpetrated by the Tatmadaw,<sup>612</sup> who attacked villagers as part of the 'four cuts' policy. The aim of this policy, which was officially adopted as a military tactic in the 1960s, was to sever links between civilians and EAGs including the Karen National Liberation Army (KNLA), by focusing on funding, supplies, intelligence, and recruits. Through looting, extortion and arbitrary taxation of the local population, the Tatmadaw attempted to limit the funding and supplies that could go to the KNLA. This was highlighted in a KHRG report from 1992, that *"any property or food is looted or destroyed by the State Law and Order Restoration Council (SLORC) troops as 'rebel supplies'"*.<sup>613</sup> However, the significant effect of this policy was on the villagers themselves, as in an attempt to deny food, money and supplies to the KNLA, the Tatmadaw denied villagers' access to these essential necessities. The four cuts policy severely hindered the villagers' ability to fend for themselves, and led to many of the excessive human rights abuses and livelihood impacts that villagers continue to feel the effects of.

The Democratic Karen Buddhist Army (DKBA Buddhist) and the Border Guard Force (BGF) also abused the financial survival of villagers during the conflict, by deliberately draining villagers of money and supplies through looting and extortion. In addition, the KNLA and Karen National Union (KNU) demanded food and money from villagers; however, community members frequently described this abuse in less accusatory terms, as illustrated by one villager from Toungoo District in 1999 when he stated that the village head *"was unable to avoid being friends with the KNLA"*.<sup>614</sup> Furthermore, the Tatmadaw,<sup>615</sup> DKBA (Buddhist),<sup>616</sup> KNU<sup>617</sup> and KNLA<sup>618</sup> demanded taxes from villagers arbitrarily throughout the conflict, using both financial fees, which were said to be for

<sup>612</sup> Tatmadaw refers to the Myanmar military throughout KHRG's 25 years reporting period. The Myanmar military were commonly referred to by villagers in KHRG research areas as SLORC (State Law and Order Restoration Council) between 1988 to 1997 and SPDC (State Peace and Development Council) from 1998 to 2011, which were the Tatmadaw-proclaimed names of the military government of Myanmar. Villagers also refer to Tatmadaw in some cases as simply "Burmese" or "Burmese soldiers".

<sup>613</sup> ["REPORTS FROM THE KAREN PROVINCES,"](#) KHRG, September 1992.

<sup>614</sup> ["DEATH SQUADS AND DISPLACEMENT,"](#) KHRG, May 1999.

<sup>615</sup> ["Dooplaya District: Fighting And Human Rights Abuse Still Continue After Ceasefire,"](#) KHRG, February 2005.

<sup>616</sup> ["DKBA soldiers attack Karen village in Thailand,"](#) KHRG, October 2008.

<sup>617</sup> ["Consolidation of Control: The SPDC and the DKBA in Pa'an District,"](#) KHRG, September 2002.

<sup>618</sup> ["CAUGHT IN THE MIDDLE,"](#) KHRG, September 1999; see also ["Developments in the SLORC/SPDC Occupation of Dooplaya District,"](#) KHRG, February 1998.

soldiers' salaries, and tax demands in the form of food supplies such as rice, which were said to be for soldiers' rations.<sup>619</sup> These taxes were not optional and were often demanded by multiple armed groups, through the village head, and caused a significant financial burden on the villagers. Therefore, not all the financial attacks on villagers can be attributed to the four cuts policy, but also because there was a direct reliance on villagers to support the activities of the armed groups through money, rice and other basic supplies.

Since the preliminary ceasefire, arbitrary taxes have continued to be levied against villagers by all of the armed groups that operate in southeast Myanmar, in addition to the taxes for public services by the Myanmar Government and the KNU. Nevertheless, the standard of public services in southeast Myanmar does not fairly reflect the level of taxation, which means that the majority of taxes can be considered arbitrary. Taxation in villages, and additional fees enforced at checkpoints on villagers, are now the most common complaints from communities with regard to their financial security. While, in general, recent examples of looting and extortion are limited and are perpetrated by a minority of corrupt individuals from the BGF,<sup>620</sup> Democratic Karen Benevolent Army (DKBA Benevolent),<sup>621</sup> Democratic Karen Buddhist Army (DKBA Buddhist Splinter),<sup>622</sup> and Tatmadaw<sup>623</sup> as well as the Myanmar Police<sup>624</sup> and government officials.<sup>625</sup>

### Legal and political commitments

Since signing the Nationwide Ceasefire Agreement (NCA) in 2015, the Tatmadaw/BGF, KNU, DKBA (Benevolent) and KNU/KNLA-PC have been subject to the agreement that they would reduce certain military activities. This includes looting and extortion, as can be seen in Articles 9.d and 9.g:

*"Avoid forcibly taking money, property, food, labour or services from civilians." And "Avoid the destruction of public property, looting, theft, or the taking of property without permission."*<sup>626</sup>

However, the word 'avoid'<sup>627</sup> allows potential for impunity of military actors for at least some of the attacks on villagers' financial survival, and can explain why there are still sustained incidences of these abuses. Most notably, the problem of arbitrary taxation by armed groups is not dealt with in the NCA and remains a sensitive and troublesome topic as it is heavily relied on by armed groups for their income generation.

There are significant weaknesses in the NCA and it may be more valuable to refer to international legislation. The international commitments placed upon the Myanmar Government, and Ethnic Armed Groups (EAGs), can be found in the Fourth Geneva Convention. Article 31 of the Convention prohibits the use of extortion:

<sup>619</sup> ["Extortion and restrictions under the DKBA in Pa'an District,"](#) KHRG, March 2009, see also ["Livelihood consequences of SPDC restrictions and patrols in Nyaunglebin District,"](#) KHRG, September 2009.

<sup>620</sup> Source #36.

<sup>621</sup> ["Dooplaya Interview: Naw A---, March 2015,"](#) KHRG, April 2015.

<sup>622</sup> For more information about their looting and extortion please see Source #155

<sup>623</sup> Source #9.

<sup>624</sup> Source #64.

<sup>625</sup> ["Thaton Interview: Ma A---, July 2015,"](#) KHRG, August 2015.

<sup>626</sup> Articles 9.d and 9.g ["THE NATIONWIDE CEASEFIRE AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE UNION OF MYANMAR AND THE ETHNIC ARMED ORGANIZATIONS,"](#) [Union Peacemaking Working Committee and the Ethnic Armed Organization's National Ceasefire Negotiation Delegation,](#) 2015.

<sup>627</sup> Article 9 of the NCA focuses on the protection of civilians, however, out of the 17 points outlined in this article, only three do not use the word 'avoid'. An example of how the NCA uses the word 'avoid' can be seen in Article 9.e, *"Avoid unlawful and arbitrary arrest, entrapment, prosecution and pronouncement of judgment against civilians."* ["THE NATIONWIDE CEASEFIRE AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE UNION OF MYANMAR AND THE ETHNIC ARMED ORGANIZATIONS,"](#) [Union Peacemaking Working Committee and the Ethnic Armed Organization's National Ceasefire Negotiation Delegation,](#) 2015.



*"No physical or moral coercion shall be exercised against protected persons, in particular to obtain information from them or from third parties."*

While Article 33 limits the use of looting in conflict:

*"Pillage is prohibited. Reprisals against protected persons and their property are prohibited."*

Once again there is no mention of arbitrary taxation, however, depending on the situation this issue could be argued to fall under Article 33 of the Fourth Geneva Convention.<sup>628</sup>

## Looting and extortion

Since the preliminary ceasefire there has been a marked decrease in the examples of looting and extortion committed by armed groups in southeast Myanmar, while complaints that Myanmar government officials and the Myanmar Police have begun to be implicated in these practices are more frequent. During the conflict period, Tatmadaw was the most prolific perpetrator of looting and extortion, in part because of their 'four cuts' policy, with similar abuses also perpetrated against villagers by DKBA (Buddhist) and BGF. Tatmadaw, and to a certain extent BGF since its formation from DKBA (Buddhist) soldiers in 2010, have significantly reduced their involvement in looting and extortion since the ending of the 'four cuts' policy, but also because they are now said to be receiving consistent salaries from the Myanmar government,<sup>629</sup> which was often not the case during the conflict.<sup>630</sup>

Between 1992 and 2012 according to KHRG reports, looting and extortion by Tatmadaw was extremely aggressive in nature, as they acted with impunity and deliberate intention to harm the possessions and livelihoods of civilians. This treatment of villagers as "rebels" with the purpose of "starving them out" created an environment of further abuses against villagers,<sup>631</sup> which meant that Tatmadaw stole villagers' basic and essential goods and money for their own use,<sup>632</sup> as well as deliberately destroying villagers' supplies so that they could not be re-used.

Specifically focusing on the examples of looting during the conflict, villagers reported that their belongings were stolen from them on a frequent basis by the armed groups, most commonly Tatmadaw. The regularity with which villagers experienced looting was described in an interview with Naw Dd--- from Dooplaya District in 1998:

*"They [SPDC/Tatmadaw] also stole our fruit and vegetables that grow near our houses, like corn, cucumbers and many kinds of fruit. They stole our chickens at night when we couldn't see. If we went to tell their commander, he said, 'If you see them, just tell them not to do it'. When they rotated their troops, they took all the chickens and sold them in Saw Hta village. If they're sleeping in Db---, they go to Dc--- to steal. Whenever they're patrolling they look to see who has a lot of chickens. They sleep two nights in the village, then they leave for two or three days and then come back again."*

Naw Dd--- (female, 31), Dooplaya District/  
southern Kayin State (interviewed in September 1998)<sup>633</sup>

<sup>628</sup> Articles 31 and 33, "[Convention \(IV\) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949](#)," International Committee of the Red Cross, August 1949.

<sup>629</sup> Source #36.

<sup>630</sup> "[CONTINUING SLORC ACTIONS IN KAREN STATE](#)," KHRG, May 1994.

<sup>631</sup> "[STARVING THEM OUT: Forced Relocations, Killings and the Systematic Starvation of Villagers in Dooplaya District](#)," KHRG, March 2000.

<sup>632</sup> *"They [SLORC/Tatmadaw] have rations, but they just go from village to village and force everyone to give them food. I think they send their rations home to their families. If they want money, they capture people in the villages and hold them for ransom. This is their main job – to make money."* "[Forced Relocation in Kyauk Kyi Township](#)," KHRG, June 1993.

<sup>633</sup> "[DOOPLAYA UNDER THE SPDC: Further Developments in the SPDC Occupation of South-Central Karen State](#)," KHRG, November 1998.

Furthermore, these attacks on the villagers' financial survival were tightly combined with other abuses, such as burning of all or some of the village.<sup>634</sup> Consequently, villagers were left in severe destitution, as in addition to being left without homes, they were left without any personal belongings, food, and livestock.<sup>635</sup> Additionally, it was not only the homes of the villages and their personal belongings that were targeted, but villagers highlighted that religious spaces were also looted for financial gain, including churches,<sup>636</sup> and these abuses were part of a holistic system of oppression, ultimately resulting in villagers being driven out of their communities with no more avenues to sustain or protect themselves, displaced.<sup>637</sup>

While the deliberate and discriminatory abuse has perceptibly lessened, the application of the rule of law and accountability of armed actors remains weak and therefore cases of looting by armed actors against villagers persist. According to KHRG reports, DKBA (Buddhist splinter),<sup>638</sup> DKBA (Benevolent),<sup>639</sup> BGF<sup>640</sup> and Tatmadaw<sup>641</sup> have all looted villagers' property in southeast Myanmar since the preliminary ceasefire. Recent examples of looting perpetrated by armed groups are often committed by rogue commanders;<sup>642</sup> nevertheless, this shows that members of armed groups are continuing to act within the impunity they enjoyed during the conflict, which maintains the mistrust that villagers have of the Tatmadaw and undermines villagers' sense of security in southeast Myanmar.

Of serious concern is the involvement of the Myanmar Police in looting, which is often closely connected to other mistreatment, and indicates that in some cases the Myanmar Police are involved in multiple human rights abuses. This was demonstrated in an interview detailing forced displacement in 2015 by the Myanmar Police and the Myanmar Department of Forest Management in Hpa-an Township, as the land had been designated a forest reserve. In the interview Ma A--- explained that not only did she suffer the abuse of land confiscation, but she was left with limited belongings because she experienced direct abuse of her livelihood through looting at the same time:

*"Because they [Myanmar Police and officials from the Myanmar Department of Forest Management] came and did to me like that [threatened to arrest me and destroyed my house], I have been very miserable and I am not able to be happy since then. I have been miserable because I do not have my own business anymore. They took or ate [and drank] all of the things that I sell in my shop, including the bottles of juice, beer, and thermoses, and all of the other goods that I have in my shop."*

Ma A--- (female, 43), B--- village, Hpa-an Township, Thaton District/  
northern Mon State (interviewed in July 2015)<sup>643</sup>

Affected villagers in this case submitted a complaint letter to the KNU, however, as the perpetrators of this abuse were the Myanmar government and the Myanmar Police, there is limited hope of justice for Ma A--- and the other villagers.

Villagers have also reported that the Myanmar Police have been involved in abusing villagers through extortion, since the preliminary ceasefire.<sup>644</sup> Although KHRG has received limited reports on this

<sup>634</sup> ["INCOMING FIELD REPORTS,"](#) KHRG, April 1994.

<sup>635</sup> *"They burnt plenty of houses, our belongings, pots, plates and spoons in our village."* Source #169.

<sup>636</sup> *"This church in Kwih Doh Kaw village, Mone Township, Nyaunglebin District was gutted after SPDC [Tatmadaw] soldiers set fire to it. This photo was taken in October 2003."* ["PHOTO SET 2005-A: Attacks on Villages and Village Destruction,"](#) KHRG, May 2005.

<sup>637</sup> For more information please see Chapter 3: Displacement and Return and also Chapter 8: Discrimination and Division.

<sup>638</sup> ["Hpa-an Interview: Saw A--- and Saw B---, October 2016,"](#) KHRG, February 2017.

<sup>639</sup> ["Doooplaya Interview: Saw A---, August 2015,"](#) KHRG, February 2017.

<sup>640</sup> Source #36.

<sup>641</sup> ["Tatmadaw soldiers pilfer villagers' livestock in Doooplaya District, May to August 2013,"](#) KHRG, November 2013.

<sup>642</sup> ["Doooplaya Interview: Saw A---, August 2015,"](#) KHRG, February 2017.

<sup>643</sup> ["Thaton Interview: Ma A---, July 2015,"](#) KHRG, August 2015.

<sup>644</sup> Source #64.

issue, extortion tends to be connected to arrests and police investigations, because of corrupt government, police and military officials, which implicate Tatmadaw and KNU in the practice. Examples include a villager having to pay 100,000 kyat (US\$105.30) to be released from Tatmadaw custody in Toungoo District in 2014,<sup>645</sup> a Tatmadaw commander demanding one million kyat (US\$1,000) to release a villager in Hpapun District in 2013,<sup>646</sup> and the Myanmar Police demanding 200,000 kyat (US\$169.19) from a villager who had accidentally shot himself, in order not to investigate the case, in Toungoo District in 2015.<sup>647</sup> This is a serious issue, as it means that villagers face the barriers of bribery and corruption when attempting to access justice, criminalises villagers and undermines belief in the justice system.<sup>648</sup>

The current use of extortion by the judicial system is in contrast to its practice during the conflict, where it was extensively used by Tatmadaw when demanding forced labour and forced recruitment, as villagers were made to pay fees in order to not fulfil those burdens. Villagers reported that they had no choice between fulfilling the demands or paying the extortion fees,<sup>649</sup> which the latter would allow them to continue to work and earn their livelihood. However, these were never one-off payments, and villagers found themselves having to pay extortion regularly, which hindered their livelihood and survival to the point where many saw no alternative but to displace themselves. A KHRG report from Mergui-Tavoy District in 1993 explained that extortion, in the guise of ‘replacement fees’, was often demanded of villages, via their village head, if they could not or would not supply a specific number of villagers to become soldiers:

*“The SLORC [Tatmadaw] has given orders to all villages in [Mergui-]Tavoy District that each village must send 2 recruits to become SLORC soldiers. Villages which cannot provide the required recruits are forced to hire itinerant workers or others to go in their place for 15,000 kyat each (US\$15.00). Any family which sends their son to be a SLORC soldiers must thenceforth be given 30 tins of rice and 300 kyat (US\$0.30) every year by the other villagers.”*

Field Report written by a KHRG researcher, Hpapun, Mergui-Tavoy and Nyaunglebin Districts/Kayin State (published in April 1994)<sup>650</sup>

The demands for ‘porter fees’<sup>651</sup> and ‘soldier fees’<sup>652</sup> often used the language of taxation, even though this was extortion and used by Tatmadaw and EAGs as another form of punishment and abuse against villagers. This results in extortion now being easily confused by villagers with current requests for taxation that the armed groups, including DKBA (Benevolent), BGF and Tatmadaw, issue in southeast Myanmar. Therefore, the legacy of past extortion compounds the mistrust villagers have of the current tax system. This is a serious problem as villagers now report that the financial hardship they experience is mostly because of taxation and that this significantly affects their livelihoods. Overall, as the incidences of looting and extortion have diminished, so too have the financial constraints that they place upon villagers, but the mistrust that they created continues to exist, especially when villagers are made to pay taxation in a militarised system lacking transparency.

<sup>645</sup> Source #9.

<sup>646</sup> Source #10.

<sup>647</sup> [“Toungoo Incident Report: Threats and arbitrary demands by Burma/Myanmar Police in Thandaunggyi Township, March 2015,”](#) KHRG, February 2016.

<sup>648</sup> [“Toungoo Incident Report: Threats and arbitrary demands by Burma/Myanmar Police in Thandaunggyi Township, March 2015,”](#) KHRG, February 2016.

<sup>649</sup> *“I had to go more times than I can count. That began when they arrived in our village a year ago. They would demand one or two people each time and later we would have to rotate with new porters. We had to porter for 3 to 6 days each time. If people couldn’t go they had to pay money to hire a porter to go for them. It cost 100 Kyats (US\$ 0.10) a day to hire someone.”* [“UNCERTAINTY, FEAR AND FLIGHT: The Current Human Rights Situation in Eastern Pa’an District,”](#) KHRG, November 1998.

<sup>650</sup> [“INCOMING FIELD REPORTS,”](#) KHRG, April 1994.

<sup>651</sup> [“REPORTS FROM THE KAREN PROVINCES,”](#) KHRG, September 1992.

<sup>652</sup> [“Demands for soldier salaries in Hpa-an District, October 2012,”](#) KHRG, February 2013.

## Arbitrary taxation

Taxation is commonly disliked and complained about across the world; however, a fair and functioning tax system is wholly necessary to fund essential public services in a country.<sup>653</sup> The Myanmar Government<sup>654</sup> and the KNU<sup>655</sup> are the two government authorities that implement and follow a formal taxation system in southeast Myanmar, however, for a tax system to be viewed as legitimate it must benefit those that it collects from. In southeast Myanmar, essential services are not being provided to villagers, as there is persistently poor infrastructure and the void of basic health and education services in rural areas<sup>656</sup> despite the existence of government taxation. Furthermore, KHRG reports demonstrate that the majority of communities in southeast Myanmar view Myanmar's taxation system as corrupt, exploitative and disproportionately causing them financial hardship. Therefore, although the implementation of a fair and functioning tax system is not a human rights abuse, the taxes that are collected in southeast Myanmar place a significant burden on villagers, without providing any evident benefit. Consequently, the arbitrary nature of taxation is viewed as a continuation of methods to undermine villagers' subsistence and financial survival, as seen extensively during the conflict.

There are a wide variety of taxes that villagers in southeast Myanmar currently have to pay, which are levied on a range of household and livelihood items, as well as travel and livestock taxes charged at checkpoints.<sup>657</sup> Despite formal tax policies by the Myanmar government and KNU, villagers have reported that taxes are collected by a variety of different actors and on items and materials that do not fall under the official taxes listed in the Myanmar government or KNU tax policies.<sup>658</sup> These taxes are imposed by a variety of armed actors, routinely the BGF,<sup>659</sup> DKBA (Benevolent),<sup>660</sup> Tatmadaw,<sup>661</sup> KNLA<sup>662</sup> and Karen Peace Council (KPC).<sup>663</sup> Additionally, the Myanmar government considers any taxes not levied by themselves to be arbitrary, which includes the KNU and EAGs.<sup>664</sup> However, villagers accuse Myanmar government officials of misappropriating tax,<sup>665</sup> and altogether these factors indicate that very little of the taxation imposed on villagers in southeast Myanmar can be considered to be legitimate.

Villagers frequently report of the financial burden that taxation places on their livelihood, which has been exacerbated by the increase of taxation since the 2012 preliminary ceasefire.<sup>666</sup> Villagers report a lack of a sliding scale between how much rich and poor people must pay in

<sup>653</sup> "Strengthen domestic resource mobilization, including through international support to developing countries, to improve domestic capacity for tax and other revenue collection." Declaration 17, "[Transforming our world: the 2030 Agenda for Sustainable Development](#)," UN, September 2015.

<sup>654</sup> For further information on how the Myanmar Government collects taxation see, "[Local Economic Governance in Myanmar](#)," Jared Bissinger, The Asia Foundation, February 2016.

<sup>655</sup> For further information on how the KNU collects taxation please see "[Ceasefire, Governance and Development: The Karen National Union in Times of change](#)," Kim Jolliffe, The Asia Foundation, December 2016.

<sup>656</sup> See Chapter 3: Education and Chapter 4: Health.

<sup>657</sup> "[Pa'an District: Land confiscation, forced labour and extortion undermining villagers' livelihoods](#)," KHRG, February 2006; see also "[LIFE AS A VILLAGE HEAD](#)" KHRG, July 1995.

<sup>658</sup> "[Hpapun Interview: Naw A---, April 2015](#)," KHRG, February 2016; see also "[Toungoo Situation Update: Thandaunggyi Township, June to August 2016](#)," KHRG, March 2017.

<sup>659</sup> "[Hpapun Interview: U A---, January 2014](#)," KHRG, October 2014.

<sup>660</sup> "[Dooplaya Situation Update: Kyainseikgyi Township, December 2014](#)," KHRG, June 2015.

<sup>661</sup> "[Thaton Situation Update: Bilin Township, August to October 2014](#)," KHRG, April 2015.

<sup>662</sup> Source #94.

<sup>663</sup> "[Dooplaya Situation Update: Kyonedoe Township, September to December 2013](#)," KHRG, September 2014.

<sup>664</sup> "[Ceasefire, Governance and Development: The Karen National Union in Times of change](#)," Kim Jolliffe, The Asia Foundation, December 2016.

<sup>665</sup> "[Hpapun Situation Update: Bu Tho Township, February to July 2014](#)," KHRG, September 2014.

<sup>666</sup> "[Hpapun Interview: Naw A---, April 2015](#)," KHRG, February 2016; see also "[Pa'an District: Land confiscation, forced labour and extortion undermining villagers' livelihoods](#)," KHRG, February 2006; "[LIFE AS A VILLAGE HEAD](#)," KHRG, July 1995.



taxation,<sup>667</sup> which means that taxation disproportionately burdens poorer villagers, at times reaching unmanageable levels inconsistent to many villagers' incomes. For example, in 2015 Naw A---, a village head from Hpapun District, noted how some of the villagers were unable to pay the full range of overlapping taxes:

*"The Kawthoolei [KNU] collected 15,000 kyat (US\$11.55), and [in addition] they collected 50,000 kyat (US\$38.49) for each car. [The] 15,000 kyat (US\$11.55) [was] for each motorbike, and each motorboat [was taxed at] 15,000 kyat (US\$11.55) [as well]. Based on these [numbers], it is too much for the villagers. As we are village heads, we did not say anything [to the KNU]. We collected the tax for them as we could, but for the villagers who work as missionaries it is very hard for them to afford on that [salary]. Therefore she [one of the missionaries] reported it [to the KNU], but if they don't diminish it [the tax], we will give it as other people give."*

Naw A--- (female, 51), Section C--- of D--- Town, Lu Thaw Township, Hpapun District/northeastern Kayin State (interview received February 2016)<sup>668</sup>

The financial difficulties that villagers face have been intensified by the fact that not just KNU and Myanmar government, but also multiple armed groups, collect the same taxes in areas where they are active. A repeat offender is the DKBA (Benevolent), which does not have a formal tax system but follows the KNU system, as explained by Saw A---, from Kawkareik Township in 2015:

*"For DKBA, they collect yearly taxes such as [for] farm, hill farm, chainsaw, lumber saw, and wild yam business. They tax all those things."*

**(Q) How many wild yam businesses are there here? And how much do they tax for each one?**

*They tax based on KNU's taxation system. KNU tax 1,500 [Baht] [US\$ 41.67] and they [DKBA] tax 1,500 [Baht] [US\$ 41.67], the same as KNU.*

**1,500 is in Thai Baht?**

*Yes. They tax the same [tax] standard as KNU.*

**How do they tax each year?**

*If KNU tax four bowls [of rice], they [DKBA] tax four bowls as well."*

Saw A---, (Male, 50) B--- village, Kawkareik Township, Doolaya District/southern Kayin State (interview received in August 2015)<sup>669</sup>

This duplication of taxation places a burden on the villagers living in areas where multiple armed groups assume control. Villagers report that they do not want to pay the DKBA (Benevolent) taxes<sup>670</sup> and other arbitrary taxes, not only because of financial struggle, but also because they doubt that any benefits will be provided to them after they have been taxed.<sup>671</sup> This indicates mistrust in the taxation system imposed by multiple armed groups, which in part stems from the abuse of arbitrary taxation and extortion imposed during the conflict.

The imposition of taxes by armed groups is an additional reminder of the militarisation that ~~villagers continue to experience~~. Hence, in 2015 Naw Du---, from Doolaya District, questioned why she still had to pay taxes to armed groups now that there was a ceasefire.<sup>672</sup> Prior to the preliminary ceasefire, armed groups collected taxes, which were used by corrupt officials and for military purposes and provided no benefit to the villagers.<sup>673</sup> These taxes varied in amounts and

<sup>667</sup> ["Hpapun Interview: Naw A---, April 2015,"](#) KHRG February 2016.

<sup>668</sup> ["Hpapun Interview: Naw A---, April 2015,"](#) KHRG February 2016.

<sup>669</sup> ["Doolaya Interview: Saw A---, August 2015,"](#) KHRG, February 2017.

<sup>670</sup> ["Doolaya Situation Update: Kyainseikgyi Township, December 2014 to February 2015,"](#) KHRG, June 2015.

<sup>671</sup> Source #26.

<sup>672</sup> Source #85.

<sup>673</sup> ["TORTURE OF KAREN WOMEN BY SLORC,"](#) KHRG, February 1993.

frequency, and could include payments of money, as well as rice and other belongings,<sup>674</sup> which significantly undermined the survival of villagers. Saw G---, a village head from Mergui-Tavoy District, explained the situation in 2009:

*"We also have to pay the taxes. We have to pay for their office and for their battalion. Many things we have to pay for. I have many debts to pay. I had to pay 30,000 kyat (US\$30.00) [to the SPDC/Tatmadaw]. I couldn't collect [the money] from the villagers. I have to pay by myself [because he is the headman]. They [the SPDC] often come and collect money and we have to pay it... They've asked for so many things, I can't remember all of them".*

Field Report written by KHRG staff, Mergui-Tavoy District/  
Tanintharyi Region (published in October 2009)<sup>675</sup>

Saw G--- explained that the taxation system was arbitrary, unclear and compulsory, which is similar to complaints reported to KHRG across the past 25 years. The views of the villagers during the conflict period and the ceasefire period echo each other, showing that the financial security of villagers has not improved. Taxation continues to be imposed arbitrarily and by a range of actors, and this is no more obvious than at checkpoints.

## Checkpoints

Villagers frequently raise the issue of checkpoints and the taxes collected there,<sup>676</sup> as they are the most common and obvious form of arbitrary taxation imposed on villagers in southeast Myanmar at present. Checkpoints, can be set up by both state and non-state actors, and can be either official or unofficial, but all feature arbitrary taxation to some degree.<sup>677</sup> They are frequently located along main roads,<sup>678</sup> as well as along rivers to tax boats.<sup>679</sup> At the checkpoints taxes are levied against anyone or any possessions that pass through them, including goods,<sup>680</sup> taxis,<sup>681</sup> traders,<sup>682</sup> and passengers.<sup>683</sup> Armed groups currently active in taxing villagers at checkpoints include the KNU,<sup>684</sup> DKBA (Benevolent),<sup>685</sup> Tatmadaw,<sup>686</sup> Myanmar Immigration Police<sup>687</sup> and BGF,<sup>688</sup> as well as private companies in more recent examples.<sup>689</sup> Villagers state that these armed groups and

<sup>674</sup> "They said the KNU is asking for a yearly donation of emergency rice. The Burmese [Tatmadaw] said, 'When the KNU asks you, you give it to them. We also have no food and not enough to eat. You villagers have to give to us.' In August they demanded one basket of rice. They tax some villages and demand rubber, too. Villagers have to give once a year, depending on the yield of their fields. The other villages who grow rubber also have to pay. In the past when a Burmese column came up the Burmese staying in the camp said, 'Our military [another column] is coming up and we will guarantee you.' They asked us for 10,000 (US \$10.00) and sometimes 20,000 Kyat (US \$20.00)." ["STARVING THEM OUT: Forced Relocations, Killings and the Systematic Starvation of Villagers in Dooplaya District,"](#) KHRG, March 2000.

<sup>675</sup> ["Living conditions for displaced villagers and ongoing abuses in Tenasserim Division,"](#) KHRG, October 2009.

<sup>676</sup> ["Tollgates upon tollgates: En route with extortion along the Asian Highway,"](#) KHRG, October 2009.

<sup>677</sup> ["Tollgates upon tollgates: En route with extortion along the Asian Highway,"](#) KHRG, October 2009.

<sup>678</sup> ["ABUSES IN THE SAH RA AREA,"](#) KHRG, March 1996; see also ["Field Reports and Interviews,"](#) KHRG, October 1998.

<sup>679</sup> Source #2; see also source #5.

<sup>680</sup> ["Hpapun Field Report: January to December 2013,"](#) KHRG, March 2016.

<sup>681</sup> Source #127.

<sup>682</sup> ["Hpa-an Situation Update: Hlaingbwe and Paingkyon townships, March to May 2016,"](#) KHRG, September 2016.

<sup>683</sup> ["Dooplaya Situation Update: Kyonedoe Township, January to June 2014,"](#) KHRG, September 2014; see also ["Abuses since the DKBA and KNLA ceasefires: Forced labour and arbitrary detention in Dooplaya,"](#) KHRG, May 2012.

<sup>684</sup> Source #117.

<sup>685</sup> Source #106.

<sup>686</sup> Source #85.

<sup>687</sup> ["Hpa-an Interview: Saw A---, May 2014,"](#) KHRG, May 2015.

<sup>688</sup> Source #38.

<sup>689</sup> "Besides, there are beautiful buildings for visiting nearby the road construction. So a lot of people go there and they travel there by motorbikes and cars. That's why they [Zaykabar Company] made a gate [checkpoint] and they collect

authorities use checkpoints as a means to extort money from villagers, and to raise money for military activities, hence villagers often state that checkpoints do not benefit them:

*“The DKBA is traveling and operating in this area. We do not see them doing anything to benefit civilians. They are collecting tax from saw mills, cars [which pass checkpoints], 50,000 kyat (US\$ 51.33) for one phone, 100,000 kyat (US\$102.67) [to be allowed to own] one elephant [for one year], 100,000 kyat (US\$102.67) for one wild yam stove, rubber plantations, and they collect money from [travellers at] check points.”*

Situation Update written by a KHRG researcher, Kyonedoe Township, Dooplaya District/  
southern Kayin State (received in September 2014)<sup>690</sup>

Checkpoints are not a new point of arbitrary taxation in southeast Myanmar, as villagers have frequently described being held up at multiple checkpoints along a journey, which would be manned by different armed groups who charged assorted amounts of taxation, across the 25 years of KHRG reporting. Before the preliminary ceasefire, Tatmadaw,<sup>691</sup> and to a lesser extent DKBA (Buddhist),<sup>692</sup> used checkpoints to control and target community members, as they could not be avoided by villagers travelling by road. The extent to which checkpoints were used during the conflict was explained by a KHRG researcher from Hpa-an District in 2009:

*“The subsequent Thin Gan Nyi Naung [village] checkpoint is located only a short distance past the Special Industrial Zone checkpoint and is operated by SPDC [Tatmadaw] soldiers, State officials and Police alongside DKBA and KPF soldiers. Toll charges here are less than the other large checkpoints. At Thin Gan Nyi Naung each light truck must pay a toll of 3,000 kyat (US\$2.75) and each heavy truck must pay a toll of 15,000 kyat (US\$13.76). Drivers of public transport also usually ask their passengers ahead of time to pay “life insurance fees” (“athet amakhan kyay”) of between 500 and 1,000 kyat (US\$0.50-1.00) to meet an additional separate bulk payment at Thin Gan Nyi Naung, although occasionally this fee is not required.”*

Field Report written by a KHRG researcher, Hpa-an District/  
central Kayin State (published in October 2009)<sup>693</sup>

Not only were taxes levied at checkpoints, but arbitrary restrictions imposed on villagers caused further abuse. Additional restrictions were arbitrary in that they varied per checkpoint, the costs were not transparently communicated to villagers, and the actual purpose of the restrictions remained elusive. Villagers reported that transportation and amounts of basic necessities have been heavily and arbitrarily restricted, and at times included essential items such as rice, batteries, and medicine.<sup>694</sup> Villagers, who were found to be transporting too much, or any restricted items, risked being arrested, fined or even arbitrarily detained and tortured.<sup>695</sup> Under a government system of severe oppression lasting decades, this additional barrier to receiving basic supplies had severe impacts on villagers, exacerbating serious livelihood concerns including poor health, lack of basic food supplies, lack of financial security and a lack of freedom of movement. In many cases, the armed officials at checkpoints were corrupt enough to accept high bribes paid by villagers in order to let them travel with restricted items, such as medicine.<sup>696</sup> These arbitrary restrictions, bribes and fees drained villagers financially, and this was worsened because they were often required to carry an expensive permit recommendation from the local authority to be

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road fees from the people.” [“Toungoo Situation Update: Thandaunggyi Township, June to August 2016,”](#) KHRG, March 2017.

<sup>690</sup> [“Dooplaya Situation Update: Kyonedoe Township, September to December 2013,”](#) KHRG, September 2014.

<sup>691</sup> [“Toungoo district: Civilians displaced by dams, roads, and military control,”](#) KHRG, August 2005.

<sup>692</sup> [“Eastern Pa’an District: Forced Labour, Food Security and the Consolidation of Control,”](#) KHRG, March 2004.

<sup>693</sup> [“Tollgates upon tollgates: En route with extortion along the Asian Highway,”](#) KHRG, October 2009.

<sup>694</sup> [“Forced Labour, Movement and Trade Restrictions in Toungoo District,”](#) KHRG, March 2010.

<sup>695</sup> [“PATROLS, MOVEMENT RESTRICTIONS AND FORCED LABOUR IN TOUNGOO DISTRICT,”](#) KHRG September 2009; see also [“Forced Labour, Movement and Trade Restrictions in Toungoo District,”](#) KHRG, March 2010.

<sup>696</sup> [“Forced Labour, Movement and Trade Restrictions in Toungoo District,”](#) KHRG, March 2010.

able to travel at all<sup>697</sup> and faced arrest, a fine or severe violent abuse if they were caught travelling without a permit. These impositions were explained by a KHRG researcher from Toungoo District in 2005:

*“At these checkpoints, every passenger has their ID checked, they are interrogated and every bag is checked. Civilians in the area say this is a great burden on them and restricts their movements. If the soldiers want something from a passenger they interrogate and intimidate them until they can demand money or other possessions. They arrest everyone who doesn’t have an identity card and fine people who are not carrying a pass issued by local military or SPDC authorities. The fine is usually 5,000 Kyat (US\$5.00).”*

Commentary written by a KHRG researcher, Toungoo District/  
northern Kayin State (published in August 2005)<sup>698</sup>

This need for permits and payments meant that checkpoints enforced restrictions on villagers’ freedom of movement, which meant that Tatmadaw, and at times EAGs, imposed an atmosphere of control, fear and insecurity on the lives of the community members. This insecurity was particularly evident when villagers were stopped at checkpoints, as they were subject to the whims of the armed actors manning the checkpoint. Villagers reported that they were placed in vulnerable positions when being made to walk through checkpoints, with community members who appeared to be from rural areas more frequently targeted for abuse.<sup>699</sup> The continued existence of checkpoints reinforces the context of militarisation, making it impossible for villagers to avoid armed groups and therefore placing them at risk of further abuse, both financial and otherwise. Additional abuses villagers reported facing at checkpoints included torture,<sup>700</sup> GBV<sup>701</sup> and arbitrary detention.<sup>702</sup>

While in recent years, notably since 2012, the indiscriminate treatment that some villagers faced at checkpoints appears to have lessened, but threats and intimidation towards villagers carries on. These abuses, when encountering armed actors at checkpoints, ensure that villagers in southeast Myanmar continue to have concerns over their personal safety, due to the presence of checkpoints when they travel. Furthermore, car drivers and traders, particularly animal traders, report that they have not seen any easing of the taxes they face at checkpoints, which often hampers the profits that they can make in their trade.<sup>703</sup> The issues that traders face were highlighted by a KHRG researcher in Win Yay Township in 2015:

*“When they were on the way with their cows, they had to cross many checkpoints. So they had to pay a lot of money as a tax. Although they paid money, the officer [from an unknown group] at the checkpoint said their money [tax] was not enough. Those checkpoints are related to many armed groups including Myanmar army group [Tatmadaw] and located in Win Yay Township, Dooplaya District.”*

Situation Update written by a KHRG researcher, Win Yay Township,  
Dooplaya District/southern Kayin State (received in September 2015)<sup>704</sup>

This highlights that checkpoints have retained their purpose of raising revenue for armed groups, taking money directly from villagers without open transparency as to where it goes or who it goes to. The militarised presence of checkpoints remains for villagers in southeast Myanmar, and the burden of checkpoint taxes are still evident, even if restrictions on medicine and the need for

<sup>697</sup> [“Toungoo district: Civilians displaced by dams, roads, and military control,”](#) KHRG, August 2005.

<sup>698</sup> [“Toungoo district: Civilians displaced by dams, roads, and military control,”](#) KHRG, August 2005.

<sup>699</sup> [“Tollgates upon tollgates: En route with extortion along the Asian Highway,”](#) KHRG, October 2009.

<sup>700</sup> [“SLORC IN KYA-IN & KAWKAREIK TOWNSHIPS,”](#) KHRG, February 1996.

<sup>701</sup> [“INCOMING FIELD REPORTS,”](#) KHRG, April 1994.

<sup>702</sup> [“Toungoo district: Civilians displaced by dams, roads, and military control,”](#) KHRG, August 2005.

<sup>703</sup> Source #38; see also source #42; see also [“Thaton Situation Update: Bilin and Hpa-an townships, June to November 2014,”](#) KHRG, February 2015.

<sup>704</sup> [“Thaton Situation Update: Bilin and Hpa-an townships, June to November 2014,”](#) KHRG, February 2015.



permit recommendation letters have diminished. For example, Saw A--- from Nabu township, Hpa-an District described the taxes charged at checkpoints in 2014:

*"I was fined by the [local Police] check point two times. I heard about it from the other people, but now I faced it myself. The first time was when I sent a patient from Noh Boh Kloh village to the hospital [Mae Tao clinic in Thailand]. I forgot my identification card. They [the Police] thought that I came back from Bangkok. I told them I came back from Mae Tao clinic. I went there on Friday and I came back on Tuesday. I told them I cannot remember my ID number but I have the phone number of the village head. But they said that I was lying and told me to pay 1,000 kyat (US\$0.97) to the immigration [officers] and 1,000 kyat (US\$0.97) to the Police. Altogether, 2,000 kyat (US\$1.94). Then I came back again after two or three weeks and I forgot my ID again and I had to give 4,000 kyat (US\$3.88). The people who have to suffer are those who come back from Thailand. They have to pay at least 1,000 kyat or 2,000 kyat."*

Saw A--- (Male, 36), C--- village, Nabu Township, Hpa-an District/  
central Kayin State (Interview received in May 2014)<sup>705</sup>

Evidently, although villagers no longer need to carry permit recommendations, ID cards are still being used as tool to extract money from villagers. Furthermore, the insistence on showing ID cards (Citizenship Scrutiny Cards) at checkpoints has further negative impacts, in addition to the financial burden it imposes. As minority groups, notably Muslims, who have faced discrimination in registering for these cards, experience restricted freedom of movement because of the existence of checkpoints.<sup>706</sup>

The continued use of checkpoints places a financial burden on community members, which is in addition to the wide range of arbitrary taxation levied across southeast Myanmar. During the conflict taxation was demanded by a variety of armed groups, to directly fund their operations, and this has continued into the present day. These financial demands often included additional abuses against villagers to ensure that they would pay. Although tax systems are being implemented by the Myanmar government and KNU, the lack of public services for community members suggests that tax payers' money is being misused and is not being collected for the public good. Taxation should be used for the benefit of those who pay it, and when this is not provided then it is an imposition on their ability to survive, undermining their human rights. Therefore, for the Myanmar government and the KNU to be the legitimate collectors of taxation and providers of services in southeast Myanmar, they need to listen to villagers voices. The taxation system needs to be made fair and easy to understand, with clear explanations as to how it benefits villagers, in addition to the ending of arbitrary taxation collection by armed actors.

### **The consequences of looting, extortion and arbitrary taxation**

As detailed above, there are three main methods of abuse that armed groups have used to attack the financial survival of villagers in southeast Myanmar, which are looting, extortion and arbitrary taxation. Although these are different methods of abuse, the consequences are often very similar. The main impacts of these abuses were and continue to be severe financial hardship, displacement, and fear and mistrust of armed actors and the taxation system itself.

### **Severe financial hardship due to looting, extortion and arbitrary taxation**

Over a quarter of a century of KHRG reports, incidences of looting, extortion and arbitrary taxation have severely compromised the extent to which villagers are able to support themselves or their families. These abuses have targeted the material goods of villagers, mainly their personal

<sup>705</sup> "Hpa-an Interview: Saw A---, May 2014," KHRG, May 2015.

<sup>706</sup> "I do not feel good. Not only myself, but also my children face difficulties [to travel if we do not have an identification card]. There is no problem for me [although I do not have identification card] as I am getting old, but I am worried for my children's future. It will be difficult for them to travel from place to place if they do not have a Myanmar identification card." Source #120. See also Chapter 8: Discrimination and Division.

belongings,<sup>707</sup> food<sup>708</sup> and livestock,<sup>709</sup> as well as their finances and savings.<sup>710</sup> Additionally, as well as directly impacting the finances of villagers, arbitrary taxation has also indirectly raised the cost of commodities and food,<sup>711</sup> as these have been subject to levies at checkpoints. This means that these abuses have been directly impacting the daily livelihood security of villagers in southeast Myanmar.

As the sustenance and survival of community members has been extensively undermined, villagers' have been forced to adapt by changing their lifestyles, at times disrupting the cohesion of families and communities. In order to cope with the financial burden that stems from these abuses, some villagers reported having to sell their personal property in order to meet the costs of the financial demands made on them.<sup>712</sup> Furthermore, villagers have also reported having to take out loans to cover the costs of the extortion and taxation, and also to cover the losses they faced from looting.<sup>713</sup> This situation was reported by Naw Dt--- in Hpa-an Township in 1999:

*"When they come to tax, we have to run and get it. If you have no money you have to find some you can borrow and give it to them. Many villagers borrowed money and are now in debt. The villagers have nothing to eat, but they still have to help the Burmese [Tatmadaw]. They say that the place where we stay is government land. It's as though we're staying on their land so we have to pay tax to them."*

Naw Dt--- (female, 29), Hpa-an Township, Thaton District/  
northern Mon State (interviewed in 1999)<sup>714</sup>

Sometimes these abuses have been so excessive that the villagers have found that their financial situation has become unmanageable. When the burden placed upon the villagers became too high they have sometimes had to change the way that they earn money, as Saw Dv--- explained happened in Hlaingbwe Township in 2015:

*"They [villagers] had to provide four baskets [of rice] to the military [Tatmadaw] and three baskets [of rice] to the trading department [of the Myanmar government]; Seven baskets altogether so that they [villagers] could not work on it anymore [as it is too high]. They all stopped working, [and now] none of them are working [on the land]."*

Saw Dv--- (male), Hlaingbwe section---, Hlaingbwe Township, Hpa-an District/  
central Kayin State (Interview received in August 2015)<sup>715</sup>

These abuses have been undermining the lives of the villagers, often breaking the connections they have to their lands and making it unmanageable to continue to work or live as they once had. Excessive financial demands have further changed the structure of communities by acting as a contributing factor to displacement.

## Displacement due to looting, extortion and arbitrary taxation

The constant burden that was placed on villagers during the conflict, by looting, extortion and arbitrary taxation, drove many into extreme poverty, and then any further abuses often devastated

<sup>707</sup> ["INCOMING FIELD REPORTS,"](#) KHRG, August 1994.

<sup>708</sup> ["The Ongoing Oppression of Thaton District: Forced Labour, Extortion, and Food Insecurity,"](#) KHRG, July 2006.

<sup>709</sup> ["Papun Interview Transcript: Naw P---, November 2011,"](#) KHRG, April 2012.

<sup>710</sup> Source #154.

<sup>711</sup> Source #126.

<sup>712</sup> ["CAUGHT IN THE MIDDLE,"](#) KHRG, September 1999

<sup>713</sup> *"They said that if we don't go as porters, we would have to pay money. They want 1,000 Kyat (US\$1.00) per day. We have to give it, but not everyone can, so we have to borrow money from each other."* ["SPDC & DKBA ORDERS TO VILLAGES: SET 2000-B,"](#) KHRG, October 2000; See also ["PEACE VILLAGES AND HIDING VILLAGES: Roads, Relocations, and the Campaign for Control in Toungoo District,"](#) KHRG, October 2000.

<sup>714</sup> ["CAUGHT IN THE MIDDLE,"](#) KHRG, September 1999.

<sup>715</sup> ["Hpa-an Interview: Saw A---, August 2015,"](#) KHRG, November 2016.

them. Villagers reported repeatedly being left with minimal food after it had been looted, as well as being left without any crops to harvest or without the prospect of being able to grow enough food after their land was destroyed<sup>716</sup> or their harvest was demanded as tax by the local armed group. The extensive attacks on community members by the Tatmadaw not only undermined their livelihood, but created an atmosphere of fear and mistrust, one that has continued in the ceasefire period and makes community members question the strength of the current ceasefire. The precarious situation that villagers have been put in due to these overarching abuses was highlighted by a KHRG report in 2009, which explained that villagers found themselves struggling to survive because of the constant abuses by the Tatmadaw:

*"Now the animals here are gone because the SPDC [Tatmadaw] soldiers took them as their own. We're so poor; we have nothing. Why do the SPDC soldiers keep collecting money from us, taking our properties and killing us? We don't know where to go next. We are already exhausted."*

Field Report written by a KHRG researcher, Mergui-Tavoy District/  
Tanintharyi Region (published in October 2009)<sup>717</sup>

This example demonstrates that looting, extortion and arbitrary taxation left people unable to cope in their communities, and the response to this was frequently displacement. As can be seen throughout 25 years of KHRG reporting, families and communities have split because some family members have migrated to Thailand to find work and to send money back to their dependents in southeast Myanmar.<sup>718</sup> The difficulty of paying financial demands when villagers are subsistence farmers continues to push many villagers up to the present day off their land and into daily wage labour, which is underpaid, low skilled and unreliable,<sup>719</sup> or to work without ID and therefore with extreme vulnerability to additional labour abuses in neighbouring Thailand.<sup>720</sup>

When entire families were not safe to stay in their village, due to persistent abuses including extortion, looting and arbitrary taxation, and strategic displacement became their main option, although villagers often reported that they did not want to leave their homes.<sup>721</sup> Displacement involved villagers and their families making the hazardous journey to refugee or IDP camps in order to avoid further confrontations, demands and abuses by armed actors in their home communities.<sup>722</sup> This was described by Naw Dm--- in 1998, after she had fled from Dn--- village, when the extortion demands of replacement fees and porter fees accompanying abuses of forced labour and forced portering became impossible to negotiate, avoid or pay:

<sup>716</sup> ["Attacks, killings and increased militarisation in Nyaunglebin District,"](#) KHRG, January 2008; see also ["Starving them out: Food shortages and exploitative abuse in Papun District,"](#) KHRG, October 2009.

<sup>717</sup> ["Living conditions for displaced villagers and ongoing abuses in Tenasserim Division,"](#) KHRG, October 2009.

<sup>718</sup> ["STRENGTHENING THE GRIP ON DOOPLAYA: Developments in the SPDC Occupation of Doooplaya District,"](#) KHRG, June 1998; see also ["Consolidation of Control: The SPDC and the DKBA in Pa'an District,"](#) KHRG, September 2002.

<sup>719</sup> ["Toungoo Situation Update: Thandaunggyi Township, November 2015 to February 2016,"](#) KHRG, November 2016.

<sup>720</sup> *"They increased the [tax paid in] crops every year and [in the end] my father could not work with it anymore. Naw B-- went to Bangkok [for work]. At that time, I had not finished school yet. And she [Naw B---] supported [us with] money for [our] livelihood,"* ["Hpa-an Interview: Naw A---, June 2015,"](#) KHRG, June 2015; see also, *"Personally, I experienced working in Thailand, as we are not their citizen there are no guarantee for us, we have to live under fear we cannot go and do what we want. We have to work and get the things that we want under fear."* Source #160; see also ["Hpa-an Situation Update: Hlaingbwe Township, April to May 2015,"](#) KHRG, July 2015.

<sup>721</sup> *"They love to live in their own villages. It is not easy for them to flee to Thailand,"* ["STRENGTHENING THE GRIP ON DOOPLAYA: Developments in the SPDC Occupation of Doooplaya District,"](#) KHRG, June 1998.

<sup>722</sup> ["Update on SPDC/DKBA attacks at Ler Per Her and new refugees in Thailand,"](#) KHRG, June 2009; see also ["Over 3,000 villagers flee to Thailand amidst ongoing SPDC/DKBA attacks,"](#) KHRG, June 2009.

*"We couldn't stay in our village because of the Burmese [Tatmadaw] and the Ko Per Baw<sup>723</sup> [DKBA]. Whenever they came to our village they forced us to go with them, and if we didn't dare to go we had to give them money. If we didn't have any money to give, we had to go. They asked for porter fees of 5,000 Kyat (US\$5.00) for one trip [to avoid going as a porter] and one trip is for 5 days. Now they've started forcing us to pay 700 Kyat (US\$0.70) [per family] every month. Our family can't pay that much every month, so we had to come here."*

Naw Dm--- (Female, 21), quoted in Field Report written by a KHRG researcher, Dn--- village, Hpa-an District/central Kayin State (interviewed in August 1998)<sup>724</sup>

Clearly the impact that looting, extortion and taxation has had on villager's survival was significant, and has often been an attributing factor to villagers going into hiding, fleeing and becoming refugees or IDPs, and prompting economic migration. Whilst the burden that looting and extortion placed upon villagers has decreased since the ceasefire, arbitrary taxation continues to negatively impact upon villagers' livelihoods. Economic migration continues to be used by villagers to secure their financial situation, and tens of thousands of villagers who displaced themselves remain in refugee and IDP camps, yet to return to their home communities, showing the persistent effects of extortion, looting, arbitrary taxation and financial insecurity in combination with multiple other abuses against villagers in southeast Myanmar.

### **Fear of armed actors due to extortion, looting and arbitrary taxation**

Across the past 25 years, villagers frequently reported feeling fearful of armed groups;<sup>725</sup> in part because of the looting and extortion they have suffered at the hands of the Tatmadaw and EAGs. For example, Naw Dw--- stated that the fear of the Tatmadaw in her village came from the fact that they repeatedly entered her village to loot from the villagers:

*"When the SLORC [Tatmadaw] comes to our village they take some of our livestock, coconuts, and sometimes our rice. Sometimes we don't have any husked rice to give them, and they make us pound our paddy [unhusked rice in storage] and give it to them. We can't refuse, because we're very afraid. Most people don't dare face the soldiers and run away as soon as they get close to the village."*

Naw Dw--- (female, 60), Hpa-an Township, Thaton District/northern Mon State (published in May 1994)<sup>726</sup>

The fear that villagers speak of when encountering the Tatmadaw is not something that has disappeared; it is a lasting legacy from the conflict. The fear and mistrust that villagers feel towards armed groups, particularly Tatmadaw, was not alone caused by looting, extortion and arbitrary taxation. Instead they were part of a concerted tactic of abuse by the Tatmadaw during the conflict, which included violent acts, land confiscation, forced labour and discrimination. This fear continues because of the long term effect of the sustained abuse, but also because the Tatmadaw continues to act with impunity in cases of looting, extortion and arbitrary taxation, and this is compounded by the involvement of EAGs and parts of law enforcement, such as the Myanmar Police, in such practices.

<sup>723</sup> The Democratic Karen Buddhist Army, often referred as "Ko Per Baw" translated directly from Karen language as "yellow headscarves," a reference to the DKBA's uniform.

<sup>724</sup> ["UNCERTAINTY, FEAR AND FLIGHT: The Current Human Rights Situation in Eastern Pa'an District,"](#) KHRG, November, 1998; see also *"Although most of the villagers remain in their villages under SPDC [Tatmadaw] and DKBA control, their lives are difficult and they are becoming increasingly impoverished. The continued use of forced labour, the demands for money and food from the villagers, and the resulting poverty have driven many to flee to refugee camps or to join the illegal migrant labour market in Thailand."* ["Consolidation of Control: The SPDC and the DKBA in Pa'an District,"](#) KHRG, September 2002.

<sup>725</sup> *"Another group of soldiers came into our village and all the villagers tried to run away because we were afraid of them."* ["CONTINUING SLORC ACTIONS IN KAREN STATE,"](#) KHRG, May 1994.

<sup>726</sup> ["CONTINUING SLORC ACTIONS IN KAREN STATE,"](#) KHRG, May 1994.



An additional consequence of the fear and mistrust that villagers feel around armed actors, particularly Tatmadaw and its allies, is the limitation on freedom of movement that villagers continue to feel in militarised areas, such as around checkpoints. Additionally, the presence of checkpoints throughout parts of southeast Myanmar reinforces the militarised context and insecurity that villagers continue to face every day, and heightens their exposure to potential abuses by armed actors.<sup>727</sup> Whilst direct conflict may have reduced in recent years, the presence of armed actors such as at frequent checkpoints and in villages when collecting tax serves as a persistent reminder of the unsafe, militarised context in southeast Myanmar today.

### **Mistrust of the system of taxation**

The fear that villagers feel towards the Tatmadaw, as well as the blurring of extortion and taxation, most especially in the 1990s and 2000s, has led to a general mistrust of taxation for villagers in southeast Myanmar. The lack of trust in the taxation system is exacerbated by the fact that villagers often report that they feel that they are paying too many taxes, to too many different actors and do not have information on what the taxes are for.<sup>728</sup> Villagers also suggest that government officials and armed actors are misappropriating the taxes, instead of using them to provide public services for the benefit of the community.<sup>729</sup> Therefore, as arbitrary taxation continues to occur, villagers will remain mistrustful of the tax system and not see it as beneficial, creating significant barriers between government authorities and the citizens that they tax. Nevertheless, since the preliminary ceasefire, villagers have demonstrated agency to check whether they are paying the correct taxes, and to find ways to alleviate the livelihood constraints that these taxes cause.

### **Villager agency when facing looting, extortion and arbitrary taxation**

Between 1992 and 2012, as KHRG reported during the conflict, looting, extortion and arbitrary taxation were used by armed groups, predominately Tatmadaw, to undermine the livelihood and survival of villagers in southeast Myanmar. In response to this, throughout periods of persistent abuse, which commonly involved looting and extortion, villagers employed avoidance tactics such as hiding their belongings. The pattern of abuse has changed since the signing of the preliminary ceasefire, and the ending of the four cuts policy, as now these abuses are being perpetrated by corrupt individuals and armed groups for their own financial gain. In response to the changing motives and incidences of the abuse, villagers have adapted the tactics that they use to deal with these abuses, although they continue to have a similar impact on their lives. Therefore, as arbitrary taxation has become the most pressing financial abuse, villagers are now more frequently employing agency tactics of confrontation and questioning to challenge the existence of these taxes.

During the conflict, villagers took active participation defining and choosing the direction of their lives, even if the choices they had had been severely limited by the actions of the Tatmadaw and EAGs. As looting and extortion were regularly connected to other abuses during the conflict, villagers reported feeling that the alternative to not paying extortion fees or directly resisting looting would have more serious consequences than the abuse of extortion or looting in of itself.<sup>730</sup> As one villager from Kyainseikgyi Township suggested in an interview in 2000:

<sup>727</sup> “Since October 10<sup>th</sup> 2014 enemy activity has been increasing. The villagers have had some problems traveling because [some] Tatmadaw soldiers have been waiting halfway up and on the side of the road to check people. The villagers were very scared because they have seen that the soldiers have been waiting beside the roads and increasing the checks on people.” Source #37.

<sup>728</sup> Source #85; see also “[Dooplaya Situation Update: Win Yay Township, June to July 2015](#),” KHRG, March 2017.

<sup>729</sup> Source #141.

<sup>730</sup> “[DKBA attack on villagers and the forced dismantling of a mosque in Papun District](#),” KHRG, July 2009.

*"The villagers had to give it [household goods] to them [SPDC/Tatmadaw] because they fear them. If the villagers didn't give it to them, they beat them and looted it from them anyway."*

Saw DI--- (male, 36), quoted in a report written by a KHRG researcher, Kyainseikgyi Township, Dooplaya District/southern Kayin State (published in March 2000)<sup>731</sup>

However, this is not to say that villagers did not demonstrate more active forms of agency, as to mitigate the risk of looting and extortion villagers hid their belongings in the forest or buried them. This demonstrates that villagers were not merely victims of the conflict, but actively engaged in ways to lessen the impact of abuse and avoid further abuse, as one KHRG researcher reported about T--- village, Kawkareik Township in 1995:

*"They [villagers] have also taken all of their household items and hidden them in the rocks and cliffs in the area so that the SLORC [Tatmadaw] or Ko Per Baw [DKBA Buddhist] cannot take them, as the villagers have already suffered this in the past."*

Commentary written by a KHRG researcher, Kawkareik Township, Dooplaya District/southern Kayin State (published in January 1996)<sup>732</sup>

Furthermore, some villagers contacted the KNLA or created their own home guard to monitor the movements of the Tatmadaw and other armed groups. In one report a villager described that while they hid in the jungle, Tatmadaw had looted and destroyed many of their belongings and following this, villagers created a home guard and supported the KNLA to watch over the village. The villager explained that:

*"[T]he gher der [home guards] and Army [KNLA] take security. They plant hundreds of landmines to frighten and prevent the SPDC Army from coming here easily. We can do our own work year by year. In the past, in our village [Lo---] and wherever we fled and stayed, the SPDC [Tatmadaw] Army came and burned down our village and our shelters. They ate our pigs and chickens. They shot our buffalos. They took our property, like shirts and blankets, if they saw them in our hiding places in the jungle."*

Incident Report written by a KHRG researcher, Lo--- village, Lu Thaw Township, Hpapun District/northeastern Kayin State (published in August 2011)<sup>733</sup>

Problematically, as the above quote shows, in the militarised context of southeast Myanmar, relying on any protection from armed groups creates additional risks, such as the laying of "hundreds of landmines", which not only prevented Tatmadaw from entering the village but prevented villagers from safely moving around as well.<sup>734</sup> Villagers' reported that they have repeatedly relied on the KNLA for protection from other armed actors throughout KHRG's reporting period,<sup>735</sup> and as the feeling of insecurity remains villagers continue to look for support from armed groups, which adds to the ongoing militarisation in southeast Myanmar.<sup>736</sup>

Contrastingly, since the 2012 preliminary ceasefire villagers have increasingly sought justice for abuses such as looting and extortion committed against them. The impunity of the armed groups during the conflict has had a wider impact in that the judicial system also acts outside the boundaries of the law, and this means that villagers are severely limited in their ability to complain or seek justice if the abuse involves military and judicial authorities. This was highlighted by Ma A---,

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<sup>731</sup> *"They take the livestock, but you can't complain. They said if you complain, they will kill you. Their Strategic Commander said 'You satisfy and feed the outside people, but you don't satisfy or feed us'."* ["STARVING THEM OUT: Forced Relocations, Killings and the Systematic Starvation of Villagers in Dooplaya District,"](#) KHRG, March 2000.

<sup>732</sup> ["Conditions North of Myawaddy,"](#) KHRG, January 1996.

<sup>733</sup> ["Hpapun Incident Reports: November 2010 to January 2011,"](#) KHRG, August 2011.

<sup>734</sup> For more information on landmines see Chapter 1: Militarisation.

<sup>735</sup> *"Only our leaders [KNU] protected us from danger and were our security guards. They attacked them [Tatmadaw] back whenever they met."* Source #171.

<sup>736</sup> ["Toungoo Situation Update: Thandaunggyi and Htantabin townships, November 2015 to January 2016,"](#) KHRG, July 2016.

who explained the injustice she felt after the Myanmar Police attempted to extort money from her brother in 2013, in order not to investigate the car accident he had been in:

*“But they [the police] are educated; what they are doing? I am not very educated. They are oppressing the local people a lot, so we cannot endure it. Now all our siblings are upset and our business is also ruined. We have to send food [to our brother]. We do not know how our younger brother is. He does not know anything.”*

Ma A--- (female, 36), Bu Tho Township, Hpapun District/  
northeastern Kayin State (interviewed in October 2013)<sup>737</sup>

The impact of corruption in the Myanmar Police is clear in this example, as it creates a sense of injustice; that the justice system does not work in the interest of community members. This is a feeling that is also raised when villager's reported being taxed arbitrarily.

With regard to taxation, throughout the 1990s and 2000s, cases of villagers avoiding taxation were often intertwined with their activities to avoid looting and extortion. Notably, since the preliminary ceasefire, villagers have been active in asking for receipts when taxation has been demanded, refusing to pay when not provided with a receipt<sup>738</sup> and directly confronting the tax collectors when they disagreed with the tax. This was described by a villager from Hpapun district in 2015:

*“She [another female villager] said, ‘In the past you [KNU] collected the taxes, but we did not get a receipt from you.’ They [the KNU] replied that [this year] they will provide the receipts for [both] the last year [2014] and this year [2015]. [She said], ‘If we get a receipt we would pay the tax [since we will have a guarantee that we will not be asked to pay again]. But [either way] the taxes that you demand are too much for us. If we compare with the taxes demanded by the Burma [government], they demanded only a few kyat.’<sup>739</sup> She said it openly.”*

Naw A--- (female, 21), Dt--- village, Lu Thaw Township, Hpapun District/  
northeastern Kayin State (interviewed in April 2015)<sup>740</sup>

Furthermore, in an attempt to reduce the negative financial impacts of taxation, village heads and villagers have also attempted to negotiate with tax collectors, as was described by a village head from Hpapun District in 2015:

*“[The] [v]illage head said that the amount of taxes the KNU is demanding is too much for the villagers to handle, but Hpapun District KNU administrator Hpuh Kaw did not reply anything to her... The village head had asked the KNU to reduce the taxes for the villagers. Some of the villagers who went with her also told the KNU that they are working as volunteer missionaries so they do not earn a good wage and they could not possibly pay all those taxes.”*

Naw A--- (female, 21), Dt--- village, Lu Thaw Township, Hpapun District/  
northeastern Kayin State (interviewed in April 2015)<sup>741</sup>

The avoidance, questioning and negotiation strategies employed by villager's show that there is still significant mistrust and lack of correct procedure with regard to the taxation system in southeast Myanmar. Ultimately, the involvement of the Tatmadaw, Myanmar government, KNU and other EAGs in the perpetual proliferation of abuses against villagers financial survival hinders the villager's ability to seek justice for these abuses. Until corruption, impunity and the lack of transparency of armed actors and some local authorities is tackled in southeast Myanmar, villagers will continue to have a lack of trust in the presence of these actors and the taxes they demand, as well as seek to maintain their own livelihoods as much as possible without the interference of these actors. However, they would be in a much better position if the tax system

<sup>737</sup> “[Hpapun Interview: Ma A---, October 2013](#),” KHRG, October 2014.

<sup>738</sup> Source #159.

<sup>739</sup> As the average conversion rate in 2015 was 1182 kyat to US\$1, a few kyats would be equivalent to US\$0.00.

<sup>740</sup> “[Hpapun Interview: Naw A---, April 2015](#),” KHRG, February 2016.

<sup>741</sup> “[Hpapun Interview: Naw A---, April 2015](#),” KHRG, February 2016.

was simplified and worked for their benefit, and if all cases of looting, extortion and arbitrary taxation were fully prosecuted regardless of who committed the abuse.

## **Conclusion**

Across the 25 years that KHRG has been reporting it has been clear that looting, extortion, and arbitrary taxation have had a significant negative effect on the lives of villagers. During the conflict, the financial sustainability and survival of villagers was targeted by the Tatmadaw, as well as the BGF and DKBA (Buddhist), which produced serious livelihood problems, an atmosphere of fear and widespread displacement. Although examples of looting and extortion have reduced since the preliminary ceasefire, the effects of the extensive abuse mean that villagers continue to feel unsafe in the presence of armed actors, especially when demands are made for taxation. Furthermore, villagers continue to feel that their finances are under attack because of taxation. Community members have reported that a variety of taxes are being collected by many different actors, including armed groups, and that they do not perceive any benefit from ongoing taxation in southeast Myanmar. Therefore, simplifying and improving that taxation system should be a priority for the Myanmar government and KNU, as well as ensuring that public services provide benefits to the villagers and reflect the taxation that they have paid.



## Photos: Looting, Extortion and Arbitrary Taxation



When this photo was taken in Lu Thaw Township, Hpapun District on April 5<sup>th</sup> 2008, local villagers had already dismantled the farm hut shown above and taken away its material to a hiding site, as they were aware that the Tatmadaw were likely going to imminently attack the village and steal their supplies such as this housing material. [Photo: KHRG]<sup>742</sup>



This photo shows a rice field, which had already been harvested, burnt by SLORC [Tatmadaw] in December 1995 in Toungoo District, in order to starve villagers and opposition forces. [Photo: KHRG]<sup>743</sup>



This photo was taken in November 2001 in Hpapun District. It shows villagers from L--- village, Hpapun District resting in a dry riverbed after fleeing an Tatmadaw column. The soldiers of Tactical Operations Command #333 of LID #33 entered L--- village on November 25<sup>th</sup> 2001 causing the villagers to flee. The soldiers stayed in the village for several days looting the villagers' livestock and possessions and then burned and destroyed what remained. The presence of Tatmadaw soldiers in L--- village caused the villagers in surrounding villages to flee into the forest in case the column came to their villages as well. Most of the villagers were unable to take blankets and clothes with them when they fled. November is the beginning of the cold season, when night temperatures can drop close to freezing in these hills, but the villagers are unable to light fires out of fear of the nearby Tatmadaw troops. The cold is especially bad for the children and the elderly. [Photo: KHRG]<sup>744</sup>

<sup>742</sup> “[Burma Army attacks and civilian displacement in northern Papun District](#),” KHRG, June 2008.

<sup>743</sup> “[Photos from 1996: Set 96-A](#),” KHRG, February 1996.

<sup>744</sup> “[PHOTO SET 2002-A: V. Flight and Displacement](#),” KHRG, December 2002.



This photo was taken on June 6<sup>th</sup> 2014 at Way Naung village, Meh Klaw village tract, Bu Tho Township, Hpapun District. A villager had tied his cow in the field, which was located in front of a plantation claimed by Tatmadaw. An unnamed Tatmadaw soldier captured the cow and demanded 10,000 kyat (US\$10.00) from him the villager in return for the cow. [Photo: KHRG]<sup>745</sup>



This photo was taken on February 24<sup>th</sup> 2009. It shows Saw P---, the 39 years old head of B--- village in Bu Tho Township, Hpapun District. Saw P--- told KHRG that local DKBA [Buddhist] forces had regularly demanded 'porter fees' from the residents of his village. On December 16<sup>th</sup> 2008, January 16<sup>th</sup> 2009 and February 16<sup>th</sup> 2009 the villagers had to give payments of 10,000 kyat (US\$ 10.00). Furthermore, on December 25<sup>th</sup> 2009 the villagers had to give 400 thatch shingles to the DKBA. [Photo: KHRG]<sup>746</sup>



These photos were taken on August 27<sup>th</sup> 2009. The photo on the left shows a truck stopped outside a checkpoint along Asia Highway 1, at the Special Industrial Zone in the Thin Gan Nyi Naung area, which is outside Myawaddy Town on the road from Myawaddy to Kawkaik in Dooplaya District. The photo on the right shows officials operating the checkpoint, including another checkpoint near Thin Gan Nyi Naung. This checkpoint is manned by Tatmadaw soldiers, immigration officials, Na Sa Ka (Tatmadaw immigration officers) and soldiers from the DKBA (Buddhist) and KPF (Karen Peace Force). The Asia Highway 1 is one of the major routes linking overland trade between Thailand and Myanmar. It is also home to an extensive network of checkpoints and tollgates, which must be paid by travellers and traders if they wish to pass. [Photos: KHRG]<sup>747</sup>

<sup>745</sup> Source #32.

<sup>746</sup> "[KHRG Photo Gallery 2009](#)," KHRG, July 2009.

<sup>747</sup> "[KHRG Photo Gallery 2010: Life under military control](#)," KHRG, February 2011.



This photo was taken on April 12<sup>th</sup> 2015 at Baw Hta village, Baw Thay Hta village tract, Lu Thaw Township, Hpapun district. The picture shows a list of taxation from the KNU, which they have collected every year. Villagers from Baw Thay Hta village tract stated that during a meeting with the KNU tax collectors they explained that they have a lot of taxes to pay, which include a gun tax, rice-peeler tax, motor-boat tax, tree-cutting machine tax, elephant tax, shop tax, bicycle tax, car tax, and walkie-talkie tax. On the taxation list there are only nine taxes listed. Even though the villagers complained a lot about the taxes in the meeting, the KNU tax collector did not reply. The villagers want the taxes to be reduced. [Photo: KHRG]<sup>748</sup>



This photo was taken on April 17<sup>th</sup> 2014 in Than Thandaung Myo Thit Town, Thandaunggyi Township, Toungoo District. It shows that villagers were asked to pay fees and taxes for their motorbikes during the water festival, when they came and played with the water that flows from the mountain; this stream is also used for drinking water. The groups who collected the tax included an officer from the fire station, the police, the Union Solidarity and Development Party (USDP) and a group of former military soldiers (veterans). Many different authorities also asked villagers and passengers to pay a tax at the entrance of Thandaung Myo Thit Town. The people have to pay 200 kyat (US\$0.20) for one person, 1,000 kyat (US\$1.00) for one small car, 1,500 kyat (US\$1.50) for one big car and 500 kyat (US\$0.50) for one motorbike. Villagers did not understand why they had to pay, as the tax collectors did not explain it. Moreover, they did not rebuild the road or do anything to develop the town, even though they levied taxes. *[Photo: KHRG]*<sup>750</sup>

750 Source #26.



This photo was taken on October 14<sup>th</sup> 2016 at Si Pin K'Lay village tract, Thandaunggyi Township, Toungoo district. It shows KNU checkpoints, where the KNU has been checking the motorcycle taxis that are going to sell, such as food and vegetables in the rural villages. This KNU checkpoint is mainly checking for security and drugs. It also shows a KNU tax collector at the checkpoint, who smashed the bottles of alcohol that civilians brought to sell in the rural villages. *[Photo: KHRG]*<sup>751</sup>



This photo was taken on October 27<sup>th</sup> 2014 at Yoh Klah village in Bilin Township, Thaton District. It shows Tatmadaw LIB #2 Corporal Kyaw Hsan from Yoh Klah Army camp, which is led by Kyaw Thu Rein, searching for animal traders to tax in the village. His battalion's headquarters is located in Kyaikto Town and he is the one who has been looking for cow and buffalo traders who trade on the black market, who he taxes when he finds them. *[Photo: KHRG]*<sup>752</sup>

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<sup>751</sup> Source #158.

<sup>752</sup> Source #42.



## Chapter 6: Development

*“Local people have been told the dam is part of ‘development’, but they say it will be bad for them because every time the SPDC military junta announces infrastructure projects they confiscate local people’s land, demand money and materials, and force civilians to do labour. Local civilians fear that they will be unable to refuse these demands because the SPDC will force them with guns.”*

Field Report written by a KHRG researcher, Htantabin Township, Toungoo District/  
northern Kayin State (published in August 2005)<sup>753</sup>

*“Challenges are increasing after the ceasefire because companies are coming in and it is like we have to move away from our land. We are farmers and if we do not do this work what else is there that we could do? If they do business operations on our land where are we going to live? Someday, our new generation will no longer know our tradition and if that continues for longer and longer, our Karen people will be gone. And the young people will not have a chance to see the natural environment. If that happens we will no longer have happiness in life. There will be more challenges.”*

Saw PP--- (male, 37), A--- village, Win Yay Township, Dooطلا District/  
southern Kayin State (interviewed in November 2016)<sup>754</sup>

### Key Findings

1. Villagers are increasingly facing development related rights violations such as forced relocation, land confiscation and land destruction, which results in severe livelihood consequences such as food insecurities, employment loss, and financial and emotional damages from losing their land and means of survival.
2. Since the NCA and the new civilian-elected government, villagers have more frequently reported government led development projects and service provisions as being beneficial to them, their communities, and their futures.
3. Under the peace process, the Myanmar military and government have decreased their use of violence to confiscate villagers’ land for development projects, and have largely stopped demanding villagers as forced labourers for large-scale infrastructure projects.
4. Villagers’ agency strategies to contest development related abuses have diversified and include strategies such as sending complaint letters, engaging in negotiations, direct protest, demanding compensation and forming committees, whereas under the military regime villagers’ main agency tactics were to flee when faced with development related abuses.
5. Villagers report that private companies are primarily responsible for current land grabs related to development, and that they do not consult communities, do not receive permission for their projects, and do not compensate villagers when they take and damage their land.
6. Villagers report that private companies are often owned by former military and armed groups. Private companies often receive support from military and security forces to carry out their abuses against villagers. In development projects involving many actors, the government, armed groups, and private companies use the collaboration to evade responsibility in development projects, which impedes villagers’ ability to seek justice for associated abuses.
7. Villagers continue to face legal battles to reclaim their land or receive compensation for abuses committed by the Tatmadaw, EAGs, and private companies in the pursuit of development projects prior to the civilian elected government, and still face many obstacles preventing them from accessing justice.

<sup>753</sup> “[Toungoo district: Civilians displaced by dams, roads, and military control](#),” KHRG, August 2005.

<sup>754</sup> Source #163.

8. Since the NCA, CBOs and INGOs have been diversifying their projects in southeast Myanmar. They have expanded their activities beyond humanitarian aid to include livelihood trainings, water and electricity provision, supporting the construction of schools and clinics, and dispersing health information.
9. In many cases, CBOs and INGOs receive permission, and consult with villagers prior to the start of their projects. When complaints do surface, it is usually because of weak communication between INGOs and the villagers.

## Development subsections

- A. Development by the Myanmar government
- B. Private companies' role in development
- C. Development by CBOs and INGOs

## Introduction

Development in Myanmar has changed drastically over the past 25 years of KHRG reporting. Development is no longer only seen as a militarisation project by the former military junta to secure disputed territory, suppress resistance and control civilians.<sup>755</sup> Rather, with the recent transition from a military to a civilian-elected leadership of the government, the task of developing Myanmar is increasingly being taken on by new actors and for new purposes, which has important consequences for the people in Myanmar.

Previously 'development' was only done by the military to expand their territory into ethnic strong holds, suppress opposition and increase profits. This development, prior to the 2012 ceasefire, included the systematic use of civilians as forced labour to build roads, construct army bases and build dams for hydropower. The military government was able to accomplish large infrastructure projects by committing human rights abuses through threats and violence, evicting and forcibly relocating villagers and confiscating their land. These military government led developments had no advantages for the villagers since villagers were often beaten, forced to work as labourers, and were not permitted to leave their villages, and only benefitted the military by helping them access and control areas under ethnic leadership.<sup>756</sup> In many cases the Tatmadaw continues to be heavily involved in development projects and in the abuse of villagers' rights, arguably still for the purpose of increasing profits and territorial control.

Now development encompasses infrastructure, natural resource extraction, agribusiness, energy projects, and service provision by governments, private national and international companies, as well as community development projects by community based organisations (CBOs) and international non-governmental organisations (INGOs).<sup>757</sup> 'Development', now overseen by these new actors has the potential to improve the lives of civilians and raise the income for residents in southeast Myanmar.<sup>758</sup>

<sup>755</sup> [“Hpapun Interview: Naw A---, April 2015,”](#) KHRG, February 2016; and see also [“Hpa-an Situation Update: Hlaingbwe and Paingkyon townships, March to May 2016,”](#) KHRG, September 2016; [“Doooplaya Interview: Naw A---, August 2015,”](#) KHRG, December 2016; and [“Hpapun Interview: Saw A---, July 2015,”](#) KHRG, April 2017.

<sup>756</sup> [“ABUSES AND RELOCATIONS IN PA'AN DISTRICT,”](#) KHRG, August 1997; see also [“PEACE VILLAGES AND HIDING VILLAGES: Roads, Relocations, and the Campaign for Control in Toungoo District,”](#) KHRG, October 2000; [“Toungoo Interview: Saw H---, April 2011,”](#) KHRG, September 2012; [“PORTER STORIES: CENTRAL KAREN STATE,”](#) October 1996; and [“Tenasserim Division: Forced Relocation and Forced Labour,”](#) KHRG, February 1997.

<sup>757</sup> CBOs refer to local non-market and non-government organisations that pursue a common interest in the public domain. INGO (international non-governmental organisation) refers to a non-profit organisation that is independent from states and international governmental organizations, but is international in its scope. Its headquarters may be based in another country, and have locations across the world.

<sup>758</sup> KHRG has reported extensively on the human rights impacts of development in southeast Myanmar, see for examples; [“Losing Ground: Land conflicts and collective action in eastern Myanmar”](#) KHRG, March 2013; and see

KHRG reports from 1992-2017 indicate the following major changes in regards to development: the influx of private investment in the post-2012 ceasefire period, which has allowed private companies to implement large and small-scale projects in remote areas, the Myanmar government improving service provision for communities, and CBOs and INGOs activities shifting from providing humanitarian aid, to providing community support, and health and education services. In many cases these development changes are bringing hope and improving villagers' lives. However, in others, the Tatmadaw, Myanmar government, and private companies continue to use power and impunity to violate the rights of villagers. Villagers now report that development projects done by private companies have the most detrimental impacts on their lives, and with all development actors villagers continue to fight to have their rights respected and for their perspectives to be incorporated into the development of Myanmar.

In order to understand how development has changed over the last 25 years and assess the accountability of development and the associated human rights abuses, the following subsections will be divided by responsible actors: Myanmar government, private companies, CBOs and INGOs and will reveal villagers' concerns associated with each group. Section A: Myanmar government will discuss how the Myanmar government's involvement with 'development' has changed over the course of 25 years. It argues that 'development' activities initiated by the military junta prior to 2010 were for the purpose of military expansion, which coincided with violence and rights abuses against villagers, and that the now civilian-elected government in some cases continues to violate villagers' rights. The section encompasses government improvements, livelihood impacts, and villagers concerns related to government led development. Section B: Private companies' role in development, documents the recent emergence of companies' engagement in large-scale development projects, and shows how their abuses against villagers have increased post-ceasefire and often involve Tatmadaw and EAGs. Villagers emphasise increased rights abuses relating to land, private companies' impunity, lack of transparency and perpetuating inequality. Section C: CBOs and INGOs show how these organisations have been providing humanitarian aid from the onset of the conflict to service provision more recently, and gives examples of best practice that will help all development actors to more ethically involve villagers in their development projects.

## **A. Development by the Myanmar government**

The most notable change of government led development has been the transfer or merging of projects previously run by the military junta to development projects overseen by the Thein Sein<sup>759</sup> government and to the civilian-elected Myanmar government in the present situation. In KHRG reports when Myanmar was controlled by the military junta before 2010, the Myanmar military led government committed human rights abuses against villagers under the guise of 'development' for the purpose of military expansion. In order to build roads, dams, and army bases to increase its control, the military government used villagers as forced labour, confiscated their land, and forced them to relocate. During this time there was no distinction between Tatmadaw and the Myanmar government, as their relationship was inseparable, and thus villagers saw abuse by the military and by the government as the same.

Since the signing of ceasefire agreements in 2012 and 2015 respectively, and the election of the National League for Democracy (NLD) in September 2015, government led<sup>760</sup> development has brought forth new development goals, concerns, and new possibilities for villagers to take action

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also "["With only our voices, what can we do?": Land confiscation and local response in southeast Myanmar"](#)" KHRG, June 2015.

<sup>759</sup> Thein Sein, a former general, served as the President of Myanmar from March 2011 until November 2015. His presidency was the first election in Myanmar in over 20 years. While he led many meaningful reforms, such as freeing political prisoners, relaxing media laws, and starting peace deals with ethnic minority groups, many analysts suggest his appointment was orchestrated by the former military junta, the SPDC.

<sup>760</sup> Both the Myanmar and the KNU are governing bodies within southeast Myanmar. However, this section uses government to refer to the Myanmar government, currently led by the NLD party.

against unethical development. Now villagers report to KHRG the Myanmar government has become more involved with road construction and providing services such as water, electricity and education to communities and report more instances stating they believe the Myanmar government has improved the way it engages with villagers to pursue development.

Nonetheless, KHRG reports also indicate the Myanmar government continues to confiscate villagers' land for development projects, do not engage in prior consultation, and in some cases receive military support to carry out these projects against villagers' will. Additionally, reports reveal cases in which the local administrators from the Myanmar government and the KNU are complicit in companies' unlawful actions against villagers by permitting companies to confiscate villagers' land without prior information or informed consent. Furthermore, while KHRG documents villagers more often taking action in the form of submitting complaints and protesting, cases of land confiscation by Tatmadaw for development projects prior to the 2012 ceasefire remain unresolved, with villagers reporting that they remain displaced, without compensation and without legal avenues to reclaim land or access justice.

### **Past abuses led by military junta for development**

While some villagers in southeast Myanmar continue to view government led development with fear and suspicion, these views were much more severe for development undertaken by the Tatmadaw prior to the 2012 ceasefire. Project development such as dam construction, road expansion, and railway laying were used by Tatmadaw for income generation and for easier access to ethnic strongholds in southeast Myanmar.<sup>761</sup> These development projects coincided with direct human rights abuses against villagers. In 1996, one KHRG researcher observed that:

*“SLORC [Tatmadaw] has been using civilian forced labour to build and improve an entire network of roads throughout this area in order to consolidate its military control of the region. While “U Ba---” and “U Bb---” [...] were used as road labour and porters in this area northwest of Myawaddy, “U Bc---” [...] was forced to carry loads to an area 80 km (50-mile) south of Myawaddy along the Thai border, an area captured by SLORC from the Karen National Union (KNU) in 1995. SLORC is now massing troops in this area as well as further to the west, in apparent preparation for a new major offensive against KNU areas a bit further south.”*

Report written by a KHRG researcher, Hpa-an District/central Kayin State  
(published in October 1996)<sup>762</sup>

Tatmadaw forced villagers to relocate, confiscated their land, and used them as forced labourers under harsh conditions to complete their 'development' projects, many of which are in use today.<sup>763</sup> For example, in a 1992 report, Tatmadaw regiment IB #10, LIB #317 and IB #14 built a car road from Bilin to Hpapun areas to use for transporting ammunition and supplies to the battle front at Twee Pa Wee Kyo, Hpapun District. In this case, Tatmadaw destroyed villagers' paddy fields without compensation to build a road that would provide easy access to Manerplaw, where Tatmadaw mounted their main offensive against Karen troops in 1992. In the same year, 11 entire villages in Dooplaya District were forcibly relocated to clear the way for Tatmadaw, who then used the villagers as forced labour to build the Myawaddy-Kawkareik road. Problematically, these villagers were relocated onto land which was already commonly owned and used by other villages,

<sup>761</sup> See, for example, “[...] normal SLORC [Tatmadaw] practice is to forcibly relocate all small or remote villages to garrison villages where they are under direct military control, then to use the villagers as forced labour building and servicing new military camps in the area and to build military access roads into the area.” [“Developments in the SLORC/SPDC Occupation of Dooplaya District,”](#) KHRG, February 1998; and see also [“PEACE VILLAGES AND HIDING VILLAGES: Roads, Relocations, and the Campaign for Control in Toungoo District,”](#) KHRG, October 2000.

<sup>762</sup> [“PORTER STORIES: CENTRAL KAREN STATE,”](#) KHRG, October 1996.

<sup>763</sup> [“PORTER STORIES: CENTRAL KAREN STATE,”](#) KHRG, October 1996; and see also [“KAREN HUMAN RIGHTS GROUP INFORMATION UPDATE,”](#) KHRG, November 1998; and [“FIELD REPORTS: MERGUI-TAVOY DISTRICT,”](#) KHRG, July 1995.



sparkling continued complications as to what right relocated villages had to new land assigned by the military junta of the time.<sup>764</sup>

In order to complete these development projects, Tatmadaw demanded villagers as forced labourers requiring them to work throughout the day without providing food, medicine, rest or water. Tatmadaw forced villagers to carry heavy loads far distances to build bridges,<sup>765</sup> railways<sup>766</sup> and dams<sup>767</sup> where they endured beatings, torture, and weakness from lack of food, heatstroke and physical exhaustion:

*“People from over 50 km away from these roads are also being forced to walk 2 days to get there in order to work on rotating 10 days shifts hauling dirt, building embankments, breaking rocks and digging ditches. Children as young as 12, people over 60, and women still breastfeeding their infants are being forced to do this work. In many villages and relocation sites, one person per household must be provided at all times without exception. No money, food, shelter, medical care or medicines are provided.”*

Situation Update written by a KHRG researcher, Ler Muh Lah Township,  
Mergui-Tavoy District/Tanintharyi Region  
(published in February 1997)<sup>768</sup>

Even when Tatmadaw had the necessary machinery to complete construction, they chose to use villagers for the hard labour instead, and use the machinery as an additional source of military income:

*“On the dam project, for every 10 barrels of diesel fuel they receive for canal construction, they only use 4 or 5 barrels and sell the rest for 5,000 Kyats (US\$5.00) each. Then they use the villagers to do the work instead of the machines.”*

Field Report written by a KHRG researcher, Toungoo Town, Toungoo District/  
northern Kayin State (published in July 1996)<sup>769</sup>

Development under the military government was only ‘accomplished’ through the military committing human rights abuses against villagers throughout the majority of the conflict. The Tatmadaw terrorised villagers, burnt their villages, killed indiscriminately, and they used their land and labour to help them continue their abuses by using roads and dams for military and financial gain. In one case in Mergui-Tavoy in 1995, villagers reported that Tatmadaw consistently demanded labourers for road construction for four years, rotating every seven days.<sup>770</sup> In many cases, civilians were prohibited from using the completed roads, adding further restrictions on their freedom of movement and closely fixing road expansion in accordance with military expansion.<sup>771</sup>

The military junta continued these activities throughout the mid-2000s. For instance, in 2006 when the Tatmadaw constructed a new town project in Hpa-an District, they had confiscated many villagers’ lands and used villagers for forced labour. At that time, the military government officials told villagers that:

<sup>764</sup> [“REPORTS FROM THE KAREN PROVINCES,”](#) KHRG, September 1992.

<sup>765</sup> [“STATEMENTS BY INTERNALLY DISPLACED PEOPLE,”](#) KHRG, April 1993.

<sup>766</sup> [“FIELD REPORTS: MERGUI-TAVOY DISTRICT,”](#) KHRG, July 1995.

<sup>767</sup> [“FORCED LABOUR AROUND TAUNGGOO TOWN,”](#) KHRG, July 1996.

<sup>768</sup> [“Tenasserim Division: Forced Relocation and Forced Labour,”](#) KHRG, February 1997.

<sup>769</sup> [“FORCED LABOUR AROUND TAUNGGOO TOWN,”](#) KHRG, July 1996.

<sup>770</sup> [“FIELD REPORTS: MERGUI-TAVOY DISTRICT,”](#) KHRG, July 1995.

<sup>771</sup> [“CONTINUING SLORC ACTIONS IN KAREN STATE,”](#) KHRG, May 1994.

*“All land belongs not to the civilians but to the government,”<sup>772</sup> so we can occupy any land we want.”*

Field report written by a KHRG researcher, Paingkyon Township, Hpa-an District/  
central Kayin State (published in February 2006)<sup>773</sup>

The military junta declared that the government had no responsibilities to civilians and that they could confiscate villagers land for whatever purposes they deemed appropriate. When the military led government did confiscate villagers' land for development projects, villagers feared the possible consequences it would have on their lives. One KHRG researcher reported how villagers were concerned about their ability to work and survive after their land was confiscated and feared that they would be used as labour for the completion of the project:

*“Villagers in Dta Greh [Paingkyon] are afraid that this mass confiscation without compensation will destroy their livelihoods and say they are extremely sad and afraid and uncertain what to do. Moreover, they fear that the expansion of their village into a larger centre with a stronger presence of SPDC administrative and military personnel will lead to a great increase in various forms of forced labour and extortion.”*

Field Report written by a KHRG researcher, Hlaingbwe Township, Hpa-an District/  
central Kayin State (published in February 2006)<sup>774</sup>

Development throughout the military regime had a significantly more malicious connotation and more terrorising consequences than it does today. The military junta's infrastructure projects, such as roads, dams, and army bases were completed by threatening, beating, and killing villagers in order to take their land and their labour. Development at the time was equated with villager oppression, and military expansion.

### **Improvements in government led development**

Prior to the peace process, villagers in southeast Myanmar had not only been neglected for service development, but also actively targeted through land confiscation, forced labour and relocation for military expansion and development. In 2015, the newly-elected NLD government's election manifesto<sup>775</sup> declared the party's commitments to provide basic infrastructure such as roads, and electricity, and access to information, developing the farming sector, providing fair resolutions to land disputes, and prioritising improving health and education in less developed regions.

Villagers in recent KHRG reports state that the government is increasing its services and implementing more development projects targeting basic public services and infrastructure in southeast Myanmar. The civilian-elected government is more often engaging in development projects, such as providing water pipes and electricity as well as improving their support for clinics and schools. Villagers often see these types of projects as having benefits for their communities and for future generations. Some villagers speak positively about ease of travel from improved roads, access to electricity, and about some government activities intended to improve their communities. One KHRG researcher in Kawkaik Township in 2014 commented on how a government led development project has brought opportunities to villagers in the area:

<sup>772</sup> The Burmese constitution of 1974 (and 2008) and several state decrees since then have given all land ownership to the state.

<sup>773</sup> *“Under Burmese ‘law’ this is true; the Burmese constitution of 1974 and several state decrees since then have given all land ownership to the state, which allows people to acquire rights to use the land only as long as this suits the purposes of the state.”* [“Pa’an District: Land confiscation, forced labour and extortion undermining villagers’ livelihoods,”](#) KHRG, February 2006.

<sup>774</sup> [“Pa’an District: Land confiscation, forced labour and extortion undermining villagers’ livelihoods,”](#) KHRG, February 2006.

<sup>775</sup> [“National League for Democracy Election Manifesto, 2015,”](#) National League for Democracy, October 29<sup>th</sup> 2015.

*"In the past when we used this road we travelled by foot because the road had not been constructed. Now the road has been constructed, and cars and motorbikes are able to travel on this road and it makes it easier for travellers. Development has been taking place after the ceasefire period and the villagers have gained some opportunities because the roads [make] travelling easier. The [distance] between Law Pa Hkee and Meh Kuh Hkee village is four hours but now it take only one hour to travel by car and motorbike. Therefore, it is much better for the villagers who travel on the road, and it is very useful for them."*

Photo note written by a KHRG researcher, Kawkareik Township, Dooplaya District/  
southern Kayin State (received in April 2015)<sup>776</sup>

In some cases villagers are welcoming Myanmar government led development as they recognise that it can bring benefits to their community in the future. A villager in 2015 expressed her satisfaction with a government led development project concerning electricity and how it is indicative of progress when she said:

*"I think that it is a good opportunity and I am very happy when the people [the Myanmar government] are helping us [by providing electricity]. If we get [electricity], it will also bring benefits for our future children. I said it is good opportunity and we should do it. [...] We need it, and the people [the Myanmar government] are going to help us. Also, no one wants to live in darkness nowadays as it is the development era."*

Naw Be--- (female, 47), Bf--- village, Htantabin Township, Toungoo District/  
northern Kayin State (interviewed in January 2015)<sup>777</sup>

Moreover, recent Myanmar-government led development in southeast Myanmar has the potential, if done ethically, to change local perceptions of the government itself. If the Myanmar government initiates development projects that villagers see as being beneficial, there is the potential for the government to be seen as accountable and acting with civilian interests in mind. As one KHRG researcher in Kawkareik Township, Dooplaya District, noted in 2014:

*"People from the government are constructing roads and bridges and we can say that they are trying hard for development."*

Photo Note written by a KHRG researcher, Kawkareik Township, Dooplaya District/  
southern Kayin State (received in June 2014)<sup>778</sup>

Likewise, another KHRG researcher in Dooplaya District, 2016, highlighted how the government in some instances is collaborating with local government for development projects:

*"Currently, the KNU and the Myanmar government are supporting the primary education as much as they can. As a result, there are changes within the [local education] situation."*

Situation Update written by a KHRG researcher, Win Yay Township, Dooplaya  
District/southern Kayin State (received in January 2016)<sup>779</sup>

The testimonies of the villagers and KHRG researchers above indicate some villagers perceive the Myanmar government as following through with their commitments to support villagers through their development projects in southeast Myanmar. In comparison to large-scale industry, hydropower, and agribusiness development, villagers more often see projects such as construction of roads, electricity, and supporting health and education as in villagers' best interests, and support the governments' involvement in these activities. Villagers are able to see the outcomes of these projects in their daily lives, and some believe they will contribute to improving the lives of their children for generations to come. Furthermore, by working with ethnic armed organisation for community development, the government could encourage partnership between groups that have

<sup>776</sup> Source #25.

<sup>777</sup> Source #118.

<sup>778</sup> Source #24.

<sup>779</sup> Source #149.

been previously divided throughout the conflict, and thus promote understanding between them as they work for a common goal.

### **Continued abuse and livelihood impacts**

Regardless of these noteworthy improvements, villagers in southeast Myanmar continue to report their concerns surrounding recent government led development. Whereas some villagers voice their support of government development projects that are intended to serve public interests, villagers state many concerns and abuses associated with recent government led infrastructure and energy projects resulting in land damage and confiscation and at times an over-riding of local-level concerns. Additionally, villagers' past experiences of government and military led development, which encompassed cases of human rights abuse and land confiscation, remain unresolved.

Recent reports suggest the Myanmar government has decreased its systematic military led abuses against civilians, but also indicate the Myanmar government continues to threaten villagers, and commit rights violations such as land confiscation, and land destruction without Free Prior and Informed Consent (FPIC) or compensation for development, which is a continuation of some of the practices of the previous military junta. Recent cases where Myanmar-government projects have caused land confiscation<sup>780</sup> include: the Hpa-an Industrial Zone<sup>781</sup> in Hpa-an District, 2015 where 1,150 acres of land were confiscated; and a road construction project in Hpa-an District, 2016, where over 3,000 teak trees in plantations were destroyed and 36.3 acres of land confiscated.<sup>782</sup>

In one road construction project led by the Myanmar-government for a road in Hpa-an District in 2016, a local land owner, U Bi--- notes how the construction destroyed villagers' land that they had used to plant teak trees for their livelihoods:

***“So, because of this [road construction], what kind of livelihood problems or difficulties of livelihood do you face?***

*We planted the teak trees on our land and we had spent our money on it. But to start that kind of business, we do not have money anymore. [...] Now, they are constructing the road. They pave the way with the rocks.*

***What will they do on the land?***

*They said that they will make a new section/ new village. They said that it is for regional development.*

***So, is there any compensation?***

*No.”*

U Bi--- (male, 33), Bj--- village, Hlaingbwe Township, Hpa-an District/  
central Kayin State (interviewed in February 2016)<sup>783</sup>

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<sup>780</sup> Source #86; see also one case where the construction of roads by the Burma/Myanmar government destroyed villagers' farms, plantations and houses without any compensation being provided: [“Dooplaya Situation Update: Kawkareik, Kyonedoe and Kyainseikgyi townships, March to May 2014,”](#) KHRG, August 2014; see also the case of land damage due to government/military dam construction in Hti Lon Township: *“As the water began flooding their land, they tried to speak with the Tatmadaw, but the Tatmadaw did not do anything for them.”* [“Hpa-an Short Update: Hti Lon Township, March 2014,”](#) KHRG, August 2004.

<sup>781</sup> [“Hpa-an Interview: Saw H---, February 2016,”](#) KHRG, August 2016; and see also [“Kayin industry zone seeks growth,”](#) Myanmar Times, April 2015; and see also [“The Farmer Becomes the Criminal’ Human Rights and Land Confiscation in Karen State”](#) Human Rights Watch, November 2016.

<sup>782</sup> Source #110.

<sup>783</sup> Source #110.



Furthermore, in 2015, a KHRG researcher in Thandaunggyi Township, Toungoo District exclaimed how government led development abuses related to villagers' land are even more impactful, because:

*"The local people are dependent upon the plantation land for their livelihoods. The land is the main thing [employment] for them and they prioritise working on agriculture. The [Myanmar] government<sup>784</sup> confiscated the land and the farmlands. Now the land [available] for residents is decreasing and they are not doing well in their livelihoods."*

Situation Update written by a KHRG researcher, Thandaunggyi Township, Toungoo District/northern Kayin State (published in April 2015)<sup>785</sup>

The impact of these cases of government led development projects involving land damage and confiscation is that they disrupt and endanger villagers' core livelihood security. The confiscation and destruction of land from government led development not only creates short-term financial hardship for villagers, but contributes to long-term loss of livelihoods since losing land forces villagers into debt, to relocate, and leaves them without opportunities to provide for themselves and future generations.

Furthermore, villagers continue to report some cases in which the government has used villagers as forced labour for development projects. In 2015, local villagers were forced to work without pay by local government official U Mya Kyaing, to construct a library by saying, *"If you do not do forced labour, I am going to report to the top leader, the civilian police or put you into custody."*<sup>786</sup> One KHRG community member reported:

*"[Each] day a total of 15 people, including men, women and children, had to carry sand and bricks, mix the cement and [complete] all of the hard work [that was] necessary. The villagers were not paid any compensation and each day 15 villagers had to work [as part of a] rotation. All of the villagers had to work until the building of the library was finished."*

Situation Update written by a KHRG researcher, Bu Tho and Dwe Lo townships, Hpapun District/northern Kayin State (published in June 2015)<sup>787</sup>

To carry out these development projects, villagers have reported to KHRG that government officials will often use threats. Villagers reported that in some cases they are threatened and detained for living and working on their own lands when the government reclassifies the land as forest land or as "vacant, fallow, or virgin" to use the land for state development, which is then contracted to extractive industries. For example, villagers in Bn--- village found that their communal land had been classified as "vacant and fallow"<sup>788</sup> by the government and sold to a

<sup>784</sup> At the time the information for the Situation Update was gathered, July-November 2014, the Myanmar government was under the leadership of Thein Sein and the USDP party, in which Tatmadaw military officers had significant influence. In the quote it is unclear if those responsible for the confiscation are government officials or Tatmadaw soldiers.

<sup>785</sup> ["Toungoo Situation Update: Thandaunggyi Township, July to November 2014,"](#) KHRG, April 2015.

<sup>786</sup> ["Hpapun Situation Update: Bu Tho and Dwe Lo townships, November 2013 to January 2014,"](#) KHRG, June 2015.

<sup>787</sup> ["Hpapun Situation Update: Bu Tho and Dwe Lo townships, November 2013 to January 2014,"](#) KHRG, June 2015.

<sup>788</sup> Art. 2(e) "Vacant land and Fallow land" means land which was used by the tenant before, and then that land was abandoned by the tenant, not only the State designated land but also for agriculture or livestock breeding purposes. According to Displacement Solutions, *"The Vacant, Fallow and Virgin Act (2012) adopted at the same time as the Farmland Law, allows leases of State land vaguely classified as 'vacant, fallow or virgin' for 30 year periods. It sets an allocation limit of 5000 acres at any one time, with a total maximum amount of 50,000 acres for any single person or entity. Both nationals of Myanmar and foreign entities can lease land under this law subject to a two-step process involving approvals from the Myanmar Investment Commission and then the Land Allotment Commission. Some have claimed that 50% of the land in the country could be classified as technically 'fallow', which, if correct, provides an indication that large-scale displacement and land disputes may occur as the new law is implemented."* ["Land Acquisition Law and Practice in Myanmar,"](#) Displacement Solutions, May 2015.

private company.<sup>789</sup> Likewise, in 2015, Ma A--- from B--- village, Hpa-an Township, reports how she was threatened for working and living on her own land by Myanmar government officials:

*"[Government officials] came and said, 'You cannot live here. You will be arrested and put in jail. This is trespassing [on Myanmar government] land. You're living on forest [reserve] land. You cannot live here.'<sup>790</sup> They always came and told us like that once every one or two days. We [kept] living there because we have the [KNU] land grants and we are courageous. We thought that if people ask us [for the documentation], we would show them our land grants. However, we did not have time to show them our land grants when they came into the village. As soon as they turned up, they arrested U G--- and my younger brother Saw F--- and they were put in jail for two months."*

Ma A--- (female, 43), B--- village, Hpa-an Township, Thaton District/  
northern Mon State (published in August 2015)<sup>791</sup>

While government exploitation of villagers for development has become less severe, they still employ abusive tactics that the military junta/Tatmadaw used excessively throughout 1990s and 2000s in KHRG reports, such as land confiscation, threats, arbitrary arrest and forced labour. If the Myanmar government pursues development projects while respecting the rights of villagers, the government led development projects could potentially benefit communities. Instead, the practices of many Myanmar government officials displaces them from their land and livelihoods, and contributes to villagers' distrust of the Myanmar government and furthers their concerns about development more generally.

### **Villager concerns with government led development**

Villagers report that they are not inherently against government led development. However, villagers in southeast Myanmar attest that the government has often ignored their concerns related to government led development projects and engages in projects only for the benefit of government and military officials, which results in continuing suspicion of government led development.

Shadowing the military junta's exploitation of villagers for development project, villagers continue to question whether the government's development plans are targeted to meet communities' needs and will actually benefit those who need the development projects most. In recent KHRG reports, villagers state that in many cases government led development is perpetuating inequalities by giving more benefits to government officials and ignoring populations that are most in need for new roads, buildings, and services. After the government established new government buildings in Hpa-an District, a KHRG community member reported:

*"In [early] 2015, the Myanmar government established a school, a clinic, and many government departments that are [now] based in A--- Town, are on the villagers' land. Many different parts [of the villagers' land] are based [being used] by the military. [...] The government constructed buildings and lined up houses [in rows]. They planned [to build] a straight road, therefore they destroyed all farm fences [which were in the way of the planned road]. The villagers just kept silent and looked at them. One of villagers said the Tatmadaw [Myanmar government] built a new town [only] to brag [to the people of Burma/Myanmar about what they have done]. They [the Tatmadaw] repaired their army camps, built up many buildings, all of which [were] for the*

<sup>789</sup> ["Hpa-an Interview: Saw H---, February 2016,"](#) KHRG, August 2016.

<sup>790</sup> After the government confiscates villagers' land, farmers are often charged for 'trespassing' or 'squatting' under Article 447 of the Penal Code, which states "447. Whoever commits criminal trespass shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both." ["MYANMAR THE PENAL CODE,"](#) Myanmar, 1861; see also Article 40 of the Forest Law, which prohibits trespassing on government reserved forest area, ["THE FOREST LAW \(1992\),"](#) Myanmar, 1992.

<sup>791</sup> ["Thaton Interview: Ma A---, July 2015,"](#) KHRG, August 2015.

*Myanmar government. They have no concern for the villagers [when it comes to their] economic [situation] and [their access to] education. The Myanmar government military exploited [all the opportunities and] there are no opportunities for the villagers [to improve their situation]. There is only the opportunity for us [villagers] to do [cultivate] hill fields and farms. We are pleased to do our work [on hill fields and farms] but the Myanmar government reduced [restricted] the working space [available] to us, so it is hard for us [to earn a living].”<sup>792</sup>*

Situation update written by a KHRG researcher, Hlaingbwe Township, Hpa-an District/central Kayin State (published in July 2015)<sup>793</sup>

Similarly, when Naw Bk---, a 42 years old employee for a local development group, was asked about her opinion about the Myanmar government's and the KNU's development projects in Nyaunglebin District, she said:

*“After the ceasefire took place I think the two governments no longer have any more land to manage [take over] in urban areas, therefore they come to the rural areas to take over land. They have very little concern for civilians...they only think about their personal benefit.”*

Naw Bk--- (female, 42), Bl--- section, Kyaukkyi Township, Nyaunglebin District/ eastern Bago Region (interview received in November 2015)<sup>794</sup>

Additionally, in 2014 a KHRG researcher from Thandaunggyi Township noticed how government officials' disregard for consultation resulted in the exclusion of more remote areas from benefitting from government led development projects:

*“For the [office] buildings, schooling buildings, clinics [or hospitals] and with any kind of project, the village head, [township] administration officer and the clerks do not consult with the civilians and they implement [the project] by themselves. They [the government officers] do not do [development] for the areas that really need it. They prioritise doing [development] only for the sections in the towns and the villages beside the main roads. While implementing these projects, there were grievances with the civilians.”*

Situation update written by a KHRG researcher, Thandaunggyi Township, Toungoo District/northern Kayin State (published in April 2015)<sup>795</sup>

In many cases, villagers in southeast Myanmar feel excluded and exploited by government led development. Villagers report that the government uses development projects to bring benefits for government and military staff and already well-off individuals rather than improving the living conditions of communities in need, which fuels their distrust of the government and makes them question the government's intentions when carrying out development projects.

Villagers' experience of government led development has been further marred by recent cases of embezzlement by government staff. For example, in October of 2013, U Poe Sein Gyi, the secretary administrator of Hpapun Township's Irrigation Canal and Agricultural Department, oversaw a development project to improve the water irrigation system in Hpapun. He only repaired 35 feet of the 130 feet of irrigation system that was damaged, and only spent US\$967.12 of the US\$5,802.71 budgeted for the project. This money was never used for the repair, causing villagers to believe the money *“is being stolen by the Irrigation Canal and Agricultural Department.”*<sup>796</sup>

The same issues were also reported in 2015 in Hpa-an District when the Thein Sein government allocated money for the construction of roads, bridges, and schools. One KHRG researcher reported:

<sup>792</sup> Minor edits for clarity have been made to the originally published quote.

<sup>793</sup> [“Hpa-an Situation Update: Hlaingbwe Township, April to May 2015,”](#) KHRG, July 2015.

<sup>794</sup> Source #109.

<sup>795</sup> [“Toungoo Situation Update: Thandaunggyi Township, July to November 2014,”](#) KHRG, April 2015.

<sup>796</sup> [“Hpapun Situation Update: Bu Tho and Dwe Lo townships, November 2013 to January 2014,”](#) KHRG, June 2015.

*"The Thein Sein government tasked the Border Guard Force [BGF] with monitoring those roads. The Thein Sein government also provided financial support for the road construction, 100 million kyat (US\$89,525.51) for one mile of road. Although this was the budgeted amount, when their [BGF] commanders constructed the road it cost only 50 million kyat (US\$44,762.75). The road was meant to last [in good condition] for 50 years but it is known [estimated] that the road [they built] will decay before that. The road [is expected to] stand firm for only around 30 years. The same thing [happened] with the bridges, because they [BGF] reported the budget for the bridge construction as 100 million kyat (US\$89,525.51), but when they constructed the bridge they only spent 50 million kyat (US\$44,762.75). School [construction] was like that, as well. The BGF soldiers that take care of the schools also requested a budget to build a school. They requested 100 million kyat (US\$89,525.51) and when they built the school it actually cost only 50 million kyat (US\$44,762.75)."*

Situation Update written by a KHRG researcher, Hlaingbwe and Nabu Townships, Hpa-an District/central Kayin State (published in July 2015)<sup>797</sup>

Given the historical context of severe abuses and a lack of consent and consultation from communities, cases of government staff embezzling public funds in development projects only worsens villagers' scepticism and distrust of government led development and simultaneously obstructs the quality and completion of projects that had the potential to improve villagers' lives.<sup>798</sup> In each case, villagers reported to KHRG that less than half of the money budgeted was used for projects. As a result, villagers believe government and military officials responsible for oversight are using development to increase their own wealth at the villagers' expense since the projects are often completed without community approval, without the allotted funds, and on land that was confiscated from villagers, thus also displacing them from their means of survival.

Many of these concerns voiced by villagers could be avoided with increased government transparency and villager consent and consultation. Throughout KHRG reporting history, villagers have stated the importance of being able to assess whether a development project is beneficial for the local community prior to it happening.<sup>799</sup> Although the Myanmar government has developed the 2015 Environmental Impact Assessment Procedure, requiring Free Prior and Informed Consent from local communities and a variety of impact assessments prior to the start of a project, KHRG reports indicate the government largely does not actively seek out consultation and permission from villagers for development projects. One villager reported:

*"Regarding development projects, the Myanmar government does not make consultation a first priority to inform villagers. They do not care whether villagers agree or not. They [Myanmar government] aimed to upgrade the roads and established signboards, but they had not informed villagers. They only consulted authorities and villagers had to follow their decision. When they upgraded the roads they cut down villagers' trees in front of their houses which were nearby the roads."*

Saw Bg--- (male, 24), Bh--- village, Shwegyin Township, Nyaunglebin District/eastern Bago Region (interviewed in November 2016)<sup>800</sup>

Without obtaining FPIC, villagers are unable to reject development projects and to access important information such as, how long a project's construction will take in their local area, why

<sup>797</sup> ["Hpa-an Situation Update: Hlaingbwe and Nabu townships, December 2014 to January 2015,"](#) KHRG, July 2015.

<sup>798</sup> For example, one township administrator, who was selected by the military, built bridges using government aid money intended for civilians: *"He spent only 14,400,000 kyat (US\$12,933.36) of the allotted 30,000,000 kyat (US\$26,944.50) on actual bridge construction. The remaining 15,600,000 kyat (US\$14,011.14) he used to fund his own business."* ["Hpapun Situation Update: Bu Tho and Dwe Lo townships, April 2014 to February 2015,"](#) KHRG, September 2015.

<sup>799</sup> *"We [village leaders and villagers] call [a] meeting twice a month, always. [...] We can evaluate if [development projects] will bring benefits for the villagers or not."* ["Thaton Interview: Saw A---, October 2014,"](#) KHRG, July 2015.

<sup>800</sup> Source #161.



one project has been implemented and not another,<sup>801</sup> and who is responsible for receiving questions or complaints about the development project. Government administrators need to clearly communicate to villagers in order for them to have more control and participation in development projects in their areas. In order to have meaningful consultation and consent from communities, the government should make information available in local languages, and disseminate information using traditional forms of community organisation, such as via village heads and elders, to facilitate community discussions about proposed projects. At present, villagers attest to KHRG that FPIC and impact assessments, which require community agreement and declare whether the local community will gain maximum benefit and how negative impacts will be reduced or avoided, are either not completed or not shared with the affected community members.

As the government increasingly invests in large-scale development projects across southeast Myanmar, the government's unethical practices and continued rights abuses are particularly concerning given the historical context of development being used by the military junta as an abusive tool against villagers. KHRG reports indicate that the government often does not obtain FPIC for development projects, and that villagers in some cases perceive projects as perpetuating inequalities. Villagers attest that government led development projects benefit wealthy individuals within the government, military and business, and already well-off villagers, while further marginalising farmers and minorities in remote areas. As a result, villagers feel excluded from government led development, and often do not view it or the Myanmar government itself positively. Furthermore, cases of embezzlement, and blatant disregard for villagers concerns compounded by cases of land confiscation, land destruction and forced labour continue to worsen villagers' distrust and scepticism of the government and their intentions with development.

### **Agency and justice for government led development**

Over the past 25 years, villagers have increased the frequency in which they have reported to KHRG instances of acting against development related rights violations by the Myanmar government and have adopted more diverse agency tactics when seeking justice compared to abuses committed by the previous military junta. These trends suggest that villagers' fears of retribution if they speak out against government officials have lessened, but in some cases still persist. Nonetheless, most concerning is that villagers' actions and complaints are largely ignored by the government, which continues to prevent them from accessing justice.

In situations of extreme abuse inflicted in the name of 'development', particularly reported in KHRG's first 20 years (up to 2012), villagers faced serious threats of violence, arrest or killing when they spoke out. Villagers' main action when faced with abuse from military government development projects was to flee, with hundreds of thousands of Karen civilians becoming displaced throughout the conflict.<sup>802</sup> For example, a villager who fled a Tatmadaw road construction site in 1996 in Nabu Township, Hpa-an District stated:

*"[I fled because] I can't stand doing unfair forced labour. We had to go with our own food and we had to dig the ground and build the road at our own cost. If you don't go, you are beaten and pounded [a Burmese expression meaning beaten in many ways with various kinds of objects]. We had to work on the road between Nabu, Daw Lan and Pa'an. Sometimes the whole family has to go*

<sup>801</sup> For an example of a Myanmar government project, this one for microfinance, causing conflict amongst villagers, some who received benefits and some who did not. wealthy community members who are business owners or have land grants, benefitted from the micro loans, while day to day laborers cannot pay back the loans, See "[Hpapun Situation Update: Bu Tho Township, February to June 2014](#)," KHRG, December 2014.

<sup>802</sup> An estimated 240,000 IDPs remained in southeast Myanmar as of 2012, with 105,000 of those in Kayin State specifically, see "[Kayin State Profile](#)," UNHRC, June 2014; and see also, 102,777 refugees remain in temporary camps along the Thailand border with Myanmar, the majority of them ethnic Karen, "[Resettlement of Refugees from Temporary Shelters in Thailand](#)," UNHCR, February 2017.

*and sometimes they order 10 people from each section of the village. I can't count how many times I went. 10... 20... 25... more than that. Sometimes for 10 days, sometimes 15 days. We have to go with our own food. If you cannot do the work or if you flee and go back home, you will be beaten."*

Maung Bo--- (male, 36), quoted in report written by a KHRG researcher, Nabu Township, Hpa-an District/central Kayin State (published in October 1996)<sup>803</sup>

When the fighting and military conflict was most intense villagers had to flee to escape the violent abuse, harsh conditions of forced labour, and additional hardships brought about by such demands, including food insecurity from being unable to work on their own livelihoods. Throughout KHRG reporting, villagers report their fears of negative repercussions, which limited villagers' agency. For instance, in 2011 KHRG researcher asked Saw Ca---:

***"What do you do to protect your land and prevent the SPDC government from taking it?***

*We're civilians, so we don't know how we can protect [our land from the SPDC government]. [...] If we don't dare refuse [the SPDC government what they want] we have to let them [take our land]."*

Saw Ca--- (male, 45), Je--- village, Kawkareik Township, Dooطلا District/southern Kayin State (interviewed in September 2011)<sup>804</sup>

After the ceasefire, villagers report having more agency options available if they disagree with a project, but that many still fear retaliation if they were to complain about a government project. Most complaints made by villagers are made at the local level, and villagers have said that they most commonly raise issues with their village head<sup>805</sup> or report their concerns to the KNU rather than government officials often because of fear brought on by the memory of past abuse.<sup>806</sup> Other strategies that villagers now employ include organising committees and protests to voice their concerns about development by the Myanmar government. For example, in 2015, villagers took action against the Myanmar government who had confiscated land in Bp--- village, Kyaukkyi Township, Nyaunglebin District by sending complaint letters as well as gathering to protest the construction of a dam and mining project.<sup>807</sup>

Villagers have also sought additional information by attending workshops with CBOs and INGOs about Myanmar land policies and laws, so that they can potentially be more effective when attempting to reclaim land, demand compensation for land which was confiscated or destroyed, or to halt development projects by the government. This is particularly important in recent cases of land confiscation by government after they reclassify land as "vacant or fallow"<sup>808</sup> giving the state the right to lease the land which has been customarily used in a community. Naw Bk--- from Nyaunglebin District states this knowledge when claiming:

<sup>803</sup> ["PORTER STORIES: CENTRAL KAREN STATE,"](#) KHRG, October 1996.

<sup>804</sup> ["Dooطلا Interview: Saw Ca---, September 2011,"](#) KHRG, February 2013.

<sup>805</sup> ["Hpa-an Situation Update: Paingkyon Township, June to October 2014,"](#) KHRG, August 2015; see also ["Hpapun Interview: Naw B---, April 2015,"](#) KHRG, January 2017; and source #162.

<sup>806</sup> ["Toungoo Interview: Htantabin Township, November 2015,"](#) KHRG, June 2017.

<sup>807</sup> Source #95.

<sup>808</sup> Art. 2(e) "Vacant land and Fallow land" means land which was used by the tenant before, and then that land was abandoned by the tenant, not only the State designated land but also for agriculture or livestock breeding purposes. According to Displacement Solutions, *"The Vacant, Fallow and Virgin Act (2012) adopted at the same time as the Farmland Law, allows leases of State land vaguely classified as 'vacant, fallow or virgin' for 30 years period. It sets an allocation limit of 5,000 acres at any one time, with a total maximum amount of 50,000 acres for any single person or entity. Both nationals of Myanmar and foreign entities can lease land under this law subject to a two-step process involving approvals from the Myanmar Investment Commission and then the Land Allotment Commission. Some have claimed that 50% of the land in the country could be classified as technically 'fallow', which, if correct, provides an indication that large-scale displacement and land disputes may occur as the new law is implemented."* ["Land Acquisition Law and Practice in Myanmar,"](#) Displacement Solutions, May 2015.

*"[In the land use policy]<sup>809</sup> it includes the rights for citizens to use their land. Whether residents have a land title or not doesn't matter. They still have the right to use the land that was passed down from their great grandparents and [is their] indigenous land."*

Naw Bk--- (female, 42), Bl--- section, Kyaukkyi Township, Nyaunglebin District/  
eastern Bago Region (interviewed in November 2015)<sup>810</sup>

Regardless of villagers' increased awareness of their rights, the Myanmar government continues to ignore villagers' complaints. When attempting to seek justice through government staff, a villager in Kyaukkyi Township, Nyaunglebin District said:

*"I had a conversation with U Nya Win and U Soe Tha about the suffering of the residents. After that I submitted a letter to them. They asked the township general administrator to take action and find out more information about the land. The Township general administrator came back to our land committee to find out whether the land was ours or not. Our land is our land, but we [have to] process the land issue step by step and we have not got any response from them."*

Naw Bk--- (female, 42), Bl--- section, Kyaukkyi Township, Nyaunglebin District/  
eastern Bago Region (interviewed in November 2015)<sup>811</sup>

In the same case villagers used a variety of strategies to seek justice for land confiscation done previously by the military for land that the Myanmar government now uses to construct government departments and received no response:

*"Since the 2012 ceasefire agreement was signed we have been informing and submitting complaint letters to many [relevant] leaders for generations but no one takes action nor arranges anything for us. [...] [W]e submitted land protection letters and many [different] letters but he [relevant leader] did not accept them and did not let us know. We strongly forbid them [the Myanmar government] from constructing the buildings and we complained [submitted complaint letters] but no response came back to us. They do not make appointments to meet with us, so we went to ask permission to meet with them but they avoided us and would not meet with us. It seems to us that it is our land, but they do not respect or listen to us."*

Naw Bk--- (female, 42,) Bl--- section, Kyaukkyi Township, Nyaunglebin District/  
eastern Bago Region (interviewed in November 2015)<sup>812</sup>

In addition to sending complaint letters, Naw Bk--- also set up meetings with government officials in which officials either did not attend, or told her to speak with someone else, and attempted to get additional help from the KNU. With all attempts, the villager still could not stop the development on their land. This shows that while villagers have been vocal in resisting development related rights violations by the Myanmar government, the government is unwilling to respond, which obstructs villagers from accessing justice.

Further impacting villager's access to justice is the relative transparency of development projects. Whereas in the previously mentioned cases officials from the Myanmar government dismissed villagers' complaints, it is clear that the Myanmar government was responsible for land confiscation and damage, and was also responsible for giving villagers back their land or at

<sup>809</sup> In this case, Naw Bk--- is referencing Myanmar's Land Use Policy that was recently drafted in January 2016. The policy recognises customary land use rights of ethnic nationalities and requires that land use rights and housing rights be provided to ethnic nationals who lost their land due to civil war, land confiscation, natural disasters, or other causes. However, the policy has not developed into a national law, and continues to be contradicted by abusive and out-dated laws, such as the Land Acquisition Act, the Farmland Act, and the Vacant, Fallow and Virgin Land Act that violate the rights of villagers. See Article 64 of the [Government of the Republic of the Union of Myanmar, National Land Use Policy \(January 2016\)](#).

<sup>810</sup> Source #109.

<sup>811</sup> Source #109.

<sup>812</sup> Source #109.

least compensate them for their losses. In cases where development projects involve a multitude of actors, accountability and responsibility for abuses becomes more unclear and villagers are often unable to access justice because all parties involved often state the confiscation and destruction is out of their control.<sup>813</sup>

The recent transfer of development projects previously overseen by the military junta to the Myanmar government in partnership with companies, such as the Asian Highway 1,<sup>814</sup> often serves as an opportunity for the government and other authorities to evade responsibility. The Asian Highway was initiated and enforced by the Tatmadaw during the military junta, and is now a Myanmar government project, receiving development loans from Thailand and Asia Development Bank, and has hired a Thai company, Seesaeng Kanyotha Company Ltd., in conjunction with Thailand's Department of Highways, for its construction.<sup>815</sup> Villagers have found their appeals regarding land damage due to the Asian Highway to the Myanmar government are not met with action. Often all development actors involved will tell villagers to send their complaints to someone else, thus making responsibility for abuse unclear and strategies to obtain justice unknown.

These reports indicate that villagers, despite their actions, are still prevented from accessing justice since the government is unwilling to acknowledge their submitted complaints about development projects when they concern land confiscation for infrastructure, energy and business projects.<sup>816</sup> Villagers employ several strategies to have their voices heard, and have actions taken to address their complaints including sending the government complaint letters, holding protests, scheduling meetings, etc., yet their concerns and abuses remain unresolved. The Myanmar government continues to violate villagers' rights, ignore their actions, and dismisses their complaints in the pursuit of development, yet this is to far less of an extent than compared to the development related rights offenses committed by private companies, Tatmadaw, and EAGs. By shirking its responsibility to the people of Myanmar, the Myanmar government is not only complicit in fuelling the level of impunity across the country, but also contributes to villagers' ongoing distrust of the government.

### **Conclusion: Myanmar government led development**

Government led development has changed dramatically over the course of the 25 years of KHRG's reporting history. Government led development began as a militarisation project by the former military regime in which the Tatmadaw employed violence and threats to use villagers and their land for the construction of roads, army bases, and dams. Oversight of previous military projects has now transferred to the current government leadership or to private companies, and government led development now encompasses projects from infrastructure to service provision. Villagers have reported to KHRG fewer cases of violence and forced labour for government projects, and more instances acknowledging the benefits roads, water, and electricity are bringing to their communities. However, villagers also report that the Myanmar government continues many of the abusive practices of the former military regime. Myanmar government officials continue to use threats to confiscate and destroy villagers' lands, do not facilitate or receive FPIC from villagers, embezzle funds designated for development projects, and ignore villagers' complaints, blocking them from justice. In several cases, villagers perceive government led development as primarily benefiting military, government officials and wealthy individuals. All of these factors fuel

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<sup>813</sup> See Case Study of the Toh Boh Dam (aka) Thoutyaykhat-2 Hydroelectric Project of this chapter; see also, [“Toungoo Photo Set: Militarisation and land confiscation in Htantabin and Thandaunggyi townships, November 2013 to March 2015,”](#) KHRG, August 2016.

<sup>814</sup> The Asian Highway 1 (AH1) segment connects Mae Sot in Tak Province, Thailand to Hpa-an in Hpa-an District, southeast Myanmar.

<sup>815</sup> [“Beautiful Words, Ugly Actions The Asian Highway in Karen State,”](#) Thwee Community Development Network (TCDN), Karen Human Rights Group (KHRG) and Karen Environmental and Social Action Network (KESAN), August 2016.

<sup>816</sup> [“Hpa-an Interview: Saw H---, February 2016,”](#) KHRG, August 2016 and see also [“Hapapun Interview: Naw B---, April 2015,”](#) KHRG, January 2017.



villagers' distrust of the Myanmar governments and scepticism of their intentions to develop southeast Myanmar. To remedy villagers' abuses and concerns with government led development, the Myanmar government needs to honour its own laws and guidelines requiring FPIC and environment and social impact assessments, respond to villagers' complaints, and strive to prioritise serving marginalised communities in their development pursuits, rather than continuing the cycle of inequality, abuse and displacement.

## **B. Private companies' role in development**

Within the last five years of KHRG reporting and analysis (2012-2017), private companies have rapidly increased across Myanmar and are initiating large scale development projects from mining,<sup>817</sup> logging,<sup>818</sup> road construction,<sup>819</sup> and large agricultural businesses. Prior to the 2012 ceasefire, international businesses were publically discouraged from investing in Myanmar, and the US Sanctions list explicitly forbid American companies and individuals from trading with Myanmar businesses and individuals due to their known links with the oppressive military regime. As the peace process began in 2012, trade sanctions were lifted. US Sanctions against many Myanmar businessmen and companies officially ended in October 2016<sup>820</sup> and investment in Myanmar is no longer viewed internationally as only benefitting the military government. In theory, private companies can help increase the wealth of a country through international trade and competition and can help improve the living standards and services within the country, but that is dependent upon their accountability, how well they are able to incorporate public demands and community need into their project designs, and in Myanmar, how well they can facilitate rather than hinder the reconciliation process after ethnic conflict.

Whilst the military government has transferred power to a civilian elected government, albeit one with 25% military seats, the military development projects that were initiated with abuse prior to the 2012 ceasefire now require fresh oversight as to who runs them, who earns from them, and who is answerable to villagers who remain displaced or with compromised livelihoods due to previous abuse. Private companies in southeast Myanmar are now active in initiating both new large-scale development projects and taking over development projects previously initiated by the military junta. According to KHRG reports, the majority of military-backed development projects have been handed over to private businesses,<sup>821</sup> with Tatmadaw's level of involvement and benefit not transparent.

Whereas KHRG reports, particularly throughout the 1990s and also the 2000s, show that the military junta most commonly committed human rights abuses against civilians in the name of development, after the 2012 preliminary ceasefire villagers most frequently report that

<sup>817</sup> [“Mergui-Tavoy Photo Set: Dam, logging and mining operations negatively impact communities in K'Ser Doh Township, January to April 2012,”](#) KHRG, July 2013; see also [“Doooplaya Situation Update: Kya In Seik Kyi Township, September 2012,”](#) KHRG, June 2013; and [“Toungoo Photo Set: Ongoing militarisation and dam building consequences, March to April 2013,”](#) KHRG, February 2014.

<sup>818</sup> [“Mergui-Tavoy Photo Set: Dam, logging and mining operations negatively impact communities in K'Ser Doh Township, January to April 2012,”](#) KHRG, July 2013; see also [“PEACE VILLAGES AND HIDING VILLAGES: Roads, Relocations, and the Campaign for Control in Toungoo District,”](#) KHRG, October 2000; and [“Restrictions on Movement and Activity,”](#) KHRG, August 2003.

<sup>819</sup> [“Thaton Situation Update: Bilin, Thaton, Kyaikto and Hpa-an townships, September to November 2014,”](#) KHRG, February 2015.

<sup>820</sup> Among the individuals and companies taken off the list were Asia World Company and its Managing Director Steven Law (Htun Myint Naing) as well as Max Myanmar Company and its chairman U Zaw Zaw. KHRG has reported in several instances on these being involved with land confiscations in southeast Myanmar without properly consulting with and compensating local communities. For more information see, [“Burma \(Myanmar\) Sanctions – SANCTIONS PROGRAM ENDED AS OF 10/7/2016,”](#) US Department of the Treasury, October 7<sup>th</sup> 2016.

<sup>821</sup> For example, the Asian Highway began in 1992 as a military construction and transitioned under civilian government to ownership between the government and Thai companies in 2011, with funding by Asian Development Bank (ADB). See, [“Asian Highway Project Undermines Peace in Karen State”](#) Burma Partnership, July 2015; and see also Case Study: Toh Boh dam at the end of this chapter.

development related rights violations are committed by private companies, many of which have close connections to former and current military and EAGs. Complaints from villagers about the activities of private companies in southeast Myanmar most frequently cover rights abuses committed by Asia World,<sup>822</sup> Kaung Myanmar Aung Company<sup>823</sup> and Max Myanmar Company,<sup>824</sup> all of which were previously sanctioned due to their links with the military junta,<sup>825</sup> but also include many other Myanmar companies.

The fact that these companies continue to develop and invest in projects which violates villagers' rights, and now have increased economic opportunities to do so, is extremely concerning and will likely lead to more rights abuses against villagers. Naw A---, a daily labourer in Htantabin Township, describes the ongoing exploitation and hardships that villagers have faced due to development projects as control has passed from armed actors to private companies:

<sup>822</sup> [“Mergui-Tavoy Situation Update: Ler Muh Lah and Ta Naw Th’Ree townships, January to June 2015,”](#) KHRG, October 2015; see also [“Toungoo Interview: Saw H---, April 2011,”](#) KHRG, September 2012; “Asia World, known as Shwe Swan In Company in southeast Myanmar, is a Burma/Myanmar company with significant investments in the shipping industry, infrastructure, and plantations in Myanmar. Asia World and its additional companies owned by Myanmar national Stephen Law were added to the US Sanctions list in July 2016 due to their historic and continued links to the Burma/Myanmar military regime, see [“US extends sanctions, further targets Asia World,”](#) Myanmar Times, May 17<sup>th</sup> 2016. In KHRG’s operation area of Toungoo District, Asia World constructed a hydroelectric dam resulting in damage to villagers’ land and the relocation of villagers.”; and [“Toungoo Interview: Saw H---, April 2011,”](#) KHRG, September 2012. Additionally, in Mergui-Tavoy District, Asia World confiscated villagers’ land for plantations, see [“Mergui-Tavoy Situation Update: Ler Muh Lah and Ta Naw Tree Townships, January to June 2015,”](#) KHRG, October 2015.

<sup>823</sup> Kaung Myanmar Aung Company (KMAC) or Kaung Myanmar Aung Group of Companies is a Myanmar-owned business group with investments in teak plantations in Toungoo District, and mining, agriculture, shipping, construction and real estate development within Myanmar. Their chairman is Mr Khin Maung Aye. KMAC have been implicated in land confiscation cases in southeast Myanmar which have included threats to villagers who were customary owners of the lands, see [“Toungoo Situation Update: Thandaunggyi and Htantabin townships, November 2014 to February 2015,”](#) July 2015” [“Toungoo Field Report: Slow transitions towards real change, January to December 2015,”](#) KHRG, January 2017. Affected villagers held protests against the company in 2015 and early 2016 in order to demand the return of their lands, see [“Toungoo Situation Update: Thandaunggyi and Htantabin townships, November 2015 to January 2016,”](#) July 2016 and [“Toungoo Interview: Saw A---, January 2016,”](#) KHRG, February 2017;. For information on a similar case with KMAC in Pyin Oo Lwin Township, Mandalay Division, see [“Presidential adviser sues 13 farmers for trespassing,”](#) Myanmar Times, 2<sup>nd</sup> September 2013.

<sup>824</sup> For an example of the SPDC [Tatmadaw] taking land and selling it to private companies, see [“Land confiscation and the business of human rights abuse in Thaton District,”](#) KHRG, April 2009. The Max Myanmar Company is owned by U Zaw Zaw, a well-known Burmese businessman who is involved in numerous industries, including rubber plantations, banking, gem stones, transportation, timber, luxury resorts, construction and mechanical engineering. His close relationship with the government affords him import concessions with regards to cars, motorcycles and fuel. He has been blacklisted by the US Treasury Department for his continued dealings with military and ex-military individuals in Myanmar. In 2013, the Max Myanmar Company was blocked by the Singaporean Stock Exchange Ltd. from merging with a Singaporean corporation due to these sanctions and accusations of human rights abuses in Myanmar. For more information regarding his sanctioning, and his failed merger in Singapore, see: Edward Chung Ho, [“Zaw Zaw’s Singapore Takeover Bid Hits a Snag,”](#) DVB, April 29<sup>th</sup> 2013.

<sup>825</sup> These companies’ rights violations are also confirmed by outside sources in other districts. Max Myanmar Company confiscated land in 2004 for purposes of starting a rubber plantation in Thaton District (Mon State) (Shwe Yaung Pya Agro rubber plantation). The following in-depth news report by The Irrawaddy News, the research of which was also facilitated by KHRG, shows how still the local communities have not received sufficient compensation and redress. See, [“At a Southern Plantation, Laments for Lost Land,”](#) The Irrawaddy, May 2016; see also, [“Confiscated Land Claim – Villagers Want Max Myanmar Company to Pay Full Compensation,”](#) Karen News, April 2016. More recently, in 2016, the Asia World Company (together with Shwe Padonmar company) starting suing some of the returned internally displaced persons (IDPs) for trespassing, see, [“Asia World and Shwe Padonmar Companies Sue Returning IDPs for Trespass,”](#) Karen News, October 2016.

*"I will tell you that there are many problems faced by B--- villagers. We moved here in 1997. The village head told us that we can go back to live in our own village, and we stayed there for 7 years. But later we moved again from our village in 2006. After we moved from there we had to go back and work [on our land] along with daily work permit.<sup>826</sup> We went to work and came back in the same day. One of the terrorist groups is based there and they were very bad. If they saw you, they would check whether they knew you or not. If they knew you they would not beat you, but if they did not know you they [would] beat you. They constructed the road and asked villagers to work for them. They were [Tatmadaw] LID [Light Infantry Division] #20. They asked villagers to follow them and work for them. The villagers who came to work for them have to come along with a permission letter. We have to pay 300 kyat [US\$0.30] per letter. If one family came along with five family members they have to make five permission letters. All letters have their own number, like one, two, three and four. Later when we went to work there we also planted peanuts on our land, therefore we have to pay 500 kyat [US\$0.50] per letter [to work for ourselves]. They did not allow us to sleep over night; therefore we have to come back in the same day. Later on, the company came to operate in our area and we came to work along with the company. We thought that after the company came here would be able to cultivate and work freely on our lands and we were so happy. But it was not the way that I expected. After they came here it [the situation] [was] worse than before. [Many companies came] to operate in our area include Kaung Myanmar Aung and Shwe Swan In<sup>827</sup> [companies]. Then we had no land for cultivating, so when they were offering daily labour work we had to work with them. We clear the trees on the mountain side [to work on the hill farm]. If they needed firewood we collected the firewood to sell to them. At the present time, all the villagers in B--- village earn a living as daily labour workers. We also faced food problems because almost of all households have to buy rice every month. Mothers and children have no time to meet with each other and can only make it twice a week, when they are feeling sick. If we do not have enough rice we borrow from each other [in the village]. We did not use the rice that we got from charity [donation] rice, instead we feed chickens and pigs [with it]. But now we cannot feed our livestock."*

Naw A--- (female, 54), B--- village, Htantabin Township, Toungoo District/  
northern Kayin State (interviewed in November 2015)<sup>828</sup>

When companies began taking over development projects that began under the military government, many villagers believed their situations would improve. However, villagers have reported to KHRG that in many cases their plight continues. Naw A--- described how in the past the Tatmadaw forced villagers to relocate, work on the road, beat them, and required them to have permits to tend to their fields. However, in her eyes, private companies' control of development has made villagers' circumstances *"worse than before,"* because their activities have meant they no longer have access to their lands and means of survival. In other cases, the transfer of large-scale development projects from the military junta to private companies has meant fewer cases of violent abuse against villagers, but at the cost of villagers losing the land upon which they depend at an increased frequency.

In KHRG's more recent reports (2010-present), villagers state the following issues with private companies involvement in development projects: cooperation with Tatmadaw and EAGs to abuse villagers' rights, severe livelihood impacts caused from land destruction, confiscation, and pollution, absence of villager consultation, and projects only benefiting private companies at villagers' expense.

<sup>826</sup> Freedom of movement prior to the 2012 ceasefire was severely restricted for villagers in southeast Myanmar. Those living in supposed 'rebel' areas were not permitted to travel, and could only travel with a permission slip written by the village head or the Tatmadaw battalion that kept watch over their area.

<sup>827</sup> In published KHRG reports, the Shwe Swan In Company has previously been transliterated as Shwe Swun In, Shwe Swan Yin and Shwe Shwun In.

<sup>828</sup> ["Toungoo Interview: Naw A---, November 2015,"](#) KHRG, February 2017.

## Company cooperation with military and ethnic armed groups

According to villager testimonies to KHRG, particularly since the preliminary ceasefire agreement, private companies operating in southeast Myanmar are often able to achieve their profit-maximising objectives by receiving help from Tatmadaw and other ethnic armed groups, such as the DKBA. In earlier KHRG reports, private companies that conducted development were seen by villagers as directly connected with Tatmadaw and the military government in order to have access to southeast Myanmar. Villagers were not consulted by the companies' employees but by Tatmadaw officers. The labour that villagers had to do and villagers' lands that were confiscated for development purpose were ordered and claimed by the military.<sup>829</sup>

Although the Tatmadaw was arguably more heavily involved with companies' development projects prior to the civilian elected government, in some cases the lack of clarity and distinctions between Tatmadaw (including BGF) and other armed groups and private companies still persists, which perpetuates injustice in the region. Villagers have frequently mentioned the collusion between armed groups (notably Tatmadaw and DKBA) and Myanmar companies operating in Myanmar. This is most notable in the jade industry, but also characterises key development actors, such as Asia World Company in southeast Myanmar.<sup>830</sup> In cases in which there is a distinction between Tatmadaw, armed groups and companies, villagers still report companies in the post-ceasefire period bribing armed groups to threaten villagers to relinquish their lands, or to use their presence to make villagers flee and then take their land in their absence.<sup>831</sup> In some cases Tatmadaw confiscated villagers' land and then immediately sold it to private companies,<sup>832</sup> while in others former military and armed group generals are the owners of private companies that confiscate villagers' lands.

Villagers have stated to KHRG that many Myanmar companies are owned by former military and EAGs (notably Tatmadaw, BGF, DKBA). When asked about the ownership of various companies who were confiscating villagers' lands for development KHRG community members said the following:

*"There are a lot of owners of the company [Mya Htay Kywe Lin Company].<sup>833</sup> If we mention the names it will be about one page. All are generals and majors. There are around seven or eight people [generals and majors]. Those people are former DKBA<sup>834</sup> members."*

Saw H--- (male, 36), Hpa-an Town, Hpa-an District/central Kayin State  
(interviewed in February 2016)<sup>835</sup>

<sup>829</sup> ["FORCED LABOUR AROUND TAUNGGOO TOWN,"](#) KHRG, July 1996; see also ["PEACE VILLAGES AND HIDING VILLAGES: Roads, Relocations, and the Campaign for Control in Toungoo District,"](#) KHRG, October 2000; ["Toungoo Interview: Saw H---, April 2011,"](#) KHRG, September 2012; and ["Toungoo Interview: Htantabin Township, November 2015,"](#) KHRG, June 2017.

<sup>830</sup> ["Jade: Myanmar's 'Big State Secret'"](#) Global Witness, October 23<sup>rd</sup> 2016; and see also ["Myanmar Crony Raises Millions of Dollars For Country's Peace Process,"](#) Radio Free Asia (RFA), January 26<sup>th</sup> 2017; and ["China Graft-Buster Says Must Learn from Ancients to Tackle Corruption,"](#) The Irrawaddy, 23<sup>rd</sup> October 2015.

<sup>831</sup> ["Hpapun Interview: Saw B---, October 2016,"](#) KHRG, March 2017; and see also, ["Toungoo Photo Set: Militarisation and land confiscation in Htantabin and Thandaunggyi townships, November 2013 to March 2015,"](#) KHRG, August 2016.

<sup>832</sup> ["Hpa-an Incident Report: Land confiscation in Paingkyon Township, May 2015,"](#) KHRG, August 2015; and see also ["Complaint letter to KNU Agriculture Department in Paingkyon Township regarding land confiscation,"](#) KHRG, July 2015.

<sup>833</sup> In the same interview, the villager states that Kyaw Hlwan Moe Company also confiscated villagers' land with the help of BGF, and former DKBA, soldiers.

<sup>834</sup> This quote is referring to former Democratic Karen Buddhist Army generals and majors, who later became BGF and now run Mya Htay Kywe Lin Company.

<sup>835</sup> ["Hpa-an Interview: Saw H---, February 2016,"](#) KHRG, August 2016.



*“This photo was taken in March 2015 in Thandaunggyi Township, Toungoo District. The photo shows the road [from Shan Lal Pyin to Leik Tho Town] which was constructed by Way Yan Kyaw Company. In the past, this company was Peace Group and it has now transferred to local militia. The owner of that Company is Kyaw Way who is the Headquarter Commander of the local militia and now takes a name of a company and does the development projects. His implementation has no transparency. Moreover, the project damaged the local villagers’ plantations which are dog fruit tree, cardamom and coffee tree, and lands along where the road construction took place from Shan Lal Pyin to Leik Tho Town. That group is an armed group. Therefore, villagers do not dare to complain about anything. Additionally they [Way Yan Kyaw Company] cut down the trees that close to villagers’ land and sell it.”*

Photo note written by a KHRG researcher, Thandaunggyi Township, Toungoo District/  
northern Kayin State (received in July 2015)<sup>836</sup>

As noted in the quotes above, the implementation of these development projects by powerful armed actors often has no transparency, worsening the risk of abuse and limiting villagers’ opportunity to resist. KHRG reports suggest that abuses committed in the pursuit of ‘development’ in some cases are a continuation of past abuses, committed by the same actors, but recognised by different names through registering as private companies, such as ongoing complaints of land confiscation surrounding the Asian Highway.<sup>837</sup> Whereas previously development was achieved by the military requiring villagers to work as forced labour to build roads and dams, now some private companies are owned by former military and armed group generals who continue to violate the rights of villagers in different ways. Through creating private businesses and continuing to confiscate villagers’ land, the Myanmar military is able to conceal the continuity that remains between their past and present abuses.

Additionally, KHRG reports document several instances in which both Myanmar companies and foreign companies receive armed support to carry out abuses against villagers to achieve their development objectives. One KHRG community member stated an instance in which Tatmadaw helped an unnamed Japanese company to seize villagers land. He reported:

*“The places where people built up the industrial zone. It is in Taung Ka Lay Kyay Naing, Doo Yaw Township, Township #4, Hpa-an District. These places are built by the rich Japanese. When they build these places, it also destroys a lot of the villagers’ paddy fields. Some villagers receive a little amount of the compensation and some do not get any compensation.. When the Japanese construct the building, the people who lead for them are the Tatmadaw’s Light Infantry Division #22, Battalion #202 and Battalion #203. The villagers who have had their lands confiscated do not dare to talk to them.”*

Photo note written by a KHRG researcher, Nabu Township, Hpa-an District/  
central Kayin State (received in April 2014)<sup>838</sup>

In this case, the Tatmadaw led the destruction and confiscation of villagers’ land, so the Japanese company could build. Whilst the main perpetrators were the military and the Japanese company,<sup>839</sup> it is also worth noting that the villager’s reference to ‘industrial zone’ (Hpa-an Industrial Zone) suggests that the Myanmar governments is complicit in these development related abuses due to lack of oversight in their regulation of this zone.<sup>840</sup>

<sup>836</sup> Source #77.

<sup>837</sup> [“Beautiful Words, Ugly Actions The Asian Highway in Karen State,”](#) Thwee Community Development Network (TCDN), Karen Human Rights Group (KHRG) and Karen Environmental and Social Action Network (KESAN), August 2016.

<sup>838</sup> Source #20.

<sup>839</sup> In 2016 Mya Htay Kywe Lin Company (operated by former DKBA members) and the Myanmar government confiscated 1,150 acres of land within an Industrial Zone in Hpa-An District, see: [“Hpa-an Interview: Saw H---, February 2016,”](#) KHRG, August 2016.

<sup>840</sup> Industrial Zones and Special Economic Zones are geographical areas marked by the government to help provide incentives for domestic and foreign direct investments to boost development of underdeveloped regions for large

Likewise in April 2015, a private company named Kyaw Hlwan Moe and Brothers Company used military support and confiscated 500 acres of lands in Hpa-an Town, Hpa-an District which included villagers' rubber plantations, teak plantations and pastureland. When a KHRG community member asked about how the Kyaw Hlwan Moe and Brothers Company confiscated the land, Saw H--- said the following:

*"We have seen that the company came and started clearing the land with bulldozers from April 2015. They came with the BGF [Border Guard Force] group, including the leaders; General Htun Hlaing [from BGF], General Chit Thu<sup>841</sup> [from BGF], and Thein Zaw Min [from BGF] was the security in charge."*

Kyaw Hlwan Moe and Brothers Company cooperated with BGF to confiscate villagers' land for their development project. BGF assisted by providing the company security and firing weapons into the village. When Saw H--- was asked why BGF shot their weapons he responded:

*"They [BGF soldiers] said that those lands are theirs. They set up the barriers and gate there. Those are the areas Kyaw Hlwan Moe confiscated."*

Saw H--- (male, 36), Hpa-an Town, Hpa-an District/central Kayin State  
(interviewed in February 2016)<sup>842</sup>

In this case, villagers possessed land grants for their farmland but not their common grazing land, which was also taken. Regardless of having legal ownership of the land, the companies exploited villagers' fears of the military stemming from abuses over decades of KHRG reports that have included intimidation, threats, violent abuse, and relocation of villagers, land confiscation for economic gain and the oppression of ethnic minorities.

The collaboration between private companies and armed actors including Tatmadaw, BGF and DKBA<sup>843</sup> in development projects continues the abuse and terrorisation of villagers and give private companies impunity because villagers are less likely to object and notify authorities due to their fear of negative retribution by armed actors. Private companies, Tatmadaw, and EAGs work together to threaten villagers with weapons in order to acquire their land for development projects that will maximise their profits at the expense of instilling fear among villagers and negatively impacting their livelihoods.

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industrial projects and industries. The Hpa-an industrial zone was established in 2011. Local sources said that State Minister Saw Kyi Lin is now serving as the industrial zone's chairman, "[Hpa-an industrial zones land prices triple](#)," Karen News, March 14<sup>th</sup> 2013; for issues related to SEZs see "[Two New Briefers Expose Failings with Myanmar's First Special Economic Zone](#)," Earth Rights International, June 2<sup>nd</sup> 2015.

<sup>841</sup> Maung Chit Thu, commonly referred to as Chit Thu, was the operations commander of Democratic Karen Buddhist Army (DKBA) Battalion #999 prior to the DKBA transformation into the Tatmadaw Border Guard Force, which began in September 2010. His role has grown considerably since the transformation: he was second in command of Tatmadaw Border Guard Forces, overseeing BGF battalions #1017, #1018, #1019 and #1012, and is now a senior advisor and general secretary of the Karen State BGF central command based in Ko Ko, Hpa-an District. Abuses committed by Maung Chit Thu have been cited in previous KHRG reports, including ordering the forcible relocation of villagers from eight villages in Lu Pleh Township in July 2011, while acting as a Border Guard commander, see, "[Pa'an Situation Update: June to August 2011](#)," KHRG, October 2011. For more information on the DKBA/Border Guard transformation, see, for example: "[Border Guard Forces of Southeast 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, Myawaddy Township, Kayin State](#)," New Light of Myanmar, August 25<sup>th</sup> 2010.

<sup>842</sup> "[Hpa-an Interview: Saw H---, February 2016](#)," KHRG, August 2016.

<sup>843</sup> KHRG reports detailing DKBA collaboration with companies refers to Democratic Karen Buddhist Army prior to joining BGF in 2010.

## Livelihood impacts and abuse from private companies' development practices

The signing of both the 2012 preliminary and 2015 Nationwide Ceasefire created an opportunity and opening for interested companies to further invest in Myanmar, many of whom invested in large-scale development projects, from agribusiness and natural resource extraction, to roads and infrastructure development. Whilst the expansion of development by private actors has brought opportunities for employment, investment, increased trade and potential ease of travel, it has often coincided with harming villagers' ability to survive in their communities. Private companies' development projects often involve displacing villagers, land confiscation, environmental damages, and deprives villagers of their livelihoods.

Villagers in southeast Myanmar state that private businesses' land grabs deprives them of their means of survival. The consequences of land damage and confiscation by private companies are severe since the majority of villagers in southeast Myanmar are farmers who rely on their land for their livelihoods. Villagers report that land damage and confiscation deprives them of access to economic opportunities to farm<sup>844</sup> and takes away part of their identity as Karen farmers. Villagers want to retain their land that has provided them with food, resources and income for generations. Saw Bq---, in 2015 from Toungoo District, gave a summary of the critical impacts of land confiscation both in terms of livelihood security and personal security by Asia World and Kaung Myanmar Aung Company:

*"There are some villagers who become jobless. There are some villagers who cannot work on all the lands that they planned to work on. There are some villagers who have had half of their lands destroyed, but still work on their land. There are some villagers whose lands have not been destroyed yet, [but] we do not have any pasture land for cattle left. They [pasture lands] were all destroyed. There was also no land left for the villagers to live. If the villagers entered [to live and work on their land that had been confiscated], they were forced to sign a promise document [incriminating themselves for trespassing] and were sued."*

Saw Bq--- (male, 46), Br--- village, Htantabin Township, Toungoo District/northern Kayin State (interviewed in November 2015)<sup>845</sup>

Saw H--- in Hpa-an District, 2016, also speaks about villagers' suffering from private companies land grabs:

*"The farmers do [work on] plantations for subsistence. But now they are not allowed to work. They [companies] order the villagers to move and destroy the plantations. We doubt that we are real Myanmar citizens. So, understand us. We were forced to leave our land even though we work for subsistence. So what do we do?"*

Saw H--- (male, 36), Hpa-an Town, Hpa-an District/central Kayin State (interviewed in February 2016)<sup>846</sup>

In many cases, villagers are experiencing a continuation of the abuses they suffered under the military junta through the actions of private companies. Private companies force villagers to leave their lands for development even though this practice is strictly forbidden in the National Land Use Policy<sup>847</sup> and the Foreign Investment Act.<sup>848</sup> The companies often do not receive consent, do not

<sup>844</sup> ["Hpapun Interview: Naw B---, April 2015,"](#) KHRG, January 2017; and see also ["Hpa-an Interview: Saw H---, February 2016,"](#) KHRG, August 2016.

<sup>845</sup> ["Toungoo Interview: Htantabin Township, November 2015,"](#) KHRG, June 2017.

<sup>846</sup> ["Hpa-an Interview: Saw H---, February 2016,"](#) KHRG, August 2016.

<sup>847</sup> The NLUP requires that companies conduct Environmental and Social Impact Assessments and obtain free, prior, informed consent prior to project implementation and states, *"If the relocation is due to private purpose, then the preference of the stakeholders shall be given priority."*

<sup>848</sup> Article 126, *"The investor shall, if it is necessary to transfer and clear houses, buildings, farm and garden lands, fruit trees and edible plants etc., on the land on which work is carried out relating to carrying out of invested businesses, discuss and carry out with the approval of the relevant Government department, Region and State*

give villagers any prior warning, and then order them to destroy their own food supply and source of financial security. This abuse is especially unjust given the history over the last 25 years of KHRG reports in which Tatmadaw and other armed actors used land confiscation, forced relocation and deliberately attacked villagers' food supplies and means of livelihoods as terrorisation strategies during the height of the conflict.<sup>849</sup> Villagers and their ancestors have relied on their land for generations and without the land they are separated from their past, cultural traditions, and the ability to provide for their futures, and face further insecurity and displacement compounding the abuses that they have already endured. Additionally, statements such as *"we doubt that we are real Myanmar citizens"* exemplifies that Karen villagers feel separated from Myanmar as a union, and that deep ethnic divisions can be aggravated by new actors such as private companies not respecting villagers' rights.

Even when villagers' land is not confiscated, villagers report that development by private companies has often led to pollution and land damage that negatively impacts villagers' ability to survive. As a result, villagers report to KHRG their desires to keep their lands and be unharmed by the adverse environmental and health consequences of private companies' development projects; desires which should be guaranteed under the EIA [Environmental Impact Assessment] Procedure and the Foreign Investment Act.<sup>850</sup> Villagers have reported land pollution in several districts across southeast Myanmar including, Hpapun, Doolaya,<sup>851</sup> and Nyaunglebin,<sup>852</sup> but it has been especially acute in Dwe Lo Township, Hpapun District. In 2016 in Dwe Lo Township, Hpapun District, a villager voiced their concerns about how a private company's gold mining project has caused health problems within their community:

*"It [water] is not good to drink and use because the gold mining has polluted the water with chemicals so it can cause disease." The villagers replied to them, "if we do not drink the water from the well that we dug beside the Bu Loh River, we have to go and collect water from far away. Since it is difficult to access water, we have to drink the water from the well that we dug beside the Bu Loh River."*

Situation update written by a KHRG researcher, Dwe Lo Township, Hpapun District/  
northern Kayin State (received in June 2016)<sup>853</sup>

Pollution from gold mining not only affects villagers' health, but also compromises the health of their livestock, which they depend on for food and financial security. Two years before in 2014, a villager from Dwe Lo Township, Hpapun District referencing the same gold mining project from the previous example, stated his concern about how pollution from the development of the gold mining industry could negatively impact future generations:

*"Some villagers said that in the future it will not be easy [to sustain] their livelihoods, and moreover their children will also face real difficulties in the future because of the gold mining projects. The villages near these projects have been facing water pollution problems. Their cows and buffalos*

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*Government together with the statement of agreement and satisfaction of the relevant owner on the transfer and resettlement of them, paying in local current price and paying damages. In places where the public is not desirous to transfer and vacant, it shall not have the right to lease the land and invest."* [Foreign Investment Act](#), January 2013; the English translation of this act remains unofficial at the time of printing.

<sup>849</sup> For more information see Chapter 1: Militarisation.

<sup>850</sup> Article #126 *"The investor shall, if it is necessary to transfer and clear houses, buildings, farm and garden lands, fruit trees and edible plants etc., on the land on which work is carried out relating to carrying out of invested businesses, discuss and carry out with the approval of the relevant Government department, Region and State Government together with the statement of agreement and satisfaction of the relevant owner on the transfer and resettlement of them, paying in local current price and paying damages. In places where the public is not desirous to transfer and vacant, it shall not have the right to lease the land and invest."* [Foreign Investment Act](#), January 2013; the English translation of this act remains unofficial at the time of printing.

<sup>851</sup> ["Doolaya Situation Update: Win Yin Township, January 2016 to March 2016,"](#) KHRG, December 2016.

<sup>852</sup> ["Nyaunglebin Situation Update: Shwegyin Township, October 2014 to January 2015,"](#) KHRG, September 2015.

<sup>853</sup> ["Hpapun Situation Update: Dwe Lo Township, January to May 2016,"](#) KHRG, September 2016.



*do not have any pasture and cannot get fresh water so some of them have died. The villagers who live near the river bank are suffering because the land has been destroyed by erosion.”*

Situation Update written by a KHRG researcher, Dwe Lo Township, Hpapun District/  
northern Kayin State (received in July 2014)<sup>854</sup>

The gold mining project polluted the villagers' water supply impacting their health and the health of their livestock, and affected the villagers' irrigation system, thus further worsening the livelihoods impacts for communities:

*“Because of the gold mining conducted by big vehicles, ships, and huge machines, the river of Mu Kler which is Bu Loh River was polluted all the time during the summer and raining seasons. So villagers who were situated [in that area] faced water shortages and the creeks have dried up and the well has also dried up. Villagers who live close to Bu Loh River reported that there has been challenges every year since this gold mining started. This year [during April 2016] the creeks and well dried up as the temperature increased and villagers had to go and find water from many places. The water course [direction] of this Bu Loh River is not like it was before as the big ships [machines] put mounds of stone in the river when conducting gold mining. Now villagers are worrying that when the raining season comes and when it rains, the water course may change and it will cause water erosion to the land and farms along the [Bu Loh] river then and the places along the riverbank will be destroyed.”*

Photo note written by a KHRG researcher, Dwe Lo Township, Hpapun District/  
northern Kayin State (received in June 2016)<sup>855</sup>

The resulting pollution from private companies' carelessness and perpetual dismissal of villager concerns, leads to a situation of villager insecurity, with basic livelihoods under threat. These harmful and significant impacts combine with the history of development related abuses to make villagers continually wary, even fearful, of development in their area, as it can cause displacement, livelihood loss, and negative health consequences.

### **Compensation and damages**

In cases where land is confiscated and damaged, companies often do not provide adequate compensation, which is required by Myanmar law.<sup>856</sup> When companies confiscate and damage villagers land and resources, they are displaced from their homes, identity as Karen farmers, means of survival, and opportunities to live a healthful life. When villagers did not have the opportunity to regain their lands, villagers reported that at a minimum they need compensation to be paid for the lands that are destroyed or confiscated. However, companies frequently curtail their responsibility and do not pay for the cost of land, the crops destroyed, or the confiscated land following the abuses. Kaung Myanmar Aung Company and Asia World both confiscated villagers' land, which caused villagers to become displaced and created additional burdens for villagers by not providing them with any compensation to help them mitigate the impacts the development projects had on their survival. One KHRG researcher took photos of Shwe Swan In Company (branch of Asia World) and Kaung Myanmar Aung Company's development site in Toungoo District and said:

*“This is the photo of the plantation sign board that Kaung Myanmar Aung Company planted after confiscating the villagers land from Bt--- village, Htantabin Township, Toungoo District, taken on May 20<sup>th</sup> 2014. The civilians lost a lot of land because of the hydropower project of Toh Boh dam*

<sup>854</sup> “[Hpapun Situation Update: Dwe Lo Township, February and March 2014](#),” KHRG, November 2014.

<sup>855</sup> Source #135.

<sup>856</sup> Article 23 of the 1894 Land Acquisition Act requires compensation be at fair market value for land and crops, compensation for damage to his or her property and earnings, relocation costs, and an additional 15% of the value of land confiscated for the compulsory nature of the land acquirement. “[THE LAND ACQUISITION ACT \(1894\)](#),” Displacement Solutions, 1894.

*by Shwe Swan In Company [Asia World] in Htantabin Township, Toungoo District. The government gave permission to Kaung Myanmar Aung Company who wants to cultivate the long term plantations, exactly 2,400 acres of lands. These lands belong to the civilians and they [Asia World and KMAC] confiscated the lands without paying any compensation. So, the civilians have to face many hardships.”*

Photo note written by a KHRG researcher, Htantabin Township, Toungoo District/  
northern Kayin State (received in July 2014)<sup>857</sup>

Villagers' testimonies suggest companies have no intention to compensate villagers following these abuses. Bu--- villager reported to KHRG in 2015 in Thandaunggyi Township, Toungoo District that Ngwe Sin Phyo Company and Chan Mya Wai Si Company worked with the Ministry of Progress of Border areas and National Race and Development Affairs to construct a road which destroyed villagers' farmlands. The villagers had not been consulted with prior to the development project and despite voicing their need for compensation after their plantations and lands were destroyed, the KHRG community member reported:

*“The company representatives said that they have only money for the construction; they do not have money for compensation.”*

Photo note written by a KHRG researcher, Thandaunggyi Township, Toungoo District/  
northern Kayin State (received in November 2015)<sup>858</sup>

Additionally, villagers report companies often promise compensation, but continue to evade these responsibilities and leave villagers without a route through which to contact the company. Naw Bv---'s land was destroyed by an unknown company for a road construction development project. The project started in April 2014 and 11 months later Naw Bv--- had still not received compensation:

*“They did not give me compensation, but they told me that they would give it to me. They could say that they will give you [compensation] 100 times, but it is only words and in reality they [companies] will not give us [compensation].”*

Naw Bv--- (female, 47), BBc--- village, Kawkareik Township, Doooplaya District/  
southern Kayin State (interviewed in March 2015)<sup>859</sup>

When compensation is paid, many villagers have also spoken about the inadequacy of compensation as a replacement for their land, which has provided them with livelihood security for generations. Many villagers are unwilling to trade this livelihood security for financial compensation. This demonstrates how even when compensation is offered, it cannot cover the full range of livelihood and emotional impacts and additional abuses villagers are exposed to, such as threats and violence, that land confiscation has on local villagers in southeast Myanmar especially taking into account that most villagers are farmers that depend on land for their economic security. For example, villager Saw Bq--- reported to KHRG in Toungoo District from 2014 to 2015 that Asia World and Kaung Myanmar Aung (two companies who are often cited as maintaining close links with Tatmadaw) forced villagers to take compensation against their will:

***“Do they pay compensation after they confiscate the land?”***

*Regarding the compensation, we were given 50,000 kyat [US\$36.77]. We had to take it. We did not want to take it; it is because we were afraid of them. In reality, we want to keep our lands.*

***How much did they pay per plot of land?***

*They forcibly gave 50,000 kyat [US\$36.77] per acre of land. Regardless of if villagers take their money or not, they will lose their lands, so they take the money even though they do not want to take the money and sell their land. They were afraid of the authoritative system. For my parents-in-law,*

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<sup>857</sup> Source #27.

<sup>858</sup> Source #93.

<sup>859</sup> Source #68.

*they did not take the money because their teak trees are growing very tall now. There is no discussion with the villagers. They [Asia World and KMAC] do not get consent from the villagers.”*

Saw Bq--- (male, 46), Br--- village, Htantabin Township, Toungoo District/  
northern Kayin State (interviewed in November 2015)<sup>860</sup>

As more private companies invest in the development of southeast Myanmar, villagers have increasingly reported the negative impacts of companies' development activities. Companies often confiscate villagers land and leave them with nothing. Villagers are left with no farm lands or grazing lands, no job opportunities, skills, nor compensation to mitigate these effects, which is strictly prohibited under international standards of FPIC, and Myanmar laws and policies regulating the activities of companies in Myanmar. When compensation is paid, villagers are often forced to accept it, and the money is not sufficient to ensure their livelihoods are secure. KHRG reports demonstrate that private companies continue to curtail their responsibilities to villagers designated under Myanmar and international standards, and act with impunity for the abuses and violations against people in southeast Myanmar.

### **Concerns: Company consultation, exclusion, self-interest**

In addition to the direct livelihood impacts, villagers express to KHRG their concerns that private companies do not follow the correct procedures when initiating projects, such as those detailed in the EIA Procedure and the Foreign Investment Act,<sup>861</sup> and report that development projects by companies only benefit the companies at the expense of villagers. Many Myanmar companies, whether they are linked to armed actors or not, engage in development without consulting villagers and for their own benefit at the expense of villagers, showing similarity to their experiences of government led development. When a development project is imposed on a community without consultation or the inclusion of villagers, the result is that villagers have been limited in their opportunities to steer development to ensure that it benefits their local community. Villagers report feeling that private companies do not care about their local-level concerns and do not intend development to benefit communities. Villagers speak not only about their disappointment after being isolated from consultation processes, but also about feeling exploited and excluded from the potential benefits that development could bring if it was done with their interests in mind. For instance, when Hla Thit Sar Pan Kar Mining Company constructed a road in Thandaunggyi Township, Toungoo District in March 2015, a KHRG community member stated:

*“When Hla Thit Sar Pan Kar Mining Company takes responsibility for construction, there is no pre discussion with the local people. After the road was constructed, they [Hla Thit Sar Pan Kar mining company] called the representatives from each local villages, and forced them to sign an agreement allowing them to construct the road in their villages... As the roads are damaged, it is really inconvenient for the local villagers to travel and they have to volunteer [work as forced labour] for road construction once a week. They do not get money for volunteering. When doing development, it must be a beneficial development. These companies do not accept the wishes of local villagers and they just do as they like and it [development projects] happens like this”*

Photo Note written by a KHRG researcher, Thandaunggyi Township, Toungoo District/  
northern Kayin State (received in July 2015)<sup>862</sup>

<sup>860</sup> “[Toungoo Interview: Htantabin Township, November 2015](#),” KHRG, June 2017.

<sup>861</sup> Article 26 “The investor shall, if it is necessary to transfer and clear houses, buildings, farm and garden lands, fruit trees and edible plants etc., on the land on which work is carried out relating to carrying out of invested businesses, discuss and carry out with the approval of the relevant Government department, Region and State Government together with the statement of agreement and satisfaction of the relevant owner on the transfer and resettlement of them, paying in local current price and paying damages. In places where the public is not desirous to transfer and vacant, it shall not have the right to lease the land and invest.” “[Foreign Investment Act](#),” January 2013; the English translation of this act remains unofficial at the time of printing.

<sup>862</sup> Source #80.

Private companies often exploit villagers and are indifferent toward villagers' best interests and how villagers are negatively impacted by their development projects. In this case, Hla Thit Sar Pan Kar Mining Company used villagers' lands for their projects and villagers themselves for the labour. The community member also extends this analysis to private companies more generally when he emphasises the need for "*beneficial development*" that acknowledges and incorporates the wishes of local villagers, while simultaneously saying "*these companies do not accept the wishes of local villagers.*" While these statements are similar to those made in KHRG reports throughout 25 years regarding all development actors, in recent years they are expressed more frequently to characterise the development of private companies.

Villagers often report that private companies do not engage in development to benefit villagers, and that they only intend to initiate projects to increase their own wealth.<sup>863</sup> Companies are often able to maximise their profits from development, because they take villagers' land and labour without payment, which signifies ongoing abuse in the name of development throughout KHRG's 25 years. As a result, villagers attest:

*"Because of Toh Boh dam in Toungoo District, a lot of civilian lands have been lost. There are also some civilians who have not received enough compensation. There is no discussion between the businessmen who want to get the benefits and the civilians... The civilians have to face losing [their lands] from flooding as well as losing some of their trees and bamboo that has been cut down [and taken by the businessmen]. [Therefore,] there will be no more trees and bamboo for the civilians to use in the future."*

Photo note written by a KHRG researcher, Thandaunggyi Township, Toungoo District/northern Kayin State (received in July 2014)<sup>864</sup>

*"The activities for development projects, are [initiated by] businesses. If key development actors are not implementing their project according to residents' needs and if they do not appropriately implement their projects, it can [negatively] impact the villagers. How will it impact them? It will affect them through their livelihoods and fields because their lands can be destroyed at any time then they will have no land for themselves to work on for their living. It is my main concern that businessmen do not respect villagers when implementing their projects."*

Saw Bg--- (male, 24), Bh--- village, Shwegyin Township, Nyaunglebin District/ eastern Bago Region (interviewed in November 2016)<sup>865</sup>

The increase of private companies' activities in southeast Myanmar have created new sources of anxiety and livelihood insecurity among villagers. Villagers report to KHRG that private companies' involvement in development projects is to maximise their own profits at the expense of villagers. Companies often destroy and confiscate villagers' land, use villagers as labourers, cause environmental destruction, do not consult with villagers, nor pay adequate compensation for losses, and provide no support for villagers to survive in their villages without their land. To combat these offenses, villagers are increasingly acting out against development projects led by private companies.

### **Agency against private companies**

The transition of development projects done by the military to private companies, in addition to new companies investing in southeast Myanmar, has changed the way villagers are able to act out against development related abuses. Under the military junta, when villagers' plantations were destroyed, their lands were confiscated, and they were ordered to do labour for military government led development, one of the only strategies available to them was to flee. Now the peace process underway has the potential to create a safer environment for villagers to speak out against unjust

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<sup>863</sup> Source #122.

<sup>864</sup> Source #27.

<sup>865</sup> Source #161.



development projects, including those by private companies. However, the peace process itself risks being undermined if the abuses are not acknowledged and are not stopped.

The vast variety of agency strategies that villagers report using when faced with an influx of development related abuses in recent years are testament not only to the changing context in which villagers can report and resist abuse, but also less positively to the large-scale on which these development related abuses are occurring across all 7 KHRG research areas.<sup>866</sup> When private companies carry out projects without EIAs or FPIC, villagers often respond by writing letters to their local administration about their disagreement and requesting that companies halt the projects, protesting at project sites, meeting with local administrators, or refusing to attend meetings held by companies when they know the projects will not benefit villagers.<sup>867</sup>

In KHRG reports in the post-ceasefire period, villagers have increasingly utilised protests as a method to resist abuse and demand justice for abuses committed by private companies through their development projects. For instance, in 2016, Kaung Myanmar Aung Company confiscated villagers land and villagers retaliated by gathering to protest to claim back their land. Saw Bx---, stated his commitment to protesting the actions of Kaung Myanmar Aung Company by continuing to act against these abuses despite the ongoing lawsuits KMAC issued against him:

*"We are going to keep doing [protests] in accordance with the law [to regain our land]. We have protested two times already. In order to regain our land I am going to do [protest] resolutely until we get back our land. I am going to try to regain my land although I will be punished or put in jail because the land is very important to us and we mainly rely on our land for our livelihoods. [...] I have been in trouble for almost three years regarding this [land confiscation] case. Whatever I tried in order to work for my livelihood, it was not successful. Regardless, I will face the case. It is not only for myself but for all farmers. I am ready to try [and face the case] whether I will be put in jail, tied, or ordered to be killed. The issues I face is that I have financial hardship for my family and for travelling. However, I have been trying my best for all farmers since December 2013 up until now [2016]. What I want for CB Bank chairman [also the boss of Kaung Myanmar Aung Company] to return our lands. For that, I am going to cooperate with my Thara [seniors]. Not only me but also all farmers depend on these lands for their livelihoods, and sending their children to school. Therefore, we, all farmers want to fight to regain the land together until we regain [it]."*

Saw Bx--- (male, 36), Htantabin Township, Toungoo District/  
northern Kayin State (interviewed in January 2016)<sup>868</sup>

Problematically, the wider context in southeast Myanmar is still one where his and other villagers' rights are not protected despite the opportunity they have to raise their concerns. Saw Bx--- has protested the actions of KMA Company, but has also faced the threat of jail, financial hardships of paying legal fees and travel costs to attend hearings, and fears for his life saying *"I am ready [...] to be killed"* as he has pushed for justice continuously after his land was confiscated. Therefore, while on the surface villagers are able to speak out more openly about development related rights violations, serious risks and obstacles remain for doing so.

Additionally, the cooperation between private companies and armed groups prevents villagers from speaking out against abuses. After cases of land confiscation for development projects overseen by private companies, villagers often explain their silence with statements such as *"that group is an armed group. Therefore, villagers do not dare to complain about anything."*<sup>869</sup> Similarly, KHRG documented in 2016, that villagers in Win Yay Township who were affected by cement project, were silenced due to the presence of the Tatmadaw:

<sup>866</sup> For more information about KHRG's research areas see, "Methodology".

<sup>867</sup> Source #119; see also source #93; source #96; and source #136.

<sup>868</sup> Source #113.

<sup>869</sup> Source #77.

*"The villagers didn't dare to rise up their voices, they did what they were asked; if they were asked to go, they went. If they were asked to pay, they paid. If they were asked to answer, they answered, as long as companies/bosses and armed groups were satisfied."*

Situation Update written by a KHRG researcher, Win Yay Township, Doooplaya District/southern Kayin State (received in November 2016)<sup>870</sup>

Because private companies receive support from military and EAGs, villagers often indicate having limited ability to utilise agency strategies to demand justice for the abuses they experience. Fears of speaking out against armed groups still persist because of the ongoing threats, fighting, abuse and the memory of deliberate attacks, brutal killings and torture villagers' have experienced with heightened intensity over decades of conflict. Having the support of military and armed groups suppresses public outcry and allows private companies to continue their projects and land grabs regardless of the negative impacts it has on villagers' livelihoods.

According to villagers reporting to KHRG, the most successful strategies used by villagers to stop private companies' projects have been gaining KNU support and taking preventative measures prior to the arrival of companies in their areas. For instance, villagers reported success in one case when villagers sought support from the KNU in April 2014, when Soe Naing Phyo Company intended to build a cement factory in B--- village in Hpa-an Township, Thaton District. The company approached KNU/KNLA before initiating the project. When villagers received information about their plan, villagers and monks wrote an objection letter to the township level KNU/KNLA administration to halt the project. These letters resulted in a meeting being called between the local villagers, government authorities, company representatives, and KNU authorities, in which villagers presented their concern and disapproval for Soe Naing Phyo Company's cement factory to the KNU. During the meeting villagers were able to garner the KNU's support, which eventually halted the project.<sup>871</sup>

Other villagers have been successful in rejecting potential development projects by devising preventative measures within their community. In some areas, entire villages do not allow any private companies from outside their village to enter their area for commercial development projects in order to prevent expected abuses, suggesting that development in southeast Myanmar is now directly tied to villagers' potential abuse.<sup>872</sup> For instance, when Saw A--- was asked if companies are entering their village for logging, mining, or creating a special economic zone (SEZ), the villager stated:

*"In my village I have not seen [this] yet. Now other people [who live in towns] are not allowed in our area. We [do] not allow them because we do not want to lose our land. This is our strategic [plan] to protect our lands. We call [a] meeting twice a month, always. We told them [villagers in the meeting] that we have to own our own lands, so you are not allowed to sell away your lands to the people who live in the towns. You can sell it to your neighbours. Even if they have a lot of money and [offer to] buy the land at a high price, you are not allowed to sell. If you really want to sell you have to inform the [village head]. If the company [really] wants to [be] active in our area they will not come to us; they will go directly to the district [administrator]. If they allow them we are not able to stop them. We can evaluate if [development projects] will bring benefits for the villagers or not."*

Saw A--- (male, 62), B--- village, Bilin Township, Thaton District/northern Mon State (interviewed in October 2014)<sup>873</sup>

Villagers have already experienced enough cases of abuse, land confiscation and destruction to be suspicious of new companies that wish to start development projects in their area. In this example, villagers create a rule among villagers to follow to prevent abuses by private companies.

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<sup>870</sup> Source #149.

<sup>871</sup> ["Thaton Situation Update: Hpa-an Township, January to June 2014,"](#) KHRG, October 2014.

<sup>872</sup> Source #23.

<sup>873</sup> ["Thaton Interview: Saw A---, October 2014,"](#) KHRG, July 2015.

This shows how villagers' perception of development is one associated with the risk of abuse based on their long-ranging experiences with Tatmadaw, Myanmar government and private companies. However, villagers choosing to take an isolationist attitude to development due to these fears may result in furthering divisions between southeast Myanmar villages and other parts of Myanmar, with regard to both economic disparity if they reject all opportunities for development, and ethnic tensions, where a fear of "outsiders" abusing villagers' rights is continually reinforced.

In most cases, villagers' attempts to stop projects or receive compensation are not successful, but they continue to act against abuses and utilise any available opportunities in hopes of obtaining justice. Companies and other development actors continue to disregard villagers' concern, and authorities largely do not penalise companies and powerful actors for their injustices.

### **Obtaining justice from private companies**

Villagers' access to justice against abuse by private companies is limited, further perpetuating common practices and norms in Myanmar where villagers' rights are not respected or protected and villagers face additional risks due to development. Villagers report a lack of justice for abuses committed by private companies for development activities, influenced by weak rule of law, cases of forced self-incrimination, coerced prior approval, and companies' failure to appear in court. In several cases, powerful actors, Tatmadaw, police, and local government officials work together to allow companies ease of access in southeast Myanmar, rather than to protect the rights of local community members. For example, when attempting to report the abuses enacted by Asia World to the Myanmar police Saw Bq--- testifies to multiple barriers he faced to gain justice:

***"As you have mentioned, you reported [this case] to them [the police] verbally. Did you also report it to them by submitting letters?"***

*We reported [the case to the police] both verbally and by letters.*

***But the police did not take any actions [for you]?"***

*No, they did not. They do not take any action for the farmers.*

***Why do they allow companies to do this?"***

*I do not know if the company throws money at them [to bribe them]. If the company reports to them, the police open [the case] immediately. If they [Asia World] need to ask the villagers to sign a promise document [relinquishing their land or incriminating themselves for trespassing], they [the police] call the villagers to force them to sign it. If the villagers do not go [to sign it], the police go to arrest them.*

***Did you have to sign the promise document at the police station or at home?"***

*We had to sign it at the police station. They sent us a summons letter. If we do not go, they will come and get us themselves.*

***What if you do not go?"***

*If we do not go, they [the police] will produce a warrant; they will go and take photos of their house and take the information [of the villagers who did not sign]. If the villager is frightened, they have to go to the police station to sign the promise document.*

***What kind of promise document do they have to sign?"***

*A promise document stating they are living and trespassing on land that is wild and uncultivated land. They sign those articles, and they [police] order villagers to sign the promise document. [...]*

***Was there anyone who came to threaten and pressure you?"***

*There was the police who came with their guns. Then they took the villagers to the police station and then the villagers were ordered to sign a promise document, which is still happening. The name of the officer at the police station in Toh Boh [village] is Aung Ko Ko Oo.*

### ***How did they pressure you?***

*They pressured us, by telling us not to do this [hold a protest]. They told us to sign a promise document and we had to sign it.*

### ***What is it written in the promise document?***

*I did not read what was written in the document. They were the cases and sections #26, #27, and #28, which state we are trespassing on the land and fencing the land that is owned by them [Asia World]. I do not understand about this law or know what the articles mean. The police also came to us and said, 'if you do [fence the lands], you will be put into jail.' They told us not to do this [fence the land] in the future. They came and threatened us. They also asked us who the leader was [of the protest]."*

Saw Bq--- (male, 46), Br--- village, Htantabin Township, Toungoo District/  
northern Kayin State (interviewed in November 2015)<sup>874</sup>

In this case against Asia World, as in many others across southeast Myanmar, villagers attempted to report private companies' abuses to the authorities, but the police responded by assisting Asia World in their actions violating the rights of villagers, rather than protect villagers. Villagers tried to submit letters, to fence their lands, and held protests. In all attempts police threatened villagers and forced them to sign away their rights, so Asia World could continue to confiscate villagers land for their development projects. Cases such as this suggest weak implementation of the rule of law, and that private companies use this weak implementation for their benefit, such as through collaborating with police to violate villagers' rights.

Asia World has also threatened law suits against villagers, demanding that villagers sign letters to incriminate themselves that they have trespassed on their own land. Naw A--- also spoke about her experience of being stopped and harassed by an Asia World security guard to wrongfully incriminate herself for tending to her land in Toungoo District in 2015. In the exchange, the security guard wrote out a letter for the villager to sign to admit to trespassing on company land. To which the villager responded:

*"I will definitely not accept and sign this letter." He said, "Why?" [Naw A--- replied] "Why? Because I have not received any compensation, so I definitely do not want to sign it." He told me that, "You should go back to think carefully about what will happen in the next one or two years. Do you want me to sue you in court or would you rather leave your bananas [plantation] instead? A Mo,<sup>875</sup> please think about the ways [options] that I am making you choose [from]."*

Naw A--- (female, 54), B--- village, Htantabin Township, Toungoo District/  
northern Kayin State (interviewed in November 2015)<sup>876</sup>

The security guard told the villager that it did not matter if the villager refused Asia World's compensation. She was told to leave her land or face a lawsuit that would also result in the villagers' displacement. In both cases, authorities assisted Asia World in their abuses against villagers, leaving villagers without any authorities to contact to protect them.

KHRG has documented several instances in which private companies receive support from police, government, and occasionally village leaders in order to confiscate villagers' land and to receive permission for development projects through illegitimate and manipulative means. Some companies receive permission from village heads or the KNU without villagers' consent,<sup>877</sup> hold a vote and give false promises to villagers that they will not be affected by the projects, while others force villagers to sign documentation relinquishing their rights and falsely incriminating themselves

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<sup>874</sup> ["Toungoo Interview: Htantabin Township, November 2015,"](#) KHRG, June 2017.

<sup>875</sup> A *Mo* is a term in Karen meaning mother, used to express respect when Burma ethnic and Tatmadaw soldiers talking to older Karen women. Although it translates as 'mother' it does not imply a familial relationship.

<sup>876</sup> ["Toungoo Interview: Naw A---, November 2015,"](#) KHRG, February 2017.

<sup>877</sup> ["Hpapun Interview: Saw B---, October 2016,"](#) KHRG, March 2017; and see also source #87.



of trespassing on their own lands.<sup>878</sup> In one case, Hla Thit Sar Pan Kar Mining Company used village leaders to gather villagers in one place where they forced them to sign legal paperwork relinquishing their land.<sup>879</sup>

These testimonies suggest that while companies may have legal paperwork authorising their activities on villagers' lands, they often acquire 'permission' through coercive and illegitimate means, thus revealing how the current legal system works against the interests of villagers. Companies use the legal system against villagers in further ways, such as KMAC filling lawsuits against 11 villagers for trespassing and then not attending five consecutive court hearings which villagers had travelled to, paid travel and court fees for, and lost valuable time from their farm work to attend.<sup>880</sup> The negative impacts are further compounded as villagers have to acquire more money to pay for the legal fees:

*"If we hire a lawyer, it costs 1,000,000 kyat [US\$873.36] for each time [I go to court]. If the case moves [locations] once for the whole year, [I] have to pay 600,000 kyat [US\$524.01] for that. So altogether 1,600,000 kyat [US\$1,397.37] for the whole year. There is a lot of interest [that I have to pay] and I have no money. I only have land, and they took the lands. Now I have to sell all my remaining land to pay the interest [for the lawyer]."*

Daw T--- (female, 58), Win Yay Township, Dooplaya District/  
southern Kayin State (interviewed in July 2015)<sup>881</sup>

The legal costs villagers accumulate when fighting to assert their rightful ownership of their land in some instances drives villagers further into poverty. A KHRG researcher discusses villagers' difficulties when referencing land confiscation and court cases involving KMAC:

*"Kaung Myanmar Aung Company [KMAC] confiscated land in four villages which are Toh Boh<sup>882</sup> village, Nan Ga Mauk village, Yay Ao Sin village and Kyet Khay Khyau village in Htantabin Township, Toungoo District. Due to land confiscation, the local peasants became homeless. Some local peasants were sued [by the company] because they had claimed that the land does not belong to Kaung Myanmar Aung Company. The local people who were sued are just daily labourers, so they could not pay for a lawyer to solve their problems in court. Some local villagers were forced to destroy their houses because the company said that they were trespassing on its land. The company opened a case in the court of law and they sued the local people for trespassing on their lands."*

Situation Update written by a KHRG, Thandaunggyi Township, Toungoo District/  
northern Kayin State (received in February 2016)<sup>883</sup>

Furthermore, justice for abuses inflicted by private companies' development projects continues to be intangible because villagers cannot access an independent judiciary to resolve their land disputes. Often villagers only option is to go through the resolution mechanisms created by the companies committing the abuses against them,<sup>884</sup> and in other cases the leadership structure of private companies is unclear or associated with the former military and armed groups, which deters villagers from speaking out against the actions of private companies.<sup>885</sup> For instance, the land governing bodies created by the Myanmar government, such as the land administrators in the General Administration Department (GAD), are overwhelmingly staffed by former military

<sup>878</sup> Sources #105; and see also source #131.

<sup>879</sup> Source #131.

<sup>880</sup> Source #112.

<sup>881</sup> Source #88.

<sup>882</sup> The transliteration of this place name has been updated from Hto Bo.

<sup>883</sup> ["Toungoo Situation Update: Thandaunggyi Township, November 2015 to February 2016,"](#) KHRG, November 2016.

<sup>884</sup> ["Experts Help Communities Take Control of Justice"](#) Earth Rights International, March 30<sup>th</sup> 2015.

<sup>885</sup> ["Hpa-an Interview: Saw H---, February 2016,"](#) KHRG, August 2016.

personnel.<sup>886</sup> To combat this lack of justice, the Myanmar government needs to amend abusive and out-dated laws, such as the 2012 Farmland Act and the VFV act which are used by companies and the government incriminate villagers, establish a truly independent judiciary, provide villagers with subsidised legal fees in land cases, and strictly monitor the activities of private companies.

### **Conclusion: development by private companies**

National and international companies are taking a more active role in recent years in the development of southeast Myanmar, and are also most cited by villagers as the main perpetrators of land grabs and abuse. While the development of a country is often associated with achieving a public good, the actions of private companies in southeast Myanmar for large-scale development projects often furthers the abuse villagers have endured over the past 25 years and continues to give wealth and impunity to powerful actors at the expense of villagers. Private companies' development activities are often unregulated and unchecked by the Myanmar government as the government fails to make sure companies adhere to the EIAs and policies guiding best practice, which allows companies to subject villagers to abuse. KHRG reports indicate that private companies take advantage of this lack of justice by confiscating villagers' land, forcing them to relocate, destroying their property, polluting their environment, and often enrolling the help of Tatmadaw, security and EAGs to carry out these abuses without providing compensation or assistance to villagers to mitigate the severe impacts their development projects have on their livelihoods. In most cases companies do not receive FPIC and when 'permission' is given, it is often only obtained through companies' use of coercion and threats to increase their own wealth in their projects at the expense of villagers. With the recent lifting of international sanctions against Myanmar companies, it is likely that their development activities will increase across the country and will continue to be a major source of anxieties and hardships for villagers.

<sup>886</sup> According to Namati, [\*Streamlining Institutions to Restore Land And Justice to Farmers in Myanmar\*](#) (June 2016), the top-down process of returning land is all managed through the executive branch and its GAD civil service, as is the bottom-up process of resolving related disputes. Moreover, there is a high degree of overlap between the individuals in these two channels. The GAD is controlled by the Ministry of Home Affairs, which in turn is controlled by the military. The key personnel in the GAD are overwhelmingly former military personnel.

### Case Study: Toh Boh Dam (aka) Thoutyaykhat-2 Hydroelectric Project

The following case study demonstrates how development and its associated abuses in southeast Myanmar have changed focusing on one project: Thoutyaykhat-2 Hydroelectric Project, locally known as Toh Boh Dam in Htantabin Township,<sup>887</sup> Toungoo District. Its construction has involved a multitude of actors including the Tatmadaw/SPDC military junta, USDP/Thein Sein government, and Asia World Company. The Toh Boh Dam case reveals that while the severity of abuses associated with its construction has lessened, the collaboration between the Myanmar government, private companies, and armed actors has led to a lack of transparency and accountability for the projects' past and continued violations of villagers' rights.

The Toh Boh Dam was planned in 2005 and was constructed from 2006 to 2012. Villagers reported that during construction they were threatened, ordered to work as forced labour without payment, had their land confiscated, received inadequate compensation and in most cases received no compensation at all. Additionally, villagers who were displaced by the project continue to experience negative consequences on their livelihoods.

The dam's construction began in 2006 and was completed in 2012 in Htantabin Township, Toungoo District as a joint project between military junta, State Peace and Development Council (SPDC) and Shwe Swan In Company, known internationally as Asia World Company. The area along Day Loh (Thoutyaykhat) River that the company and government confiscated for the project was 2,600 acres, but later expanded 543 acres to a total of 3,143 acres of confiscated land.<sup>888</sup> The project area surrounded a Karen village name B--- village and resulted in the displacement and relocation of more than 100 households from the dam construction site.<sup>889</sup>

*"For B--- village, they [villagers] can't come back to live in their village. They were not allowed to come back to live in their village. They were kept [forced to move out of the village by the government military] in another place downriver along the Day Loh. If you go down from B---, a little over one hour along Day Loh [River], you will see a village. The village is located on the bank of the Day Loh River; the village is called BBd--- village. B--- villagers were ordered to live downriver from BBd--- village. They had to set up their new village there. Some other villagers also came and stayed there."*

Saw H--- (male, 37), B--- village, Htantabin Township, Toungoo District/  
northern Kayin State (interviewed in April 2011)<sup>890</sup>

According to KHRG reports, prior to the implementation of the project government authorities from Htantabin Township told villagers in 2005 that the construction would take place in their village and it would take 5 years to complete. The authorities told them their villages, plantations, and property would be destroyed in the process and that the dam could lead to possible flooding while simultaneously stating that once the project was completed, villagers would receive electricity and it would help create businesses and generate income for them.<sup>891</sup> In spite of this, during the construction villagers were displaced, their property was destroyed, and they were forced to work as labourers without pay.<sup>892</sup> Government officials of Htantabin

<sup>887</sup> Htantabin Township is a mixed-control area with both KNU and Myanmar government authorities active.

<sup>888</sup> ["Toungoo Interview: Saw H---, April 2011,"](#) KHRG, September 2012.

<sup>889</sup> ["Toungoo Interview: Saw H---, April 2011,"](#) KHRG, September 2012; see also ["Photo Set: More than 100 households displaced from Toh Boh dam construction site in Toungoo,"](#) KHRG, August 2012; and ["Compensation for land flooded by Toh Boh Dam operations in Toungoo District, August 2013,"](#) KHRG, July 2014.

<sup>890</sup> ["Toungoo Interview: Saw H---, April 2011,"](#) KHRG, September 2012.

<sup>891</sup> ["Toungoo district: Civilians displaced by dams, roads, and military control,"](#) KHRG, August 2005; and see also ["Toungoo Interview: Saw H---, April 2011,"](#) KHRG, September 2012.

<sup>892</sup> ["PEACE VILLAGES AND HIDING VILLAGES: Roads, Relocations, and the Campaign for Control in Toungoo District,"](#) KHRG, October 2000.

Township told B--- villagers if damage did occur to list the property damages and wait to receive the appropriate compensation from the government and companies later.<sup>893</sup> However, when damages occurred compensation failed to materialise. As a result, villagers retaliated by forming a committee to bring the case to the local government authorities who had previously promised them compensation:

*“They [displaced and affected villagers] formed a committee with 30 peoples. They went to the Htantabin office and the people in charge said, ‘this is not a Htantabin project. The project comes from headquarters [SPDC national level authorities], so we can’t do anything. If you want compensation, you have to go to the Division. If you go to Division, they will tell you: this project is run by the military government. Even if you go to them, they won’t give you [compensation]. Furthermore, they will arrest you and put you in prison.’ The people in charge from Htantabin told the villagers this.”*

Saw H--- (male, 37), B--- village, Htantabin Township, Toungoo District/  
northern Kayin State (interviewed in April 2011)<sup>894</sup>

In development projects operated jointly by central government and private companies, township officials often state that any reported offenses are out of their control. However, villagers continued to fight for justice and compensation for these damages, and in August 2013 they received some compensation from Asia World Company. A meeting was held between Asia World and villagers from four different villages in Htantabin Township, Toungoo District, who were impacted from the dam’s construction.<sup>895</sup> At the meeting, Asia World Company provided a total of 18,400,000 kyat (US\$18,891) as compensation to 15 villagers who lost their lands due to flooding from the Toh Boh Dam. After this meeting, Saw Shway Way, a member of Thandaung Special Region Peace Group<sup>896</sup> demanded a percentage of this compensation for his work in supposedly negotiating compensation for the villagers, which would be used to fund his organisation. 13 of the 15 villagers had to provide a total of 7,040,000 kyat (US\$13,696) out of the allotted 18,400,000 kyat (US\$18,891) of compensation to Saw Shway Way, leaving villagers with less than half of their compensation.<sup>897</sup>

The Toh Boh hydroelectric dam project by Asia World in collaboration with the former military government demonstrates the ongoing conflict and difficulties villagers face with large-scale development projects and accessing justice for associated abuses. KHRG reports indicate that private companies often displace villagers from their land and gain support from armed groups and authorities in order to evade responsibilities for their abuses, which was also the case in the

<sup>893</sup> [“Toungoo Interview: Saw H---, April 2011,”](#) KHRG, September 2012.

<sup>894</sup> [“Toungoo Interview: Saw H---, April 2011,”](#) KHRG, September 2012.

<sup>895</sup> [“Toungoo Interview: Saw H---, April 2011,”](#) KHRG, September 2012.

<sup>896</sup> ‘Thandaung Special Region Peace Group’ is also known as *Htanay Phyithu Sitt A’pweh*, or ‘Thandaung Peace Group’, is a local militia located in Toungoo District. The group split from the Karen National Union in 1997 and was initially led by Khe R’Mun. Reports from the field claim that they are currently led by General Bo Than Myit, have around 300 troops stationed at Leik Tho Base (Battalion Commander Bo Kyaw Win), in Leik Tho Township, and an additional 40 soldiers at Pya Sa Khan Base (Battalion Commander Khin Maung Lwin), near Thandaung town. It has been reported that they control a number of different illicit operations, including gambling and black market car licencing. They are also allegedly employed as security personnel by local companies and wealthy individuals involved in logging and mineral resource extraction, in addition to having direct involvement in the lumber and mineral business. *Htanay Phyithu Sitt A’pweh* should not be confused with *Nyein Chan Yay A’pweh*, which is occasionally translated as Peace Group but refers to the Karen Peace Army (KPA), aka the Karen Peace Force (KPF). Nor should it be conflated with *Aye Chan Yay*, another small militia group also operating in Toungoo District that the Thandaung Peace Group has come into conflict with. It is also distinct from the KNU/KNLA-Peace Council, which is also sometimes translated as ‘Peace Group’.

<sup>897</sup> [“Compensation for land flooded by Toh Boh Dam operations in Toungoo District, August 2013,”](#) KHRG, July 2014. This report used the name of Asia World’s branch, Shwe Swan In.



construction of the Toh Boh dam. Throughout the construction of Toh Doh hydroelectric dam project, Tatmadaw soldiers and officials from the military government abused villagers by forcibly displacing them, destroying their property, and using them as forced labour. While Asia World was contracted out by the military junta to oversee the dam's construction and contributed to negative livelihood impacts, the company was not primarily responsible for the abuse. Villagers reported the abuses and land damage to the local authorities from the military government and officials responded that the abuses were out of their control. Furthermore, even after villagers fought the case for several years, they were still obstructed from accessing justice. The use of military threats and involvement of a corrupt officer left villagers with less than half of the compensation given to them by Asia World, which was arguably already not enough to compensate their years of struggle and continued displacement, and did not include redress for abuses committed by Tatmadaw (SPDC).

### C. Development by CBOs and INGOs

While previous sections have highlighted the activity of large-scale development actors, such as the Myanmar government, private companies, and the problematic involvement of armed groups in southeast Myanmar, actors focused on community development and service provision are also important to realise the changing dynamics of development over the last 25 years of KHRG reporting history. Expectedly, KHRG reports indicate, community based organisations (CBOs) and international non-governmental organisations (INGOs) are the only development actors that have not reportedly committed direct violations against civilians in the pursuit of development in southeast Myanmar.<sup>898</sup>

Reports in this section focus on the increased activity of CBOs and INGOs in southeast Myanmar, how their work has transformed, and villagers' observations and concerns about consultation prior to and during development by CBOs and INGOs. Prior to the preliminary ceasefire, CBO and INGO activity was largely restricted to immediate humanitarian assistance in southeast Myanmar. For the 20 years of KHRG's reporting between 1992 and 2012, villagers reported local CBOs providing emergency relief to displaced villagers, often in the form of medical supplies to villagers, and INGOs were largely absent from the country.<sup>899</sup> INGOs first began appearing in southeast Myanmar in the mid-2000s to provide humanitarian assistance in the form of food aid and medical supplies, however this was often restricted to refugee camps or to within areas under Tatmadaw control.<sup>900</sup> Thus, only local organisations had access to most areas in southeast Myanmar.

Following the signing of the 2012 ceasefire, CBOs and INGOs have diversified their activities, bringing forth benefits and concerns for villagers in southeast Myanmar. CBOs and INGOs have moved away from humanitarian assistance to providing services, which are not yet guaranteed by the Myanmar government. CBOs and INGOs in many cases attempt to fill the current void in services that the Myanmar government is unable or unwilling to provide, and are frequently run in partnership with the Myanmar government, and the KNU.<sup>901</sup> These services range from building wells, schools and clinics, to providing emergency humanitarian assistance, to engaging in community education workshops. Villagers observe that CBOs and INGOs are now:

<sup>898</sup> CBO (community based organisations) is used to refer to local non-market and non-government organisations that pursue a common interest in the public domain. INGO (international non-government organisation) refers to a non-profit organisation that is independent from states and international governmental organisations, but is international in its scope. Its headquarters may be based in another country, and have locations across the world.

<sup>899</sup> "The SPDC not only imposes severe travel restrictions on all international aid and development agencies, they furthermore require that a regime counterpart accompany agency staff on visits to project sites." "[Media release - response to UN statement on KHRG report](#)," KHRG, April 2007.

<sup>900</sup> "[PHOTO SET 2005-A: Children](#)," KHRG, May 2015.

<sup>901</sup> "[Toungoo Interview: Naw A---, May 2016](#)," KHRG, October 2016.

*“Distribut[ing] aid, conduct[ing] training and teach[ing] villagers how to raise cows and buffalo, and also invest money so villagers can buy [livestock] to raise.”*

Naw Be--- (female, 47) Bf--- village, Thandaunggyi Township, Toungoo District/  
northern Kayin State (interviewed in December 2015)<sup>902</sup>

In comparison to the Myanmar government and private companies, villagers report CBOs and INGOs more frequently seek permission to work in their villages and ask villagers’ opinions on their most urgent needs when working on development projects. In many cases, villagers speak positively about CBOs’ and INGOs’ activities such as receiving improved access to clean water, education, and information. However, they also give negative feedback for INGOs including problems with service overlap, lack of consultation, and INGOs dismissing the needs stated by villagers during consultation, which demonstrates the need for villagers’ voices and local contexts to be further integrated into INGOs development projects.

### **From aid to opportunity**

In reports received in the 20 years of KHRG reporting up to the 2012 preliminary ceasefire, a limited number of INGOs and CBOs worked to provide humanitarian assistance and seldom worked in partnership with the Myanmar government since the military junta in power was largely responsible for the abuse affecting villagers causing a humanitarian emergency. Organisations faced severe operational risks in this context from Tatmadaw and EAG activity that endangered aid workers from also being targets of abuse.<sup>903</sup> During the worst abuses, local CBOs were most active in providing humanitarian assistance in the form of mobile medics and food aid within southeast Myanmar, while international organisations, such as the UNHCR, supplied humanitarian assistance at refugee camps for villagers that had fled.<sup>904</sup>

Supplying villagers with aid within southeast Myanmar during the conflict was extremely difficult and was often not sufficient for the needs of villagers, especially in remote areas outside of Tatmadaw control, such as in and around IDP camps. A villager in 2000 spoke with a KHRG researcher about these hardships when he said:

*“It is not easy to get support [humanitarian aid] for that number of people [IDPs]. To bring support [aid from Thailand] one time, they [relief organisations] can take only enough emergency supplies for two months, but the area is wide and the people are so many that we can only give it one time in one small place. Many places [within Myanmar] remain without support and that is why the situation is so terrible and they need support. When we look at the support, it is getting smaller and smaller, so the villagers’ problems are becoming more serious. When the villagers do get support, it is very helpful for them, but they need more.”*

Saw By--- (male), quoted in report written by KHRG researcher, Mone Township,  
Nyaunglebin District/eastern Bago Region (published in October 2000)<sup>905</sup>

In the midst of the conflict, KHRG reports demonstrate that local Karen organisations were often the only actors providing humanitarian assistance to villagers in southeast Myanmar. For example in 2005, one KHRG researcher documented that Karen relief teams came to meet with IDPs and,

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<sup>902</sup> Source #118.

<sup>903</sup> In 2006 the Backpacker Health Worker Teams were unable to reach villagers in Hpa-an due to SPDC and DKBA (Buddhist) activity, and in another example, in 2014 an aid worker from Free Burma Rangers was shot by Tatmadaw. [“The Ongoing Oppression of Thaton District: Forced Labour, Extortion, and Food Insecurity,”](#) KHRG, July 2006; [“SPDC Attacks on Villages in Nyaunglebin and Papun Districts and the Civilian Response,”](#) KHRG, September 2006; and see also [“Burma Army Shoots Aid Worker,”](#) Karen News, March 16<sup>th</sup> 2014.

<sup>904</sup> See, for examples, NGOs providing assistance following the effects of discrimination against Muslims, [“Easy Target: The Persecution of Muslims in Burma,”](#) KHRG, May 2002; and see also [“KHRG Photo Gallery 2009,”](#) KHRG, July 2009.

<sup>905</sup> [“PEACE VILLAGES AND HIDING VILLAGES: Roads, Relocations, and the Campaign for Control in Toungoo District,”](#) KHRG, October 2000.

*“...provided them with what aid they [could]... Each villager at these meetings was given 4,000 kyat [US\$4.00] with which to buy rice to feed their families. This money, however, is usually only enough to buy about two months’ worth of rice.”*

Photo Set written by a KHRG researcher, Thaton District/  
northern Mon State (published in 2005)<sup>906</sup>

Local CBOs provided what they could, but it was not enough to meet the needs of IDPs and other affected villagers. In 2005, the majority of INGOs could not enter Myanmar because of restrictions placed on them by the military junta, and local organisations experienced problems in funding and capacity.<sup>907</sup> CBOs alone could not meet the demands of the humanitarian crisis that characterised Myanmar under the military regime. Although international organisations operated in the refugee camps in Thailand, KHRG reports demonstrate they faced similar capacity issues as CBOs. One KHRG researcher stated:

*“So far, many of the newly arrived refugees who have arrived in Thailand from the Ler Per Her area have received some form of humanitarian assistance, either from international NGOs, the UNHCR, Karen community-based organisations, the Thai Healthcare Department or a combination of these. At present, the Thailand Burma Border Consortium (TBBC) has taken the lead role in coordinating international humanitarian assistance to the refugees, while Karen CBOs have formed a Karen CBO Emergency Relief Committee to coordinate assistance amongst local Karen groups. Nevertheless, there remains a need for further humanitarian assistance.”*

Field report written by a KHRG researcher, Hlaingbwe Township, Hpa-an District/  
central Kayin State (published in June 2009)<sup>908</sup>

Since the 2012 preliminary ceasefire, CBOs and INGOs have been able to increase their activities to support the needs of villagers in southeast Myanmar. They now have greater access to previously ‘unsafe’ and remote areas, and INGOs face fewer restrictions to operate which allows them to be more engaged in development projects in the region. CBOs’ and INGOs’ development projects have expanded beyond emergency aid and now also encompass livestock rearing, agriculture training, educational workshops, and providing assistance with the construction of schools and clinics, and assisting the Myanmar government to allocate ID cards.<sup>909</sup> The following excerpt from a Situation Update in Dooplaya District, 2014, demonstrates the multitude of organisations involved in a variety of activities for village development and support:

*“Some NGOs came to some of the villages in the area. CWS [Church World Service] provided one basket of paddy seed [of a value of] 5,000 kyat [US\$5.13] to the farmers whose fields were affected by the flooding. The UNDP [United Nations Development Programme] supported agriculture and [animal] husbandry for poor people in order to eliminate poverty. The UNHCR [The Office of the United Nations High Commissioner for Refugees] helped the villagers with healthcare and education.”*

Situation Update written by a KHRG researcher in Kyonedoe Township,  
Dooplaya District/southern Kayin State (published in 2014)<sup>910</sup>

CBOs and INGOs are also now more often working in partnership with the Myanmar government to improve the situation for villagers. CBO/INGO-Myanmar government partnerships have included the provision of Myanmar ID cards,<sup>911</sup> emergency relief to flood victims,<sup>912</sup> health education,<sup>913</sup>

<sup>906</sup> “[PHOTO SET 2005-A: Food and Livelihoods](#),” KHRG, May 2005.

<sup>907</sup> “*In the past, CIDKP [the Committee for the Internally Displaced Karen People] and KORD [the Karen Office of Relief and Development] gave support to the villagers, but this year the village didn’t receive this support. The villagers really need help for 2008.*” “[Attacks, killings and the food crisis in Toungoo District](#),” KHRG, August 2008; and see also “[PHOTO SET 2005-A: Food and Livelihoods](#),” KHRG, May 2005.

<sup>908</sup> “[Update on SPDC/DKBA attacks at Ler Per Her and new refugees in Thailand](#),” KHRG, June 2009.

<sup>909</sup> Source #57; see also “[Thaton Situation Update: Thaton Township, July to October 2015](#),” KHRG, April 2016.

<sup>910</sup> “[Dooplaya Situation Update: Kyonedoe Township, September to December 2013](#),” KHRG, September 2014.

<sup>911</sup> “[Toungoo Situation Update: Thandaunggyi Township, January to February 2015](#),” KHRG, October 2015.

and livelihood trainings related to agriculture and livestock husbandry.<sup>914</sup> Villagers often perceive these projects as providing opportunities that will have long-term benefits on their lives, such as ID card registration helping them access land, employment, and travel opportunities.<sup>915</sup> Whereas previously CBOs and INGOs worked independently due to government distrust, the increase of partnerships with the government suggests organisations' improved relations with the Myanmar government.

Furthermore, the changing nature of CBO and INGO engagement within Myanmar is indicative of increased stability in some parts of southeast Myanmar that comes with the investments in villagers' futures. The provision of paddy, animals, health and education, and identification cards are all long-term investments that were not possible during conflict where villagers commonly fled to avoid abuse. The transition from emergency humanitarian aid to development projects with a long-term focus is important because it suggests rather than only providing short term emergency relief, actors are now focused on delivering positive improvement for villagers' future in southeast Myanmar.<sup>916</sup> However, if sustainable progress is to be made towards ensuring opportunities of villagers in southeast Myanmar and across the country continue to increase, the Myanmar government needs to also invest in villagers' futures by supporting education, healthcare, and employment, and not rely on CBOs and INGOs to bridge the service gap long-term. Additionally, while the majority of development projects brought about by CBOs and INGOs have positive impacts on the lives of villagers and can create long-term livelihood security, villagers continue to raise some concerns as to the process and practice of development that affects them.

### Best practice

Villagers' experiences with CBO and INGO engagement in recent years are primarily focused on the inclusion of villagers in discussions about development projects. Comparative to other development actors, villagers report to KHRG that CBOs and INGOs more often engage in ethical development practices by conducting meetings with villagers prior to and during project implementation. For example, in June 2014 a villager reported that Help Age International had consulted with villagers, and provided monetary support to villagers who were taken away from their work to attend the meeting. The researcher said:

*"Help Age International has been working for nearly a year. They conducted a meeting and for the villagers who participated in the meeting, they donated 1,500 kyat [US\$1.15] to each participant. They held the meeting in my house and we provided snacks and juice to them [participants]. After the meeting was done they calculated the price [of] what we provided. They provided it every time [we had a meeting at my house]. Now they are [in the middle of] conducting a 10-day workshop."*

Naw A--- (female, 51), Lu Thaw Township, Hpapun District/  
northern Kayin State (interviewed in April 2015)<sup>917</sup>

Not only did Help Age International hold meetings to hear and incorporate villagers' perspectives, but they also compensated villagers for their participation. These practices are important for organisations, companies and government bodies to understand how they can assist villagers and for organisations to consult with villagers without taking them away from their farms and income earning activities.

Another example of positive consultation practices, was carried out by the Swiss Agency for Development and Cooperation (SDC) in October 2014. One KHRG researcher reported:

<sup>912</sup> ["Nyaunglebin Photo Set: Flood victims access food aid and health care services, August to September 2012,"](#) KHRG, June 2013.

<sup>913</sup> ["Toungoo Situation Update: Thandaunggyi Township, June to August 2016,"](#) KHRG, March 2017.

<sup>914</sup> ["Thaton Situation Update: Thaton Township, January to February 2015,"](#) KHRG, October 2015.

<sup>915</sup> ["Toungoo Situation Update: Thandaunggyi Township, January to February 2015,"](#) KHRG, October 2015.

<sup>916</sup> ["Hpapun Interview: Naw A---, April 2015,"](#) KHRG, February 2016; and see also source #118.

<sup>917</sup> ["Hpapun Interview: Naw A---, April 2015,"](#) KHRG, February 2016.



*“The Swiss Agency for Development and Cooperation (SDC) requested 12 villages in Bilin Township, Thaton District to state their root needs. These included: (1) healthcare centres, (2) schools, (3) constructing roads in the village, (4) water supply (5) housing for the staff [teachers and medics]. In the beginning of 2014, they came and observed the 12 villages [and their situations]. Some villages stated similar root needs and some villages stated different ones. The SDC also asked one villager from each village to cooperate with them. On October 23<sup>rd</sup> 2014, a [SDC] field director, Saw Min Naung, met with each village that he had a plan for. He held the workshop and developed a committee [from the village representatives]. This committee is responsible for working closely and openly with project coordinators and to have discussions regarding the villagers’ needs and transportation.”*

Short Update written by a KHRG researcher, Bilin Township, Thaton District/  
northern Mon State (received in October 2015)<sup>918</sup>

The SDC’s consultation efforts in this particular case reported to KHRG should serve as an example for actors involved in the development of Myanmar. The INGO held meetings to speak with villagers about their needs, helped form the appropriate feedback mechanisms by asking one villager to be a point of contact for the organisation, and facilitated the formation of village committees to continue providing SDC with advice. While this might not be practical in all circumstances, villagers’ statements to KHRG suggests that attempts should be made by all actors to involve villagers in their development projects.

While SDC has been shown to respect villagers’ perspectives, villagers also reported another case in which the same organisation consulted with villagers, but then disregarded their stated needs. This demonstrates the inconsistencies within organisations, the need for best practice to be upheld at all levels, and the need for consultation to be meaningful and intentional. The village head and village elders of Bilin Township in Thaton District reported that in April, 2014:

*“The people from the NGO [SDC] who were conducting the development project said, ‘Tell us the most important [thing] in your village and it will be solved for you.’ Bz--- villagers requested a school, but they were given a water supply. In terms of the water supply, the villagers wanted them to dig the wells at the centre of the village, but they dug the well [for the villagers] near the river.”*

Situation Update written by a KHRG researcher, Bilin Township, Thaton District/  
northern Mon State (received in November 2015)<sup>919</sup>

When consultation is not meaningful, villagers continue to be neglected. In this case, villagers’ educational needs were not met, and their opinions were not incorporated by SDC on the changes taking place within their village. The same dismissal of villagers’ opinions also occurred when the UNHCR and Bridge Asia Japan (BAJ) provided support to a different village. They provided clean water, but villagers identified that:

*“The water project is not the root need for these residents. Actually, the villagers stated that they need a school [for education] but they [UNHCR and BAJ] provided support for water [instead].”*

Saw A--- (male, 50), B--- village, Bilin Township, Thaton District/  
northern Mon State (received in November 2014)<sup>920</sup>

In both cases, the INGOs spoke with villagers about their needs, and in both cases their desire for education was ignored. It is possible that the organisations did not have the capacity or specialisation to address the educational issues facing villagers, but KHRG reports indicate that INGOs did not communicate such limitations with villagers. If INGOs do not have the capacity to address the concerns expressed by villagers, they should make that clear and ask villagers if they would still like them to provide other services that are within their capabilities.

<sup>918</sup> “[Thaton Short Update: Bilin Township, October 2014](#),” KHRG, February 2015.

<sup>919</sup> “[Thaton Situation Update: Bilin Township, August to October 2014](#),” KHRG, April 2015.

<sup>920</sup> “[Thaton Incident Report: UNHCR begins development project in Bilin Township, May 2014](#),” KHRG, June 2015.

When INGOs did not hold meetings with villagers, villagers reported the same problems they encountered with private companies' and government's development practices, such as projects not being beneficial and creating additional burdens on the communities. For instance, a KHRG researcher in 2013 reported a case in which an INGO could have easily shown more concern for villagers and local context when building schools:

*"During 2013-2014, a Japanese NGO<sup>921</sup> entered Hlaingbwe Township and built about 40 schools; they are going to build more schools in some villages where the villagers need them. In 2013, the NGO first arrived in Hlaingbwe Township, and they helped [the villagers] mostly in the education and health care sectors. The villagers were happy with that. However, they [villagers] also were concerned with one thing, and that was that the names of the schools and the hospitals [that the NGO had built] were written in Burmese."*

Situation Update written by a KHRG researcher, Hlaingbwe Township, Hpa-an District/  
central Kayin State (received in April 2014)<sup>922</sup>

Because of the conflict and past human rights abuses against Karen people, villagers took issue with the names of the schools. While well-intentioned, villagers in southeast Myanmar wanted schools that represented their own Karen language and culture.

Without consultation INGOs' activities can also lead to coordination issues and potential conflicts, such as undermining local community structures. One KHRG researcher reported in 2014 how the activities of Save the Children<sup>923</sup> caused confusion and overlap with Karen Women Organisation (KWO):

*"Save the Children came and built nursery schools for the villagers. The villages in Bilin Township which are based in large areas of flat ground and are beside the roads and towns almost all have a nursery school [established by Save the Children]. In some villages we know that the KWO [Karen Women Organisation] already built a nursery school, but this organisation [Save the Children] came and asked the people [villagers] to build another new school. Because of that, one KWO chairperson from Doo Tha Htoo [Thaton] Township felt that they [Save the Children] might [unintentionally] create conflict between them [KWO who want children to go their schools] and villagers. [We] see that in BBa--- village, Bilin Township, KWO had established a nursery school in west BBa--- village [and] east [BBa--- village]. In June 2014, that organisation [Save the Children]<sup>924</sup> came [and] asked villagers to build another new nursery school. The [BBa---] villagers complained 'one village would have three [nursery] schools, so what can we do [with these three nursery schools]?'"*

Situation Update written by a KHRG researcher, Bilin and Hpa-an Township,  
Thaton District/northern Mon State (received in November 2014)<sup>925</sup>

Without prior discussion and coordination, Save the Children's activities resulted in having a surplus of services in one community whilst other communities still lacked similar services. Additionally, the overlap between their activities and Karen Women Organisation created unnecessary competition, undermining the existing nurseries provided by Karen Women Organisation.

Similarly, villagers have reported occasions where international organisations have not followed local guidelines for obtaining prior permission when operating in local communities. For example, one KHRG researcher reported a case in 2014, in which an NGO activity led to conflict:

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<sup>921</sup> Villagers were unable to identify the name of the NGO, but stated that it was Japanese.

<sup>922</sup> ["Hpa-an Situation Update: Hlaingbwe Township, April 2014,"](#) KHRG, October 2014.

<sup>923</sup> KHRG has also published positive feedback about Save the Children such as their work building schools and improving the education services in Dooplaya District, Kawkareik Township, ["Dooplaya Situation Update: Kawkareik Township and Noh T'Kaw Township, April to May 2016,"](#) KHRG, March 2017.

<sup>924</sup> KHRG has not received information about the completion of the Save the Children nursery.

<sup>925</sup> ["Thaton Situation Update: Bilin and Hpa-an townships, June to November 2014,"](#) KHRG, February 2015.

*“The conflict happened with the government staff and KNU staff regarding the healthcare sector because they [NGOs] sent their staff into the villages without letting the local healthcare staff know... Saw A---, the new township healthcare department administrator said that regarding the NGO healthcare staff entering into the township, there is a policy that the local healthcare department needs to be informed before [any NGO] enters the township. This is because there are already some Back Pack Health Worker Teams in some villages [and government healthcare workers there] who they should coordinate with so there would not be any overlap [in the provision of healthcare by NGOs and Back Pack Health Worker Teams].”*

Situation Update written by a KHRG researcher, Hpa-an Township, Thaton District/  
northern Mon State (received in June 2014)<sup>926</sup>

Best practice of development projects requires FPIC and actively involving villagers in projects that affect them. Villagers report several instances in which CBOs and INGOs engage with villagers so that their perspectives are integrated into their activities. When villagers do take issue with CBO and INGO activities, it is often because INGOs have dismissed villagers' stated concerns or do not take the local context, including community structures, and existing activities and organisations into account. Villagers suggest the issues arising from INGOs' development projects could have been easily avoided if organisations engage in meaningful discussions with villagers and incorporated their perspectives throughout the project.

### **Agency in CBO and INGO projects**

The space for villagers to demonstrate agency and voice their concerns with INGOs and CBOs is an ongoing issue that is widely recognised internationally.<sup>927</sup> INGOs and CBOs in theory have greater opportunities than governments and companies to be accountable to villagers' concerns given their engagement with community-focused development projects, rather than large-scale development of infrastructure and industries. CBOs' and INGOs' projects are often well-intentioned and are usually beneficial to the public. However, this does not exclude their activities from being a cause of concern for villagers.

KHRG reports indicate that villagers have few opportunities to provide feedback when international organisations do not actively seek out villager opinion and consultation. The agency villagers demonstrate with CBOs and INGOs looks very different compared to other development actors where villagers often submit more formal complaints through local administrators, KNU officials, or village heads. When forums are established by CBOs and INGOs to consult with villagers, KHRG reports show that even when villagers voice their opinions, their perspectives have in some cases been ignored by INGOs<sup>928</sup>. The few cases villagers have reported to KHRG researchers demonstrate the absence of accountability mechanisms in place. Ideally, villagers should be able to contact CBO and INGO staff that are leading the projects to voice their concerns and apprehensions. KHRG has received few reports from villagers sharing cases in which they have acted out against the development projects of CBOs and INGOs, which is likely due to the nature of community development, the absence of rights abuses, as well as weak feedback mechanisms between villagers and primarily INGOs, demonstrating a key area in which CBOs and INGOs can improve.

<sup>926</sup> [“Thaton Situation Update: Hpa-an Township, January to June 2014,”](#) KHRG, October 2014.

<sup>927</sup> [“Accountability for Empowerment: Dilemmas Facing Non-Governmental Organizations,”](#) Patrick Kilby, World Development, vol. 34, no. 6, June 2006; see also [“Saving the moral capital of NGOs: identifying one-sided and many-sided social dilemmas in NGO accountability,”](#) Stefan Hielscher, et al., International Journal of Voluntary and Nonprofit Organizations, January 2017.

<sup>928</sup> [“Thaton Situation Update: Hpa-an Township, January to June 2014,”](#) KHRG, October 2014; and see also [“Thaton Incident Report: UNHCR begins development project in Bilin Township, May 2014,”](#) KHRG, June 2015.

**Conclusion: development by CBOs and INGOs**

The last 25 years of KHRG reporting demonstrate that Myanmar's political transition through the signing of the NCA and the election of the NLD has drastically affected development projects by CBOs and INGOs in southeast Myanmar. Whereas reports from 1992-2012 detail organisations' role in immediate humanitarian assistance during the conflict, recent KHRG reports show that they are initiating community development projects that invest in villagers' long-term futures within Myanmar. KHRG reports also indicate that CBOs and INGOs are more often working in partnership with the Myanmar government, indicating improved relations and increasing trust. CBOs and INGOs more frequently seek out villagers' permission and perspectives comparative to other development actors, such as governments and private companies that engage in large-scale development projects. While villagers acknowledge the potential benefits coming from CBO and INGO projects, they continue to express their desire to have their opinions validated and incorporated into development projects that take place in their villages. KHRG reports highlight both successes and ongoing problems that arise during INGOs consultation with villagers. The insights garnered from the issues raised by villagers should be used to inform other organisations and development actors how to ethically work with villagers during development projects.

**Conclusion: development in Myanmar**

Development in southeast Myanmar has changed drastically over the course of KHRG's 25 years of reporting. What began as a militarisation project of the military junta that thrived through direct human rights abuses and oppression of ethnic minorities and villagers more generally, has altered and includes large-scale infrastructure, industry, agribusiness, and community development projects by the Myanmar government, private companies and CBOs and INGOs in the present day. This chapter has detailed the extensive experiences of villagers over 25 years with regard to development. Villagers' early experiences of development projects including road construction, dam building and railway construction, which were marred with forced labour, forced relocation, land confiscation in combination with other violent abuses, such as beatings, village burning, and killings orchestrated by the Tatmadaw/military junta. Since the Myanmar government has begun to encompass more civilian elected-leadership, KHRG reports covering the past 25 years suggest that development related abuses have decreased by the Myanmar government, while having increased by private companies. The Myanmar government has lessened its abuses, such as land confiscation, forced labour and land damage, against the people of Myanmar in pursuit of development and increased its projects aimed towards improving public services, such as roads, water and electricity. Within the last five years, rights violations committed by private companies in development projects have rapidly increased with their actions remaining the most covert. Villagers report to KHRG that private companies most frequently abuse villagers' rights in their development projects through land confiscation, threats and environmental destruction. The biggest concern of which, is the significant and striking overlap between private companies, Tatmadaw, and EAGs that characterises many development activities by national Myanmar companies, thus perpetuating the ongoing impunity for powerful actors and the cycle of conflict and abuses committed against villagers in the pursuit of development culminating throughout the past 25 years of KHRG reporting history.

In comparison to other development actors and projects, villagers' express having more positive experiences with regards to community development projects overseen by CBOs and INGOs, who often consult with villagers and obtain FPIC before initiating their projects. Furthermore, CBOs and INGOs have expanded their services from immediate humanitarian aid done independently from the Myanmar government to longer-term livelihood support and other development activities, often in partnership with the government, suggesting improved relations and long term investment and benefits for villagers' futures in southeast Myanmar.

Furthermore, villagers' experiences with development reveal substantial shortfalls within the justice system in Myanmar. The perspectives and cases throughout this chapter demonstrate how



powerful development actors within the Myanmar government, companies, and Tatmadaw retain impunity for previous abuses and use the weak justice system to exploit villagers and to instil fear within communities in order to achieve their development objectives. As a result, many villagers want to reject most development coming to their communities, highlighting the negative association with abuse that villagers have regarding all types of development projects. In regard to all actors and development projects, villagers want the following: to have their livelihoods guaranteed, to be consulted and involved with the decisions about new projects coming into their village, and to be compensated as a last resort should their land be destroyed or confiscated, all of which should be guaranteed under Myanmar law. It is only when all development actors adhere to these principles that development projects will produce lasting benefits for the people of Myanmar.

## Photos: Development



This photo was taken in 1997 in Mergui-Tavoy District. The photo shows the Boke-Ka Pyaw-Kyay Nan Daing road near Boke, in Mergui-Tavoy District that was constructed using villagers as forced labour. All work on the road, from hacking out the hillside to smoothing and ditch-digging, must be done by hand by the villagers, using tools no more sophisticated than their hoes. This photo gives an idea of the shoddy engineering when road construction is supervised by Tatmadaw officers – all of this will be washed away by the first rains, and then the villagers will be forced to build it again. [Photo: KHRG]<sup>929</sup>



This photo was taken in 1997 in Mergui-Tavoy District. The photo shows villagers shifting rotations of forced labour replacements as they head from the village to the worksite. They are carrying along all their food and tools to work on the Boke-Ka Pyaw-Kyay Nan Daing road near Boke. [Photo: KHRG]<sup>930</sup>



This photo was taken on April 5<sup>th</sup> 2014 in D--- village, Waw Muh village tract, Dwe Lo Township, Hpapun District. It shows a gold mining operation run by an unnamed Chinese company that has been extracting gold from the land on the Buh Loh River. The project has polluted the water and destroyed land belonging to local villagers. [Photo: KHRG]<sup>931</sup>

<sup>929</sup> “[Free-fire Zones in Tenasserim Division](#),” KHRG, May 1997.

<sup>930</sup> “[Free-fire Zones in Tenasserim Division](#),” KHRG, May 1997.

<sup>931</sup> Source #35.



These two photos were taken in 2002, in Nabu Township, Hpa-an District. The photo shows a bridge in southeastern Hpa-an District and 2,000,000 kyat (US\$2,000) was budgeted to build it. Local villagers worked on the construction without pay, so it is likely that most of the money was embezzled by army officers. SPDC (Tatmadaw) soldiers ordered the abbot of the local monastery to build the bridge knowing that the monk would be forced to ask the villagers to do it. The SPDC sometimes ordered forced labour in this way to displace the blame for the labour onto a monk, or maybe the DKBA (Buddhist), rather than on the SPDC. The abbot told KHRG that he is unhappy about orders like this but he knows he is caught between the KNU, DKBA and SPDC, and must do what he can to get by. When the bridge was completed the SPDC told the villagers that repairs to it are the responsibility of the villagers. A signboard was erected by the soldiers at one end of the bridge stating: *'This bridge is the bridge of the local civilian villagers. To take care and repair the bridge is always the duty of the civilian villagers.'* When these photos were taken the bridge was already beginning to fall apart even though cars had only been using it for a year. [Photos: KHRG]<sup>932</sup>



This photo was taken on December 25<sup>th</sup> 2014 in Dwe Lo Township, Hpapun District. The photo show mechanical backhoes digging and searching for gold. On January 10<sup>th</sup> 2015, an unnamed gold mining company entered Hpapun District and started mining from Wa Muh to the mouth of Meh Way Kloh river. The district and brigade administrators prohibited the company from mining in the area, but they could not stop them. Even though the gold mining negatively impacted the villager's lands, the KNU's district and brigade administrators held discussions and the KNU decided that they would give the company permission to do gold mining only from February to May 2015. The company's activity brought problems for villagers since it destroyed their lands and caused problems for people native to the area. [Photo: KHRG]<sup>933</sup>

<sup>932</sup> “[Attacks on Villages and Village Destruction](#),” KHRG, December 2002.

<sup>933</sup> Source #14.





These photos were taken on March 1<sup>st</sup> 2015 by a villager in south Pa Tok area, Hpa-an Township. The first photo shows a Myanmar police officer monitoring a company's development site in Pa Tok area at the industrial zone. The second photo shows villagers' lands that have been confiscated by Mya Htay Kywe Lin Company in cooperation with the Myanmar government for the industrial zone. The government authorities and the company said the lands are uncultivated lands (vacant, fallow or virgin). The Mya Htay Kywe Lin Company started clearing the lands and constructed a road on February 24<sup>th</sup> 2015 to implement the project. The company destroyed teak trees that villagers had planted on the land. [Photos: A--- villager]<sup>934</sup>



These photos were taken on November 25<sup>th</sup> 2015 in Htantabin Township, Toungoo District. These photos show Toh Boh Dam, also known as Thaukyaykhat-2 Dam. In the initial construction of Toh Boh Dam, villagers were used as forced labour by SPDC (Tatmadaw/Myanmar government), and villagers have consistently lost their lands because of its construction. In spite of sending complaints to government authorities, only some villagers have received compensation from Shwe Swan In (Asia World), the company that took on the construction in partnership with the military government in 2008. SPDC (Tatmadaw/Myanmar government) has not compensated or acknowledged their contribution towards the abuses affecting villagers. According to the villagers, the areas above the dam were flooded causing displacement and loss of land and housing, and local people at the lower area of the dam have faced livelihood difficulties due to the dam's construction. [Photos: KHRG]<sup>935</sup>

<sup>934</sup> Source #111.

<sup>935</sup> Source #114.





This photo was taken on November 20<sup>th</sup> 2014 between K’Hsaw Noh village and Ra Mwee village in T’Naw Th’Ree Township, Mergui-Tavoy District. The photo shows the place where Nway Ka Bar Company extracts lead. In the past, these places were rice fields. Now the fields have been destroyed by Nway Ka Bar Company, which is owned by a businessman named Ko Htay Lwin, since 2008 to date (as of November 2014). This extraction has negatively impacted the villagers’ land. [Photo: KHRG]<sup>936</sup>



This photo was taken in November 20<sup>th</sup> 2014 in T’Naw Th’Ree Township, Mergui-Tavoy District. The photo shows the place where Shwe Pin Le Company extracts lead on the land that was once farming fields belonging to local villagers. Now, those places have been destroyed by Shwe Pin Le Company, owned by a businessman name U Than Htike. The project period started on January 1<sup>st</sup> 2011 and was projected to finish on December 30<sup>th</sup> 2014. The company’s activities have affected the villagers’ land by damaging villagers’ farmland and polluting their water supply. [Photo: KHRG]<sup>937</sup>



This photo was taken on July 22<sup>nd</sup> 2015 between Myawaddy and Kawkareik Town, Kawkareik Township, Dooplaya District, and the photo shows a section of the Asian Highway that was constructed by Thai companies. According to the villagers, their lands were confiscated and damaged from the highway. The highway is overseen by the Myanmar government. [Photo: KHRG]<sup>938</sup>



This photo was taken in February 23<sup>rd</sup> 2016 in Kyainseikgyi Township, Dooplaya District. The photo shows a road that was constructed by Man Myint Hay Company. According to the villagers, the company came and constructed the road wider than originally planned along Yaw Doh village, Yaw T’Koh village and Plaw Hpa Htaw in Kyainseikgyi Township, Dooplaya District and some of the villagers’ possessions were destroyed because of road construction. [Photo: KHRG]<sup>939</sup>

<sup>936</sup> Source #48.

<sup>937</sup> Source #48.

<sup>938</sup> Source #76. This photo caption has been correctly amended from the October 2017 printed version.

<sup>939</sup> Source #131.



This photo was taken on December 19<sup>th</sup> 2015. The photo shows villagers standing and holding signs that represent their complaints against Kaung Myanmar Aung Company (KMAC). According to the villagers, KMAC confiscated villagers' lands in Toh Boh village, Htantabin Township, Toungoo District, and the company did not provide any compensation to the villagers. After the ceasefire, villagers rebuilt their houses on the land, but the company accused them of trespassing on their land and forced the villagers to dismantle their houses and move. The signs from left to right read: *'The group that confiscated local peoples' land and filled a lawsuit against local farmers is Kaung Myanmar Aung Company'; 'The company that constructed the dam and did not pay compensation for the flooding area is called Asia World Company'; 'The area in which that company confiscated lands is called Toh Boh village'; and 'The group that confiscated villagers' farm lands and do not provide substitute lands to set up a village is called Asia World Company'.* [Photo: KHRG]<sup>940</sup>



This photo was taken on December 5<sup>th</sup> 2015 in Htantabin Township, Toungoo District. The photo shows villagers holding a demonstration peacefully and marching in the street from Toh Boh village to Na Ga Mauk village against Kaung Myanmar Aung Company (KMAC). KMAC confiscated villagers' lands and made long-term plantations in those areas. Therefore, about 80 people whose lands were confiscated by KMAC from three local villages, Toh Boh, Na Ga Mauk and Yay Own Zin, marched in the street and held a demonstration in order to regain their lands. Some of these villagers are the same villagers who previously lost plantation lands and had to relocate due to flooding and land destruction under Toh Boh Dam. In accordance with the law, the local demonstrators proclaimed and raised placards which state, *"We do not need Kaung Myanmar Aung Company; We do not need the Farmers' Development Party<sup>941</sup>; Return local people's lands, which have been inherited from our parents and grandparents, at once."* [Photo: KHRG]<sup>942</sup>

<sup>940</sup> Source #114.

<sup>941</sup> The Myanmar Farmers Development Party [MFDP] was formed in 2012 and has its headquarters in Yangon. The MFDP is chaired by U Kyaw Swar Soe. The party claims to represent the rural peasantry on a campaign bed based on the modernisation and mechanisation of agriculture. For more information see, "[Myanmar Farmers Development Party](#)," The Irrawaddy, October 2015.

<sup>942</sup> Source #114.



This photo was taken on March 2<sup>nd</sup> 2014 in Kyaw Pah village, Meh Kaw village tract, Bu Tho Township, Hpapun District. The photo shows villagers setting up a water pipe at the river's mouth to transfer water to the village so that villagers can access water more effortlessly. The project is funded by the Myanmar government. [Photo: KHRG]<sup>943</sup>



This photo was taken in December 2014 in Paingkyon Township, Hpa-an Township. The photo shows some of the rice bags that were provided by the Nippon Foundation to the villagers in conflict areas. The foundation also distributed aid in many other areas across Karen State, in both Myanmar government and KNU controlled areas. [Photo: KHRG]<sup>944</sup>



This photo was taken on October 24<sup>th</sup> 2014 in Lay Kay village, P'Ya Raw village tract, Bilin Township, Thaton District. The photo shows the community health workers attending a three-day health care training at Lay Kay monastery in Lay Kay village provided by Red Cross Society. The training focused on the prevention of disease and Mine Risk Education (MRE). There were 15 trainees who attended the training and the host organisation provided them with 2,000 kyats per day (US\$2.00). [Photo: KHRG]<sup>945</sup>



This photo was taken on November 24<sup>th</sup> 2014 in Hway Hsan Village, Meh Klaw village tract in Bu Tho Township, Hpapun District. The photo shows villagers preparing to make natural fertilizer during the short-term two-day training course that was conducted by Shwe Yaung Lwin Pyin (Golden Land) association and Help Age International in Hway Hsan village. The training focused on making and processing natural fertilizer which aims to support agriculture for villagers. [Photo: KHRG]<sup>946</sup>

<sup>943</sup> Source #32.

<sup>944</sup> Source #53.

<sup>945</sup> Source #145.

<sup>946</sup> Source #57.



## Chapter 7: Displacement and Return

*"We fled before the Burmese [Tatmadaw]<sup>947</sup> arrived. I fled with my wife and children to our field hut. We planned to go to Noh Po [refugee camp] in the morning, but before we could, they came and attacked us in the night time... Three people in my family died and two were wounded. My wife was wounded but died 12 days later. Ten days after she was wounded she gave birth [the baby did not survive], and two days she later also died. [...] I don't know why they [Tatmadaw] wouldn't allow us to leave [to the refugee camp]... I think that they are afraid that other people and other countries would learn about them [Tatmadaw] so they didn't allow us to leave."*

Photo Note written by a KHRG researcher, Kyainseikgyi Township, Dooplaya District/southern Kayin State (published in May 2005)<sup>948</sup>

*"So now if the time comes for us to leave [the IDP camp], it will be depressing for us since we will have to leave our [current] place, [and] will have to start a new life; it is just like restarting a life."*

Saw A--- (male, 41), B--- village, Htantabin Township, Toungoo District/northern Kayin State (interviewed in October 2016)<sup>949</sup>

### Key Findings

1. Displacement has been a common agency tactic employed by tens of thousands of villagers throughout KHRG's 25 years to avoid ongoing abuse by armed actors, namely Tatmadaw and at times EAGs.
2. IDPs' and refugees' main concerns to return to southeast Myanmar are their safety, access to land, and how their return is decided. Many express a willingness to return, as long as their safety and access to land and other services can be guaranteed, and they can participate in the decision-making processes of return.
3. IDPs and refugees currently think their safety cannot be guaranteed if they return. They still fear their safety is threatened due to continued fighting in southeast Myanmar, political instability, and the possibility of abuse by armed actors.
4. Returning villagers want access to land that is necessary for their livelihoods and to build their lives in Myanmar. They specifically want their former lands to be returned to them that have been confiscated by companies, armed actors, governments, and neighbours in their absence as land is necessary for them to farm and be self-sufficient.
5. The Myanmar government, while having committed to villagers' restitution rights in the National Land Use Policy, which includes following international best practice, such as the Pinheiro Principles, is not adequately following this policy to ensure displaced villagers can return voluntarily, with safety and dignity.
6. IDPs and refugees no longer experience violent forced repatriation that they were previously subjected to by Tatmadaw, EAGs and Thai authorities throughout the 1990s.
7. KHRG reports indicate the Myanmar government, and other actors including INGOs, CBOs and armed groups are preparing housing for IDP and refugee return, yet evidence of land restoration is not present in KHRG reports.
8. IDPs and refugees state they will return if army camps move away from their village, and if they have access to business and livelihood opportunities in their return locations.

<sup>947</sup> This word has been updated to 'Tatmadaw' from 'soldiers', as published on the KHRG website for the original report, "[PHOTO SET 2005-A: Forced Relocation and Restrictions](#)," KHRG, May 2005.

<sup>948</sup> "[PHOTO SET 2005-A: Forced Relocation and Restrictions](#)," KHRG, May 2005.

<sup>949</sup> "[Toungoo Interview: Saw A---](#), [October 2016](#)," KHRG, November 2016.



## Displacement and Return subsections

- A. Safety
- B. Restitution
- C. Dignity

## Introduction

Discussions and implementation of return for internally displaced persons (IDPs) and refugees is an increasing occurrence since Myanmar entered into a peace process, with the signing of the preliminary and Nationwide Ceasefire Agreement (NCA), and has subsequently resulted in IDPs and refugees reporting many human rights concerns to KHRG in regards to their return. The main groups involved in IDPs and refugees return over the last 25 years of KHRG reporting have encompassed a variety of actors. Within IDP camps, the main authorities involved have been the Myanmar government, ethnic armed groups (EAGs), and local community based organisations (CBOs), with international organisations only having direct access within government-controlled areas, whereas in refugee camps it has involved the Myanmar government, KNU, the Tatmadaw, EAGs, Thai authorities, Myanmar and Thai CBOs, and international organisations. As of January 2015, there were up to 398,000 IDPs in southeast Myanmar,<sup>950</sup> and more than 100,000 refugees residing in nine refugee camps along Thailand's border as of May 2016.<sup>951</sup> Throughout KHRG's reporting history, these camps have been designated as 'temporary' and pushes have been made to close the camps and move the population either back to their home communities or to new relocation sites, regardless of increasing numbers of people seeking safety.<sup>952</sup> The 2005 UN Principles on Housing and Property Restitution for Refugees and Displaced Persons, known more commonly as the Pinheiro Principles, articulates the rights of refugees and displaced persons to ensure they can return voluntarily with 'safety and dignity'. However, for many displaced villagers from and within Myanmar, these rights have yet to materialise.

The prospect of return forces villagers to reflect on their past experiences of human rights abuses, their reasons for fleeing, and to think about what awaits them in Myanmar, while simultaneously highlighting issues that need to be addressed by relevant stakeholders involved in the process of return. While IDPs and refugees from Myanmar have different legal status, camp conditions, and protections, their reasons for fleeing and concerns regarding their return in KHRG reports are largely the same.

During the military junta's rule of Myanmar, return was not a possibility because of the widespread and indiscriminate fighting and human rights abuses specifically targeting villagers and ethnic minorities. In particular, villagers often fled to IDP and refugee camps because they were targeted with abuses including killing, torture, village destruction, and forced labour by the Tatmadaw<sup>953</sup> (SLORC/SPDC) and EAGs, and often encountered violent forced repatriation by Thai authorities. KHRG reports over the last 25 years demonstrate that the amount and severity of abuses against villagers causing them to flee to IDP and refugee camps has decreased<sup>954</sup> as well as fewer instances of forced repatriation, most notably since the 2012 preliminary ceasefire. Furthermore, the fact that some displaced villagers are choosing to return suggests peace negotiations and trust building is improving in southeast Myanmar.

<sup>950</sup> "[Myanmar IDP Figure Analysis](#)," Internal Displacement Monitoring Centre, March 2015.

<sup>951</sup> "[Myanmar refugees seek support to return from Thailand](#)," UNHCR, May 2016.

<sup>952</sup> UNHCR has documented a 19% increase in the people of concern (asylum seekers, IDPs, stateless people, returned IDPs, returned refugees) from 2013-2015 in Myanmar. See "[South East Asia Country Profile: Myanmar](#)," UNHCR, November 2016.

<sup>953</sup> Tatmadaw refers to the Myanmar military throughout KHRG's 25 years reporting period. The Myanmar military were commonly referred to by villagers in KHRG research areas as SLORC (State Law and Order Restoration Council) from 1988 to 1997 and SPDC (State Peace and Development Council) from 1998 to 2011, which were the Tatmadaw-proclaimed names of the military government of Burma. Villagers also refer to Tatmadaw in some cases as simply "Burmese" or "Burmese soldiers".

<sup>954</sup> For more information see Chapter 2: Violent Abuse: Threats, Gender-based Violence, Torture and Killing.

Regardless of these developments, the consequences of past abuses continue to influence villagers' hopes and fears about their return within Myanmar today. IDPs and refugees have reported to KHRG their primary concerns to ensure their return will be with safety and dignity. Displaced villagers worry about safety in relation to army camp proximity, access to social services, access to land in possible resettlement areas, and decision-making power in the planning process of their return, all of which are covered within the rights outlined in the Pinheiro Principles. Thus, throughout this chapter current concerns of displaced villagers will be clearly connected to past abuses and villagers' agency strategies in light of the rights guaranteed to them within the subsections: A. Safety, B. Restitution, and C. Dignity. Section A. Safety, will cover the factors villagers state threaten their safety if they choose to return and include, presence of armed actors, risk from fighting, continued abuse, and political instability. Section B. Restitution will include displaced villagers' difficulties accessing land and housing, and actions by the Myanmar government, KNU, and CBOs and INGOs to assist in housing provision. Section C. Dignity will focus on the decision-making process of return and will include how displaced villagers were forcibly repatriated during the conflict, and how they have consistently wanted to be involved in the planning of their own return. Safety, restitution, and dignity are the concerns that arise most often from displaced villagers, and are their most pertinent rights to guarantee for their protection and to ensure their return is sustainable.

## A. Safety

### Armed actors in areas of return

*"Since we fled from our village on September 11<sup>th</sup> 1975, we have not been able to go back and live in our village. Now, even though it is a ceasefire period, we dare not go back as the Tatmadaw are based in [nearby] Hpla Hkoh [army camp] and they repair [reinforce] their place [army camp] and their vehicle road, and are being sent rations. Also, they still fire [shell] mortars."*

Saw C--- and Saw D--- (males, 62, 32), IDPs quoted in an Incident Report written by a KHRG researcher, Lu Thaw Township,<sup>955</sup> Hpapun District/northeastern Kayin State (received in March 2014)<sup>956</sup>

Displaced villagers have reported that they remain hesitant to return because they see the presence of armed actors in civilian areas of southeast Myanmar as a direct threat to their safety. According to many KHRG reports dated both before and after the 2012 and 2015 ceasefire agreements, a common explanation given by IDPs and refugees about their reluctance to permanently leave the camp is the presence of armed actors in or near their former villages, workplaces and other potential return areas.<sup>957</sup> Although military abuses against civilians have lessened and been explicitly forbidden under the signing of the two ceasefires,<sup>958</sup> IDPs' and refugees' willingness to return has yet to reflect this change in southeast Myanmar. Tatmadaw, BGF and DKBA (Buddhist), responsible for the abuses from which villagers fled including looting,

<sup>955</sup> Karen IDPs have sought shelter in Lu Thaw Township, Hpapun District. Thousands of villagers were originally displaced during Tatmadaw offensives spanning 1997 to 2008. Since then, many of these people have lived in makeshift, temporary housing in the jungle and mountainous areas. See, ["Acute food shortages threatening 8,885 villagers in 118 villages across northern Papun District,"](#) KHRG, May 2011; and ["Ongoing militarisation prevents Lu Thaw Township IDPs from returning home,"](#) KHRG, February 2014.

<sup>956</sup> ["Hpapun Incident Report: Tatmadaw's mortar shelling and military activities in Lu Thaw Township, December 2013,"](#) KHRG, June 2014.

<sup>957</sup> *"This photo shows the houses in Cp--- village, Kawkareik Township, Dooplaya District, to which villagers have not been able to return [despite ceasefire]. They have not returned because they worry that they will have to displace themselves again. They live in the jungle. A male villager of Cp--- village mentioned that if there are army bases in Cp--- village he will not come back. He does not dare to live nearby Burmese soldiers [Tatmadaw] because he has seen that the Burmese soldiers are transporting more heavy weapons [to their army camp]."* Source #22

<sup>958</sup> The NCA has many principles in place to ensure the protection of civilians. However, the wording of the principles often state that Tatmadaw and EAGs "avoid" abusive actions, indicating, in some instances Tatmadaw and EAGs could argue abuse is permissible.

extrajudicial killings and forced labour, remain near the previous homes of IDPs and refugees.<sup>959</sup> Tatmadaw, BGF and DKBA remain active by engaging in military strengthening activities such as target shooting practice, troop rotation, re-supplying rations and patrolling the local area.<sup>960</sup> Villagers also state that some of these soldiers still cause problems for villagers, such as harassing women,<sup>961</sup> especially if they travel alone or at night, violently abusing and threatening villagers, and making sporadic demands of labour and materials.<sup>962</sup> Reporting to KHRG, IDPs and refugees speak of their desire to return home, but they believe their safety continues to be undermined by the presence of the Myanmar military around civilian areas in that militarisation could lead to possible fighting and continued abuses, which prevents them from freely choosing to return.

## Risk from fighting

Displaced villagers worry that returning nearby to army camps will increase their risk of being affected by fighting. Despite Myanmar government and some Karen ethnic armed groups, such as KNU/KNLA-PC, DKBA (Benevolent) and KNU, signing both the preliminary ceasefire and Nationwide Ceasefire (NCA),<sup>963</sup> many IDPs in both government and KNU controlled area report that they remain hesitant to return back to their original villages permanently. IDPs and refugees raise their concerns that army bases near their communities put returnee groups at increased risk of danger should fighting break out, and would mean that they would once again face violence forcing them to flee. Fighting between Tatmadaw and other armed groups was often the cause of villagers' displacement prior to the preliminary ceasefire, and even now fighting continues to cause villagers to flee.<sup>964</sup> For example, two IDPs from Cf--- village, Meh Proo village tract, Hlaingbwe Township, Hpa-an District who were recently displaced because of fighting between DKBA (Buddhist splinter) and joint forces of BGF and Tatmadaw,<sup>965</sup> spoke to KHRG in October 2016 about how they arrived at the IDP camp:

### ***“Why did they flee?”***

*They [we, villagers] fled because of fear.*

### ***What do you mean by fear?***

*I mean we were afraid of the fighting; therefore, we fled to escape from the fighting. As you know, if two buffalos fight against each other the grass is trampled [a Karen saying meaning when two strong forces fight, it is the bystanders that suffer].”*

Saw A--- and Saw B--- (males, 41, 34), E---, F--- village, Meh Proo village tract, Hlaingbwe Township, Hpa-an District/central Kayin State (interviewed in October 2016)<sup>966</sup>

IDPs and refugees give the same reasons for wanting to remain in the camps as they gave for why they fled. For instance, Saw B--- who is currently taking shelter in Ei Tu Hta IDP camp,<sup>967</sup> Hpapun District said in 2016:

<sup>959</sup> Whilst the KNLA also maintains army bases near civilian areas, villagers associate KNLA with providing security for them against the other armed groups active in their areas.

<sup>960</sup> For more information see Chapter 1: Militarisation.

<sup>961</sup> [“Karen Civilian Casualties in the Delta Region; Arrests, Looting, and Murder of Civilians by SLORC Troops in Mergui and Tavoy Districts; Forced Relocation of Villagers in Mergui District,”](#) KHRG, January 1992; see also [“Rape and sexual harassment in Hpapun District, June and August 2013,”](#) KHRG, November 2013 and [“Hpapun Situation Update: Bu Tho Township, August to October 2013,”](#) KHRG, February 2014.

<sup>962</sup> [“Hpapun Situation Update: Bu Tho Township, August to October 2013,”](#) KHRG, February 2014.

<sup>963</sup> [“Myanmar Signs Historic Cease-Fire Deal With Eight Ethnic Armies,”](#) Radio Free Asia, 15 October 2015.

<sup>964</sup> Source #155; see also sources #143 and #146.

<sup>965</sup> [“Recent fighting between newly-reformed DKBA and joint forces of BGF and Tatmadaw soldiers led more than six thousand Karen villagers to flee in Hpa-an District, September 2016,”](#) KHRG, December 2016.

<sup>966</sup> [“Hpapun Interview: Saw A--- and Saw B---, October 2016,”](#) KHRG, February 2017.

*"Since Tatmadaw will not withdraw their military and if we return and fighting breaks out like it did in Kachin State, we will all have to suffer again. To be honest, living in the IDP camp now is not too safe from oppression [military attack], and there is only a little relief from oppression [attack due to proximity]. However, if we have to go back, and the fighting breaks out again, I probably would not make it here [Ei Tu Hta IDP camp] again."*

Saw B--- (male, 42), C--- village, Lu Thaw Township, Hpapun District/  
northeastern Kayin State (interviewed in October 2016)<sup>968</sup>

Saw B--- clearly expresses his worry that if he and his family return to their home village and fighting breaks out, they might not be able to flee back to the relative safety of the IDP camp. The amassed risk to his and his family's safety is not one that Saw B--- is willing to take.

Although the NCA has led to increased stability in southeast Myanmar, fighting between armed groups continues to both impact and target villagers in the region. Saw A---, a villager from Doplaya District, spoke to a KHRG researcher in February 2016 about the ongoing fighting and abuse that transpired when BGF soldiers from Battalion #1017 entered his village:

*"They [BGF] told us, 'if you flee from your village, we will set your houses on fire.' Even though we did not flee, they still fired artillery at our village. Since they did not allow us to flee, they should not have opened fire on the village. They fired guns in the village, but we did not see any group that they were [supposedly] fighting against."*

Saw A--- (male), B--- village, Kawkareik Township, Doplaya District/  
southern Kayin State (interviewed in February 2016)<sup>969</sup>

The insecurity that IDPs, refugees and Myanmar citizens voice when discussing possible fighting and the future possibility of return has already obstructed displaced villagers from returning. In October of 2016, a KHRG community member reported how refugees' plans to return were disrupted by fighting outbreaks:

*"By the time the refugees were ready to go back to Myanmar, Bo San Aung's group [DKBA] started fighting with BGF and Tatmadaw, which creates problems for refugees if they return. Local people in Myanmar are also worried for refugees if they come back to Myanmar because the fighting could break out at any time."*

Situation Update written by a KHRG researcher, Kawkareik Township,  
Doplaya District/central Kayin State (received in November 2016)<sup>970</sup>

Due to the safety risks from army proximity and fighting, displaced villagers most frequently report to KHRG that if army bases and landmines are removed, they will more happily return. In 2014, an IDP villager from Lu Thaw Township, Hpapun District said:

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<sup>967</sup> Ei Tu Hta IDP camp was set up in 2006 for Karen villagers who fled the Taungoo and Nyaunglebin districts from Tatmadaw attacked on the Karen National Liberation Army (KNLA)'s Brigade #2 areas. The Burma Army offensives are believed to related to securing territory for the establishment of the military regimes new capital city, Nay Pyi Daw. Ei Tu Hta IDP camp, located on the bank of the Salween River in Hpapun District, northern Karen/Kayin State. As of February 2016, the camp is at present home to as many as 3,400 internally displaced persons. The main donor for this camp is The Border Consortium (TBC) with the assistance of the Karen Office of Relief and Development (KORD). The IDPs were told by the TBC that the fund would only secured until September 2017 and the camp could be closed towards the end of 2017 because of the lack of funding. See, "[End of Funding Will Force Ei Tu Hta Karen Displaced Peoples' Camp To Close](#)," Karen News, February 2016.

<sup>968</sup> "[Hpapun Interview: Saw B---, October 2016](#)," KHRG, March 2017.

<sup>969</sup> "[Doplaya Interview: Saw A---, February 2016](#)," KHRG, November 2016.

<sup>970</sup> Source #152



*"I would like to say that if they [Tatmadaw soldiers] move away, we will be able to go back and live in our places and we will also be able to work on our homeland. We have stayed away from it for a long time and we miss our homeland. Since they have come to stay there, we do not dare go back."*

Saw Ch--- (male, 26), Ci--- village, Lu Thaw Township, Hpapun District/  
northeastern Kayin State (interviewed in January 2014)<sup>971</sup>

This condition is repeated by Saw A---, an IDP in Ei Tu Hta camp in 2016:

*"From the Myanmar government's side what we would mainly need is [for them] to remove their army [Tatmadaw] camps in our areas and the camps that are situated close to our villages because they are causing concerns for us<sup>972</sup> to go back. And after removing their camps [...] we also know that there are landmines that they planted near their army camps, we also want them to clear them all."*

Saw A--- (male, 41), B--- village, Htantabin Township, Toungoo District/  
northern Kayin State (interviewed in October 2016)<sup>973</sup>

In addition to wanting to feel safe within their own homes, displaced villagers who would like to return, indicate they will only do so if they can access safe farmlands or alternative livelihood opportunities allowing them to work and provide for themselves.<sup>974</sup> Often villagers do not see farming as a viable option due to lack of safety near sites of ongoing militarisation. For instance, Saw A--- from Ei Tu Hta IDP camp, speaks about the uncertainty of safe opportunities:

*"And now in my village, according to what I know, there are no big business operations where I am from. There is only hill farming and agriculture and we are not able to work freely because it is situated near the Myanmar government Tatmadaw [military] camp."*

Saw A--- (male, 41), B--- village, Htantabin Township, Toungoo District/  
northern Kayin State (interviewed in October 2016)<sup>975</sup>

IDPs have also heard from others who have returned to work their farms that their situation has not improved because they continue to live in fear of nearby Tatmadaw.<sup>976</sup> For instance one KHRG researcher from Hpapun District stated:

*"Around the working places, such as hill farms, [villagers] have faced problems. Some people [villagers] went back to their original area to earn a living from their farm land, but they have to live with fear and worry. They always have to be aware of [the fighting situation] every day and night."*

Situation Update written by a KHRG researcher, Lu Thaw Township, Hpapun District/  
northeastern Kayin State (received in July 2015)<sup>977</sup>

## Political stability

Similarly to displaced villagers' fears that fighting will threaten their safety, displaced villagers who want to return to Myanmar, state they will feel safe once there is peace and stability. Many IDPs and refugees worry about Myanmar's political stability and the impacts that may have on their safety when they rebuild their lives in southeast Myanmar. IDPs report to KHRG that they are not confident in the current state of the peace process and they do not think the government is doing enough to promote peace in ethnic areas, which they worry will fuel on-going fighting that will

<sup>971</sup> Source #11.

<sup>972</sup> The word civilians has been omitted from the previously published version for brevity.

<sup>973</sup> ["Toungoo Interview: Saw A---, October 2016,"](#) KHRG, November 2016.

<sup>974</sup> ["Toungoo Interview: Saw A---, October 2016,"](#) KHRG, November 2016; see also ["Hpapun Interview: Saw B---, October 2016,"](#) KHRG, March 2017.

<sup>975</sup> ["Toungoo Interview: Saw A---, October 2016,"](#) KHRG, November 2016.

<sup>976</sup> ["Ongoing militarisation in southeast Myanmar,"](#) KHRG, October 2016.

<sup>977</sup> Source #83.

compromise their safety if they return. They want the Myanmar government, the KNU, and armed groups to build trust and understanding among each other, so that IDPs and refugees can return safely and future generations will not suffer. Peace and political stability must also be secured for the return of IDPs and refugees to be truly safe and successful. The following interview took place between a KHRG community member and an IDP at Ei Tu Hta IDP camp:

***“What do you think of the return?”***

*My opinion on this return is: actually, we are willing to go back to our land where we were born, but now we look at the political situation and it causes big doubts. If we look at the political transition after the Thein Sein government, and more recently another government took over power. Last month, they [Myanmar government] did the 21<sup>st</sup> Pin Lon [Panglong] peace conference.<sup>978</sup> And if we look at [the situation] after the big meeting [Panglong peace conference], the fighting increased in ethnic areas,<sup>979</sup> especially in Kachin State, Shan State as well as in Karen State. The IDPs are increasing [because of this fighting]<sup>980</sup> so for us, if we look at returning [leaving Ei Tu Hta IDP camp], we have big doubts because of the unstable political situation. It is a concern for us.*

***What do you think is the greatest concern you would have if you go back?***

*For us the greatest concern is security. If we look at the NCA [Nationwide Ceasefire Agreement] between the country’s government and the KNU [Karen National Union], it doesn’t please us, so our opinion [...] is maybe if fighting happens again, we would face a worse situation than we faced in the past.”*

Saw A--- (male, 41) B--- village, Htantabin Township, Toungoo District/  
northern Kayin State (interviewed in October 2016)<sup>981</sup>

Saw A--- expressed a common sentiment among IDPs and displaced villagers, which is that peace in Myanmar is fragile. Another IDP declared that for return to be successful,

*“Currently, the most important thing for IDPs is for each individual family to decide and design their own destiny for their future. Furthermore, we have to gain more specific knowledge and understanding about leadership, politics, and religions in order to protect and defend ourselves. What I want the most is for our Karen people to be united. If Karen people are not united there will be more tension among [Karen] groups. The Karen people will become divided, argue, and oppose each other. The most fundamental things to improve IDPs’ and our peoples’ futures are unity, and creating understanding and an inclusive society.”*

Saw B--- (male, 42) C--- village, Htantabin Township, Toungoo District/  
northern Kayin State (interviewed in October 2016)<sup>982</sup>

In both cases, the IDPs are concerned about the political stability in Myanmar. They want a reliable government that protects their interests and armed groups that work towards the villagers’ safety, rather than contribute to on-going fighting and the terrorisation of villagers. Saw B--- mentions that one way to improve peace and stability is by promoting education and civic engagement among Myanmar citizens, while Saw CJ--- from Nyaunglebin District in November 2016 suggested the Myanmar government and the KNU take action to ensure villagers’ peace and safety:

<sup>978</sup> The 21<sup>st</sup> Century Panglong Conference was held on August 31<sup>st</sup> 2016 in Naypyidaw. It marked a crucial step in negotiations between the Myanmar government and ethnic groups towards an agreement for peace and national reconciliation. It followed from the historic first Panglong Conference, in 1947, in which Burma established its independence from Britain. See “[Myanmar’s Suu Kyi kicks off peace conference with appeal for unity](#),” Reuters, August 31<sup>st</sup> 2016.

<sup>979</sup> Sporadic fighting in 2016 has been ongoing in ethnic areas although this is not thought to be a direct result of the Panglong Conference.

<sup>980</sup> “[More than 3,000 villagers flee escalating conflict in Karen State](#),” The Irrawaddy, 12 September 2016.

<sup>981</sup> “[Toungoo Interview: Saw A---, October 2016](#),” KHRG, November 2016.

<sup>982</sup> “[Hpapun Interview: Saw B---, October 2016](#),” KHRG, March 2017.

*“During the conflict period before the [2012] preliminary ceasefire had taken place, many civilians and leaders died during the conflict. Many villagers fled to refugee camps and to other countries because of the war. We recommend both governments open more livelihood opportunities for the villagers. We recommend both the KNU and Myanmar government build trust between each other and do not break their promises. We do not want to see human rights abuses happen in our grand-children’s generation.”*

Saw CJ--- (male, 24), Ck--- village, Shwegyin Township, Nyaunglebin District/  
eastern Bago Region (interviewed in November 2016)<sup>983</sup>

As is clear from KHRG reports, many IDPs and refugees state they do not feel safe returning, which is a right guaranteed to them within the Pinheiro Principles<sup>984</sup> and under Myanmar and KNU policy.<sup>985</sup> Many displaced villagers want to return, but they want to return to an environment that is safe and with a government that promotes unity among the people of Myanmar. IDPs and refugees’ concerns for their return are influenced by their memories of prolonged suffering before they fled and ongoing systematic fighting and abuse still occurring throughout southeast Myanmar. Tatmadaw directly targeted villagers with abuse, fighting, and hardships.<sup>986</sup> Now, instead of seeing the withdrawal of Tatmadaw and BGF in civilian areas following the ceasefire as they expected, villagers report that the Myanmar military continues to make advances in ethnic strong-holds,<sup>987</sup> especially around profitable development sites,<sup>988</sup> and cause problems for villagers, which prevents IDPs and refugees from feeling safe and wanting to return. IDPs and refugees feel that the close proximity of the military endangers them and threatens their livelihoods and their ability to live peacefully within Myanmar. Villagers are still fearful of traveling around their villages and working their farms because Tatmadaw continues to patrol the area in times of peace, and villagers have no alternatives to earn an income.<sup>989</sup> Villagers have been targeted by Tatmadaw throughout the conflict, which continues to shape their current fears. Thus, only when military actors move their army camps, villagers have protections in place, can easily access justice, and peace and understanding are strengthened will IDPs and refugees feel they can return with safety and dignity.

## Military abuse

The issue of return is not a recent one, as throughout the 25 years of KHRG’s reporting history, IDPs and refugees have voiced their concerns about the risks of abuses by the Tatmadaw and EAGs if they return. When confronted with the prospect of return in 2009, a villager in Hpa-an District stated:

<sup>983</sup> Source #161.

<sup>984</sup> The most important document with regards to the rights of refugees and IDPs is the Pinheiro Principles: Paulo Sérgio Pinheiro, United Nations Principles on Housing and Property Restitution for Refugees and Displaced Persons, August 2005 (henceforth: Pinheiro Principles); Refugees and IDPs have the right to return ‘with safety and dignity’ based on FPIC and with complete and objective information (Principle 10). Principle 2 states, “*All refugees and displaced persons have the right to have restored to them any housing, land or property of which they were arbitrarily or unlawfully deprived.*” The Pinheiro Principles, “[United Nations Principles on Housing and Property Restitution for Refugees and Displaced Persons](#),” United Nations Sub-Commission on the Promotion and Protection of Human Rights, 11 August 2005.

<sup>985</sup> The National Land Use Policy (NLUP) and Karen National Union (KNU) Land Policy both state restitution measures should be applied in line with international best practice, which would include those outlined in the Pinheiro Principles.

<sup>986</sup> For more information see Chapter 2: Violent Abuse: Threats, Gender-based Violence, Torture and Killing.

<sup>987</sup> For more information see Chapter 1: Militarisation.

<sup>988</sup> “[Karen State September 2016 Conflict The Real Motivations behind Renewed War](#),” Karen Rivers Watch, September 2016; see also “[Fighting ‘directly linked’ to Hat Gyi Dam Project – Claim Karen Leadership](#),” Karen News, 5<sup>th</sup> October 2016; and “[Karen Villagers – ‘We Lost Everything In Asia Highway Conflict’](#),” Karen News, 27<sup>th</sup> September 2015.

<sup>989</sup> Source #92.

*"No, I dare not go [back to Karen State] because the villagers<sup>990</sup> are afraid of serving as porters. In the past, I used to serve as an SPDC [Tatmadaw] porter. I had to carry rations and ammunition... if there were no DKBA and SPDC abuses, I'd go back to my home. In reality I don't want to stay in this country [Thailand] because I can't cultivate hill fields."*

Saw G--- (male, 30), W--- village, Paingkyon Township, Hpa-an District/  
central Kayin State (published in September 2009)<sup>991</sup>

Other refugees mirrored this concern when KHRG reported in 2009 that,

*"They would like to return home, but only if they could be sure that they would not have to worry about issues like forced recruitment, portering and unmarked landmines."*

Saw G--- (male, 30), W--- village, Paingkyon Township, Hpa-an District/  
central Kayin State (published in September 2009)<sup>992</sup>

In the 1990s and 2000s, military actors, especially Tatmadaw and later DKBA (Buddhist), specifically targeted villagers in order to suppress opposition and weaken Karen armed group resistance. The military not only demanded villagers for labour and recruitment, but also burned their homes and plantations, looted and destroyed their food supplies,<sup>993</sup> and booby-trapped their village with landmines.<sup>994</sup> Furthermore, some villagers testified to KHRG of having been displaced, not just once, but several times, each time returning to their village to rebuild their homes, only to flee again when armed groups came to target their village.<sup>995</sup>

In addition to having their villages burnt, IDPs and refugees experienced other forms of harassment by the military. When fighting occurred in their village or nearby, the Tatmadaw frequently forced them to relocate to army camps,<sup>996</sup> and routinely blamed and accused those villagers of supporting and harbouring "rebels" or Karen revolutionaries.<sup>997</sup>

*"At the end of April 1992, SLORC [Tatmadaw] soldiers came to our village and ordered us to move within 3 days. They told us, 'the villagers here are not good – you give information to the Karen Army and then they attack our patrols, so you have to move.' They ordered us to destroy our houses, came and watched us do it, then forced us to the new place at Thit Chat Seit. We couldn't take the parts of our houses with us. It was also very difficult for people to take their animals, but we all tried."*

Anonymous villager, quoted in a Field Report written by a KHRG community member,  
Kyaukkyi Township, Nyaunglebin District/eastern Bago Region (published in June 1993)<sup>998</sup>

Throughout the conflict Tatmadaw and EAGs subjected villagers to violence, killing, and a wide range of other abuses, which caused them to flee and seek shelter at IDP and refugee camps. Villagers still harbour the memories and effects of these past abuses, which continues to influence their current apprehensions to return. Displaced villagers do not feel their safety can be guaranteed if they return because of past and ongoing military abuse and harassment within southeast Myanmar. Displaced persons hope that by sharing their perspectives,

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<sup>990</sup> 'In the village' has been omitted from the originally published version for brevity.

<sup>991</sup> ["Abuse in Pa'an District, Insecurity in Thailand: The dilemma for new refugees in Tha Song Yang,"](#) KHRG, September 2009.

<sup>992</sup> ["Abuse in Pa'an District, Insecurity in Thailand: The dilemma for new refugees in Tha Song Yang,"](#) KHRG, September 2009.

<sup>993</sup> ["REPORTS FROM THE KAREN PROVINCES,"](#) KHRG, September 1992.

<sup>994</sup> ["ATTACKS ON KAREN VILLAGES: FAR SOUTH,"](#) KHRG, March 1997; see also ["INTERVIEWS FROM NORTHERN PA'AN DISTRICT,"](#) KHRG, August 1996.

<sup>995</sup> ["Toungoo Interview: Saw A---, October 2016,"](#) KHRG, November 2016; see also ["Hpapun Interview: Saw B---, October 2016,"](#) KHRG, March 2017; see also ["ATTACKS ON KAREN VILLAGES: FAR SOUTH,"](#) KHRG, March 1997.

<sup>996</sup> ["CONTINUING SLORC ACTIONS IN KAREN STATE,"](#) KHRG, May 1994.

<sup>997</sup> ["Forced Relocation in Kyauk Kyi Township,"](#) KHRG, June 1993.

<sup>998</sup> ["Forced Relocation in Kyauk Kyi Township,"](#) KHRG, June 1993.



*"[m]any people will know [the situation] and pressure [...] the Myanmar government [...] to remove their army camps along with their soldiers in our Karen areas, so that we, IDPs, will be able to go back and work freely [in our areas]."*<sup>999</sup>

Saw A--- (male, 41), B--- village, Htantabin Township, Toungoo District/  
northern Kayin State (interviewed in October 2016)<sup>1000</sup>

Many IDPs and refugees want to return to their homes within Myanmar, but also want to be safe and have opportunities with which to build a new life. Understandably, now IDPs and refugees express their fear and refusal to be returned to sites near army bases, especially Tatmadaw who were primarily responsible for their past suffering.

## B. Restitution

### Land and housing

*"We would like for our people from afar to come back [to live] because we are from the same blood, solid [strongly connected] to all Karen People. If they come back... they should have a place to stay [live] so that they can have peace."*<sup>1001</sup>

Saw A--- (male, 50), B---village, Kawkareik Township, Dooplaya District/  
southern Kayin State (interviewed in August 2015)<sup>1002</sup>

The repatriation of refugees and return of IDPs requires that returnees have access to land to ensure they have the ability to rebuild their lives back in Myanmar. Past and present rights abuses and land disputes cause refugees and IDPs to occupy a precarious position at the camps as they worry about their future. Most of the villagers in southeast Myanmar support themselves and their families through small-scale farming, so land is essential to ensure their quality of life should they now chose to leave IDP and refugee camps. International standards and Myanmar government policy guarantees IDPs and refugees rights to land and housing,<sup>1003</sup> yet implementation and legally binding commitments by the Myanmar government have yet to be fully secured.

Reports on land in this section focus on trends of IDPs and refugees expressing their concern about their access to land when they return. During the conflict, attacks displaced villages from their means of survival. Villagers were displaced from their land due to land confiscation, the military burning their homes and villages, or from fleeing attacks by the military and EAGs.<sup>1004</sup> Even now while displaced villagers have been seeking refuge at IDP and refugee camps, the Tatmadaw, BGF, Myanmar government, and private companies have confiscated their land by classifying it as 'vacant' land<sup>1005</sup> or in some cases ownership has been transferred to other villagers. Now as refugees and IDPs confront the prospect of return within Myanmar, they are uncertain if they will be able to return to their former homes or be able to access new land to secure their livelihoods. While these issues often prohibit IDPs and refugees from having the ability to return, villagers speaking to KHRG from within southeast Myanmar also offer some cases of hope documenting the Myanmar government, non-governmental organisations (NGOs) and community based

<sup>999</sup> Minor edits have been made for clarity to the originally published quote.

<sup>1000</sup> ["Toungoo Interview: Saw A---, October 2016,"](#) KHRG, November 2016.

<sup>1001</sup> Minor edits have been made for clarity to the originally published quote.

<sup>1002</sup> ["Dooplaya Interview: Saw A---, August 2015,"](#) KHRG, February 2017.

<sup>1003</sup> The National Land Use Policy (NLUP) and Karen National Union (KNU) Land Policy both state restitution measures should be applied in line with international best practice such as those in the Pinheiro Principles.

<sup>1004</sup> For more information see Chapter 1: Militarisation; and Chapter 2: Violent Abuse: Threats, Gender-based Violence, Torture and Killing.

<sup>1005</sup> According to Displacement Solutions, *"The Vacant, Fallow and Virgin Act (2012) adopted at the same time as the Farmland Law, allows leases of State land vaguely classified as 'vacant, fallow or virgin' for 30 years period... Some have claimed that 50% of the land in the country could be classified as technically 'fallow', which, if correct, provides an indication that large-scale displacement and land disputes may occur as the new law is implemented."* ["Land Acquisition Law and Practice in Myanmar,"](#) Displacement Solutions, May 2015; and see also Chapter 6: Development.

organisations (CBOs) taking actions to support returnees and provide them with land and housing. However, in almost all cases these actions do not support the return of displaced villagers to their previous land, which is just procedure required within the Pinheiro Principles.

## Lost land

Countless IDPs and refugees have lost their land since they fled areas of southeast Myanmar, as many have been away from their lands for decades without returning since the beginning of the civil war in 1948.<sup>1006</sup> While there are a few cases of IDPs and refugees being able to return home, KHRG reports indicate that when IDPs and refugees have returned, they risk returning only to realise they have been dispossessed of their former land by the Tatmadaw, BGF, Myanmar government, and increasingly by private companies engaged in large-scale development projects.<sup>1007</sup> A KHRG community member in Hpa-an District describes how past military activity and land confiscation has resulted in IDPs and refugees not having land to which they can return:

*“Between 1981 and 1982 the Myanmar government [Tatmadaw] fought with the KNU [Karen National Union] and destroyed the KNU’s road which was used for trading. The road, which is [located] in A--- village, became the Myanmar government military’s [Tatmadaw] road. The villagers in there could not stand doing forced labour and being porters to transfer [military material for the Tatmadaw] anymore and also [could not stand the] heavy fighting that always occurred in the village. The villagers became refugees in [1981 and 1982]. Due to the fighting [that] took place, some villagers went into hiding in order to earn their living from their farms. Some villagers left their lands behind and fled to C---, D--- [villages in Thailand] and to refugee camps. Now the Myanmar government has been establishing a new town [A--- Town], from 2013 to 2015, and they put a lot of effort into it. In [early] 2015, the Myanmar government established a school, a clinic, and many government departments that are [now] based in A--- Town, which are on the villagers’ land. Many different parts [of the villagers’ land] in there are based [being used] by the military. The Myanmar government constructed many buildings including the Tatmadaw army [camps] on the villagers’ lands and [those lands that were left behind] by the A--- villagers who had fled to Thailand and refugee camps. If some of them [displaced villagers] came back to their village, there [would be] no land for them to build their houses.”*

Situation Update written by a KHRG researcher, Hlaingbwe Township, Hpa-an District/central Kayin State (received in June 2015)<sup>1008</sup>

This KHRG community member reported that IDPs and refugees from Hlaingbwe Township had lost their land because of the Tatmadaw’s and Myanmar government’s construction projects on confiscated lands. As a result, IDPs and refugees do not have land upon which to rebuild their lives if they return, resulting in permanent displacement.

Furthermore, displaced villagers have also lost their land because it was sold to businesses or other villagers in their absence. For instance, when fighting broke out in one elderly woman’s village, Cu--- village, Shwegyin Township, Nyaunglebin District, she was forced to flee her home. Years later when she felt safe enough to return in 2014, she discovered Tatmadaw Infantry Battalion (IB) #77 had sold her land to a company in her absence. As a result, she and her family could only live in her former garden because the new owners would not grant her access to her land.<sup>1009</sup>

<sup>1006</sup> Time periods with particularly large numbers of villagers leaving in KHRG reporting were 1997, 1998, and 2005-2009, but also in the decades prior to KHRG reports, with some testimonies showing that displacement began in the 1960s from southeast Myanmar.

<sup>1007</sup> For more information see Chapter 6: Development.

<sup>1008</sup> “[Hpa-an Situation Update: Hlaingbwe Township, April to May 2015](#),” KHRG, July 2015.

<sup>1009</sup> Source #29.

IDPs and refugees experience a double burden of having lost their land multiple times throughout the conflict and now as they discover it is still lost as they plan for return. Prior to the preliminary ceasefire agreement and the transition to a civilian-elected government, villagers were either forced to flee or chose to flee as the Tatmadaw destroyed their farmlands and homes, or were threatened and ordered to do it themselves. For example, Saw Cv--- states in 1998:

*“They [Tatmadaw] burned our village down twice, first our big village and then they came back and burned the new village we’d built in this place. Everyone ran to Thailand, or to the jungle and the mountains.”*

Saw Cv--- (male, 43), Cw--- village, Hlaingbwe Township, Hpa-an District/  
central Kayin State (published in November 1998)<sup>1010</sup>

During the conflict villagers lost their homes and land that provided them with food and economic opportunities as farmers. Now even with the prospect of return, IDPs and refugees still cannot return to their former homes because they are denied access to their former farmlands:

*“It is not easy for us to go back and stay in our own place [B--- village]. We have been displaced and fled for many years and we do not have any farm to work on. So we are faced with insufficient food.”*

Saw C--- (male, 62), B--- village, Lu Thaw Township, Hpapun District/  
northeastern Kayin State (interviewed in December 2013)<sup>1011</sup>

Without their land or the assistance of the Myanmar government, IDPs and refugees are forced to find new homes when they return, or make do with what little space remains.<sup>1012</sup> Additionally, IDPs and refugees often return without land to work on, which directly impacts their ability to build a new life. Without the ability to farm, many returnees are forced to rent themselves out as day labourers for development projects, and face critical food insecurity. As a result, one KHRG community member in Dooplaya District asserted that IDPs and refugees with relatives in Myanmar are most able to cope with the uncertainties of return that come from the critical insecurity of land tenure:

*“After the NCA [Nationwide Ceasefire Agreement] was signed [in October 2015], the local villagers and refugees started to feel confused in 2016 because the situation was just getting a bit [better] and there is no land for refugees to resettle. Some refugees have their relatives who live in Myanmar so it will be a bit easier for them to go back and stay with their relatives.”*

Situation Update written by a KHRG researcher, Kawkareik Township, Dooplaya  
District/southern Kayin State (received in November 2016)<sup>1013</sup>

Relatives can often provide returnees with emotional and financial support as well as land access to help displaced villagers settle back in Myanmar. For those that have to depend on the provision of return sites, the negative livelihood consequences of land loss are further compounded by the lack of adequate services in return locations. In order to cope with the insecurities of return and mitigate the initial hardships of starting a new life, villagers request having more livelihood opportunities:

*“We would recommend both governments to open more livelihood opportunities for the villagers, [...and that] access to healthcare and education should be considered for displaced villagers in different levels if they return to their own village.”*

Saw Cf--- (male, 24), Cg--- village, Shwegyin Township, Nyaunglebin District/  
eastern Bago Region (interviewed in November 2016)<sup>1014</sup>

<sup>1010</sup> [“UNCERTAINTY, FEAR AND FLIGHT: The Current Human Rights Situation in Eastern Pa’an District,”](#) KHRG, November 1998.

<sup>1011</sup> [“Hpapun Incident Report: Tatmadaw’s mortar shelling and military activities in Lu Thaw Township, December 2013,”](#) KHRG, June 2014.

<sup>1012</sup> Source #29.

<sup>1013</sup> Source #152.

Private companies, Tatmadaw, and the Myanmar government have taken IDPs' and refugees' land in their absence, taking away their property and employment, which directly violate their restitution rights. As a result, displaced villagers are facing return without land and without services in place to provide them with alternative livelihood strategies.

### Unclear ownership

IDPs' and refugees' ability to access land when they return is further compromised by unclear land ownership. Many IDPs and refugees report to KHRG that they need more information about their land and do not know if the land remains in their possession or someone else's, which influences their decisions to return. For example, U Cx--- explained that he does not think he has the right to his former land according to Myanmar land laws:

*"Our lands are the land that we have owned for generations and generations. We do not know anything [about what has happened to the land]. We left our lands just like this [without taking care of it] when we went to work [and live] in Thailand. According to their [Myanmar government] laws, they will confiscate the lands which have not been used by the owner for 3 years."*

U Cx--- (male, 33), Hpa-an Town, Hlaingbwe Township, Hpa-an District/  
central Kayin State (interviewed in February 2016)<sup>1015</sup>

Several Myanmar laws allow the government and companies to legally take villagers land by classifying it as vacant, fallow, or virgin and criminalise villagers for continuing to work on their farms.<sup>1016</sup> These laws contradict the restitution rights granted to IDPs and refugees in Myanmar policies and the Pinheiro Principles, which cause displaced villagers to experience confusion as to whether they can re-claim ownership of their land.

Furthermore, recent KHRG reports indicate that IDPs and refugees also experience confusion concerning land disputes among villagers if they do chose to return. For example, in Cy--- village, Kawkareik Township, Dooplaya District, villagers experienced domestic conflicts over land when IDPs and refugees returned to claim land said to be their 'grandparents land'. U Cz---, a Cy--- village tract leader reported:

*"It was true that their grandparents lived there in the past with one or two coconut trees. After their grandparents passed away, there were only their children and grandchildren left, but they did not live in this village anymore. They went to the other villages and lived there, but later they came back to the village to sell their grandparents' land. And we said 'You do not stay on that land anymore, so if there are people who live on that land now they can live there'. But some people replied, 'We cannot do [act and agree upon] this'. Some of them are really hard to talk with [reasonably]. Therefore, I just said, 'if you said this is your grandparents' land, plough up this land and take it to your [new] place'."*

U Cz--- (male, 50), Cy--- village, Kawkareik Township, Dooplaya District/  
southern Kayin State (interviewed in May 2016)<sup>1017</sup>

These displaced villagers had left the village for over a decade during the conflict period and as the population increased in their absence, some villagers settled on the land because it had gone unused. Later, displaced villagers returned and claimed the land belonged to their grandparents

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<sup>1014</sup> Source #161.

<sup>1015</sup> Source #110. While unclear, this is likely in reference to "[Farmland Law](#)," March 2012, *Section 12 and Section 19*, which gives the Farmland Management Body the authority to determine when land is considered vacant, fallow, or virgin.

<sup>1016</sup> Article #447 of the Myanmar Penal Code: Whoever commits criminal trespass shall be punished with imprisonment of either description for a term which may extend to three months, or with a fine, or with both; for more information on land confiscation see Chapter 6: Development.

<sup>1017</sup> Source #130.



and wished to sell it. As a result, problems surfaced between village residents and returning displaced villagers.<sup>1018</sup>

Similarly, villagers currently residing in southeast Myanmar are also concerned about their land when IDPs and refugees return. They worry the increase of returnees will cause more land disputes and in some cases villagers are compelled to protect their land from potential confiscation and looting. For example, in Lu Thaw Township, Hpapun District a monk told villagers to maintain their land as a precaution to the possibility of the IDPs returning to their village:

*"[If] the people who live in Thailand [who have fled] come back, they will live here [in this area]. Therefore, the monk always tells us, 'Your lands have to be maintained [protected] by you. If you don't maintain them, the people [refugees and IDPs] will come to settle on your lands.'"*

Naw A--- (female, 51), section C-- of D--- Town, Lu Thaw Township, Hpapun District/  
northeastern Kayin State (interviewed in April 2015)<sup>1019</sup>

IDPs and refugees face several issues preventing them from accessing land in Myanmar. In many cases, displaced villagers report to KHRG that they have lost their homes, land, and their ability to start a new life. In others, IDPs and refugees lack clear information about the status of their land, and do not know if it has resumed ownership by the Myanmar government, companies, or other villagers in their absence. As a result, IDPs and refugees worry that they will not have access to land, which is vital to build their futures in Myanmar.

These testimonies indicate that villagers want the ability to build a future wherever they return. IDPs/refugees worry about their livelihood stability, economic opportunities, and services available if they do chose to return. IDPs and refugees would like to return to work on their farmlands, or at least have other business opportunities available for them to earn an income when farming is not possible. Many of these concerns are addressed within the restitution rights guaranteed to refugees and IDPs in the Pinheiro Principles. While these guidelines have been explicitly and implicitly accepted by the KNU and the Myanmar government, neither has yet to establish these rights within national laws.<sup>1020</sup>

## Housing

While there are many unresolved issues concerning IDPs' and refugees' access to land, recent KHRG reports indicate the Myanmar government, KNU, NGOs and CBOs, military and armed groups are in some cases working together to prepare for IDP and refugee return and provide them with housing. In most cases, IDPs and refugees have lost everything (livestock, land, houses, belongings) they previously owned in Myanmar, and return with only the items they can carry from the camps. It is the Myanmar government's responsibility to provide IDPs and refugees with suitable land and housing, to which they can return.<sup>1021</sup> In KHRG reports as early as 2014, villagers observed that the Myanmar government was taking some steps to prepare housing for returning IDPs and refugees. However, it is imperative to note that housing provision without land and livelihood opportunities is merely a temporary solution, and in some ways can be seen as

<sup>1018</sup> Source #152.

<sup>1019</sup> "Hpapun Interview: Naw A---, April 2015," KHRG, February 2016.

<sup>1020</sup> The National Land Use Policy expressly indicates that restitution measures will be applied in line with international best practices and human rights standards and that relevant laws, rules and procedures will be created to make restitution a reality in the country; see, "[RESTITUTION IN MYANMAR Building Lasting Peace, National Reconciliation and Economic Prosperity Through a Comprehensive Housing, Land and Property Restitution Programme](#)" Scott Lecki and José Arraiza, Displacement Solutions and Norwegian Refugee Council, March 2017.

<sup>1021</sup> Pinheiro Principle 2.1 All refugees and displaced persons have the right to have restored to them any housing, land and/or property of which they were arbitrarily or unlawfully deprived, or to be compensated for any housing, land and/or property that is factually impossible to restore as determined by an independent, impartial tribunal. "[United Nations Principles on Housing and Property Restitution for Refugees and Displaced Persons](#)," Paulo Sérgio Pinheiro, United Nations, August 2005.

setting up new 'camps' within Myanmar. A KHRG community member reported the following preparations taking place in Thaton District:

*"The buildings that are going to be constructed [for IDPs] are nearby Lah Hkoe village in Bilin Township. We have known that a register will be taken in October 2015 for those [IDPs] who are going to stay there. Some villagers said that a house is going to be provided and they [IDPs] will get support for three years. This project is supported by the Myanmar government and the [Thaton] District leader."*

Situation Update written by a KHRG researcher, Bilin Township, Thaton District/  
northern Mon State (received in December 2014)<sup>1022</sup>

Whereas previously IDPs and refugees were forcibly returned without being provided any support, now the civilian-elected government is taking some action to make sure IDPs and refugees can access housing for their return in Myanmar.<sup>1023</sup> For example, one KHRG researcher in April 2016 stated:

*"They [the Myanmar government] targeted to build 200 houses over there. They will build 200 houses for displaced people, refugees and other people who have relocated. If they submit their name on a list, they have opportunity to live there."*

Situation Update written by a KHRG community member, Kyainseikgyi Township,  
Doooplaya District/southern Kayin State (received in May 2016)<sup>1024</sup>

Furthermore, some reports suggest that armed groups that previously fought each other during the conflict are now working together to rebuild homes for displaced people. For instance, a KHRG community member reported in 2014 on the situation of IDPs and said:

*"They lost their rice store; therefore, they face very big problems. There is no donor; they [IDPs] only have some people helping them build houses and collect bamboo. The helpers are Burmese soldiers [Tatmadaw] and Karen soldiers [KNLA]. I think this is the first time the Burmese soldiers [Tatmadaw] and Karen soldiers [KNLA] are rebuilding the burnt houses [of villagers] together."*

Photo Note written by a KHRG researcher, Kawkareik Township, Doooplaya  
district/southern Kayin State (received in April 2014)<sup>1025</sup>

Similarly, in 2016 the Myanmar government, EAGs, and NGOs worked together to prepare homes for IDP return at Lay Kay Kaw Town:

*"The photo shows the houses built for the families of Karen National Liberation Army (KNLA) and Internally Displace Persons (IDPs). The project is supported by the [Myanmar government's] Border Affairs Ministry and the Nippon Foundation. The Myanmar government and the leaders of KNU set up this city as a landmark of peace building in 2015. The Border Affairs Ministry gave money for 213 houses and the Nippon Foundation gave money for 100 houses. There are currently 462 houses including the houses that the villagers built themselves. The 200 houses that are supported by the government were built, but the 100 houses that are supported by the Nippon Foundation are not finished yet."*

Photo Note written by a KHRG researcher, Kawkareik Township, Doooplaya District/  
southern Kayin State (received in September 2016)<sup>1026</sup>

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<sup>1022</sup> "[Thaton Situation Update: Bilin, Thaton, Kyaikto and Hpa-an townships, September to November 2014](#)," KHRG, February 2015.

<sup>1023</sup> Sources #104; see also *"Some IDPs including Rakhine, Mon, Pa-O, Burmese and Karen came to live in in this place. The IDPs did not have to pay money to live there. Officials are only providing housing for IDPs and soldiers' family members, but other people who are not IDPs or soldiers' family are also buying their own land and living in this area."* Source #142.

<sup>1024</sup> Source #128.

<sup>1025</sup> Source #19.

<sup>1026</sup> Source #142.

While the Myanmar government still needs to make significant steps to ensuring IDPs' and refugees' rights to land and housing, KHRG reports of collaboration between all groups signifies that some authorities in Myanmar realise the potential issues IDPs and refugees will face upon their return. Villagers are reporting to KHRG some instances, in which the Myanmar government and the KNU, EAGs, CBOs and INGOs are working together to build houses for displaced villagers. The cooperation also suggests ongoing improvements in the peace process in southeast Myanmar since groups that were previously fighting are now in some instances working together to prepare for IDP and refugee return. Although these actions are indicative of some level of government efforts, international standards as outlined in the Pinheiro Principles demand that restoring original ownership of land be the preferred remedy of displacement, and that new land and housing only be provided as a last resort. As a result, the Myanmar government needs to prioritise reforming unjust laws and improving justice in cases of land confiscation, so that IDPs and refugees can return to their land that has since been confiscated by the Tatmadaw, companies, and the government, and provide sustainable livelihood opportunities for displaced villagers.

### C. Dignity

#### Return process

Since the 2012 preliminary ceasefire agreement, villagers have expressed more willingness to return, but also more concern about the return process and how it is decided. Prior to the agreement, villagers fled to refugee camps in Thailand and IDP camps within Myanmar as a result of experiencing human rights abuses such as violence, killing, and forced labour by the Tatmadaw and various EAGs. Due to these abuses, villagers often had no choice except to flee into the forests, IDP camps, or across the border into Thailand. However, their arrival at IDP and refugee camps did not guarantee their safety. Past KHRG reports documented attacks on refugee and IDP camps, and Thai authorities violently forcing refugees back into conflict zones.<sup>1027</sup>

According to the Pinheiro Principles, it is imperative for displaced villagers to return safely and with dignity. IDPs' and refugees' past experience of being forcibly repatriated into conflict zones violates both principles as dignity *"must be based on a free, informed, individual choice... [predicated on] complete, objective, up to-date, and accurate information, including on physical, material and legal safety issues in countries or places of origin."*<sup>1028</sup> The practice of forced repatriation directly ignored villagers' needs, safety and perspectives. Over the last 25 years cases of forced repatriation through the use of threats, violence and intimidation has decreased, but villagers' fears about the return process persist. Thus, displaced villagers are now reporting their desire to return with dignity by stating they want to contribute to the planning and decision-making process of return and prefer some actors' involvement over others'.

#### History of forced repatriation

IDPs and refugees want to be consulted and contribute to decision-making because in the past villagers had little ability to exercise their own will throughout the conflict, especially when it concerned where villagers were permitted to live. During the fighting villagers were targets of abuse and military orders. They were forced to relocate to sites nearby army bases, ordered to do forced labour, or faced violence and demands to such an extent that they chose to flee. Even after villagers fled and arrived at refugee camps they were periodically attacked at places they believed

<sup>1027</sup> ["PHOTO DESCRIPTION LIST: SET 94-B Halockhani, SHAN STATE, DEFECTORS, KLAY MUH KLOH,"](#) KHRG September 1994; see also ["THE CURRENT HUMAN RIGHTS SITUATION IN BURMA Briefing Notes by Kevin Heppner, Karen Human Rights Group,"](#) KHRG, September 1995; ["Refugees from the SLORC Occupation of Tenasserim Division,"](#) KHRG, May 1997; and ["KAREN HUMAN RIGHTS GROUP COMMENTARY,"](#) KHRG, July 1995.

<sup>1028</sup> Principle 10.1, ["United Nations Principles on Housing and Property Restitution for Refugees and Displaced Persons,"](#) United Nations Sub-Commission on the Promotion and Protection of Human Rights, 11 August 2005.

to be safe and were forced back into the midst of fighting and abuse. The conflict between the Tatmadaw and EAGs has been rife with human rights abuses against villagers. Villagers' main option to protect themselves was by continuing to flee.

IDPs' and refugees' apprehension towards return is likely informed by villagers' experience of human rights abuses associated with the repatriation process. KHRG reports prior to the preliminary ceasefire agreement and the election that brought the National League for Democracy (NLD) to power, include numerous accounts in the 1990s of Thai authorities blocking villagers from crossing the border and reaching safety, as well as forcibly returning refugees when they were still being targeted by the Tatmadaw. An excerpt from January 19<sup>th</sup> 1996 Bangkok Post provides an overview of a previous pre-emptive repatriation decision made between the SLORC military junta and the government of Thailand:

*"Burma has agreed to allow over 70,000 of its citizens who have taken refuge in camps along the border to return home. An agreement was reached at yesterday's meeting in Myawaddy of the Joint Local Thai-Burmese Border Committee, according to Col. Suvit Maen-muan. At the meeting, Col. Suvit and a team of five officials met the team of Lt. Col. Kyaw Hlaing, and the latter accepted a proposal on the return of over 70,000 refugees. A list has been drawn up of over 9,000 refugees at Sho Klo camp in Tha Song Yang who are to be voluntarily repatriated as soon as Burma is ready, Col. Suvit said."*

Excerpt quoted in Situation Update by a KHRG researcher, Toungoo, Hpapun and Hpa-an Districts/Kayin State (published in January 1996)<sup>1029</sup>

The Tatmadaw and Thai military made agreements to repatriate 70,000 refugees to Toungoo and Hpa-an while "SLORC [was] systematically burning crops and villages and forcing villagers into labour camps for months [in those areas]." At the same time KHRG reported, "repatriation would be anything but voluntary."<sup>1030</sup> In addition to deals between the Thai government and Myanmar military junta, KHRG reports indicate multiple instances, in which villagers were prevented from seeking refuge in Thailand or were violently forced back. In mid-February of 1996, KHRG reported, "further south at Tee Hta Baw"<sup>1031</sup> (on the border 40-50 km northeast of Three Pagodas Pass), several thousand refugees crossed but were forced back at gunpoint by the notorious Thai 9<sup>th</sup> Division."<sup>1032</sup> Therefore, villagers faced abuse on both sides of the Thai-Myanmar border. They were forced to flee by the Myanmar military and were forced to return back into conflict by Thai authorities. As explained by villagers and KHRG researchers from Doolaya District in 1998:

*"When I fled the first time they [SLORC] ordered me to come back and said that if I didn't go back they would look for me, capture me and kill me. I didn't care what they said, I kept fleeing. I tried to go to Beh Klaw [Mae La refugee camp in Thailand] because my brothers and sister are there, but the Thai soldiers forced me back to Burma."*

Saw Cq--- (male, 31), Kawkareik Township, Doolaya District/southern Kayin State (published in November 1998)<sup>1033</sup>

*"They would love to live in their own villages. It is not easy for them to flee to Thailand. The problem is that if they come here the Thais will drive them back to Myanmar. The Thais already drove many of them back once when they came last time. So although they must live as slaves in Myanmar and they don't like to live like that, they must live that way."*

Saw Cr--- (male, 24), K--- village, Kawkareik and Kyonedoe township, Doolaya District/southern Kayin State (published in June 1998)<sup>1034</sup>

<sup>1029</sup> "[Karen Human Rights Group Information Update](#)," KHRG, January 1996.

<sup>1030</sup> "[Karen Human Rights Group Information Update](#)," KHRG, January 1996.

<sup>1031</sup> Tee Hta Baw was a temporary IDP camp that no longer exists.

<sup>1032</sup> "[REFUGEES FROM THE SLORC OCCUPATION](#)," KHRG, May 1997.

<sup>1033</sup> "[UNCERTAINTY, FEAR AND FLIGHT: The Current Human Rights Situation in Eastern Pa'an District](#)," KHRG, November 1998.



A refugee recounted his experience of Thai authorities shooting their firearms into their shelter, using threats, and detaining other refugees to force them back to Myanmar:

*“When we were sleeping at about 5:40 am they [Thai soldiers] fired their big gun at us. A M79 shell [grenade] fell on a hut and 2 old people about 60 years old were injured. All the innocent people were shocked, ran out of the area and hid in fear. A newborn baby died because he fell to the ground while his mother was running with him. Then we heard the noisy sound of bullets being fired. When the daylight came we found out that it was the Thai soldiers who were shooting at us. We looked all around our shelters and cleaned things up. After a while they came to see the place too. They asked the villagers, ‘Who was shooting at you last night?’ The villagers told them that it was them who were shooting at us. Then the Thai soldiers were quiet and didn’t say anything. ... [T]he senior commander arrived at our place and called me and the other headmen. He told us to prepare our things and be ready in one hour to move to another place... Then the Thai soldiers were angry with the people who wouldn’t obey. They forced them, they tied some of them up and hit some of them. After that they called the villagers together and told us to be quiet. They told the villagers, ‘Now all of you see these three people we have tied up because they were not obeying us. This will happen to people who do not obey us.’ Then they kicked some people. Finally they called the headmen to come out in front and then ordered them to go in front of the people to lead them. So the villagers were following us. [...] The Thais guided us by car but we had to walk. We were walking along like that until noon, and by then we could see that the children were walking with difficulty and they seemed very tired. Some were crying sadly. The women were weeping sadly.”*

Saw Cr--- (male, 33), Cs--- village, Kawkareik and Kyonedoe Townships, Dooplaya District/southern Kayin State (published in June 1998)<sup>1035</sup>

IDPs and displaced villagers often had no choice about where they could settle and build their lives. Throughout the 1990s, Thai authorities often denied refugees from entering the country into safety or directly contributed to their abuse by attacking villagers and forcing them back into Myanmar where they were targets of further abuse by the Tatmadaw, and to a lesser extent EAGs. These cases document the threats and abuses IDPs and refugees faced on both sides of the Thai-Myanmar border and how little control they had of their safety and their futures. Displaced villagers were not permitted to return with dignity, and on the contrary, were violently targeted and forced to return against their will.

### Who is planning repatriation and return?

IDPs and refugees have consistently worried about who is planning their return over the last 25 years. In order to return with dignity, international standards require free, prior and informed consent (FPIC) and that IDPs and refugees agree with how their return is planned. IDPs and refugees previously had little choice in regards to return and faced abuse and harassment by many local actors, and thus, several displaced villagers expressed a desire for outside governments and organisations to find a solution for their safety. For example, a village elder living on the Thai-Myanmar border, who was often responsible for negotiating with all sides of the conflict, spoke with a KHRG community member in 1998 about how IDPs and refugees had reached a state of desperation, in which they were afraid of everyone, other IDPs, Thai authorities, and Tatmadaw, and wanted other countries to become involved:

*“The Thais won’t allow the new people who flee to go to the refugee camps. When they go back to Myanmar the Burmese don’t feed them either, so they are caught in the middle and hungry. I’m worried that they [IDPs] will kill each other in the fight for food, so I hope the rulers of the world will look and see this happening, meet with the SPDC and solve this problem. If they don’t do it,*

<sup>1034</sup> “[STRENGTHENING THE GRIP ON DOOPLAYA: Developments in the SPDC Occupation of Dooplaya District](#),” KHRG, June 1998.

<sup>1035</sup> “[STRENGTHENING THE GRIP ON DOOPLAYA: Developments in the SPDC Occupation of Dooplaya District](#),” KHRG, June 1998.

*we who live on the border must be afraid. We are afraid both of the people who are being driven [IDPs] and of those who drive them [Thai authorities and SPDC], so I hope that the big men of the English and the Thais will meet with each other and think about how to take care of these people in a terrible situation. If the politicians are selfish then it will only become worse for these people."*

Saw Ct--- (male, 44), Kawkareik and Kyonedoe township, Dooplaya District/  
southern Kayin State (published in June 1998)<sup>1036</sup>

This interview from 1998 mirrors the sentiment expressed by some IDPs and refugees now who say they believe their safety will best be guaranteed through the involvement of other authorities beside the Myanmar government.<sup>1037</sup> In Noh Poe refugee camp, KHRG community members observed,

*"Some of the refugees do not have any relatives or land in Myanmar; therefore, they will follow what is planned for them. Some of the refugees thought that nothing [about their situation] would be different for them [than it was during the conflict] so they reported it to UN [the United Nation]. It would be easier for their return if the UN made a plan for them."*

Situation Update written by a KHRG community member, Kawkareik Township,  
Dooplaya District/southern Kayin State (received in November 2016)<sup>1038</sup>

Furthermore, some IDPs and refugees continue to be suspicious of return that is planned by the Myanmar government because of the past abuse committed by the Tatmadaw. For example, in 2016 a KHRG community member asked one IDP if they thought the Myanmar government should support him in the return process, to which the IDP responded:

*"In my opinion, now I am not going back [returning] with the Myanmar government's plan. If I go back, I would go back with UNHCR [United Nations High Commissioner for Refugees] and KCBOs' [Karen Community Based Organisations]<sup>1039</sup> plan because I know that if I go back with the Myanmar government's plan straight [with only their plan], it will benefit the Myanmar government a lot. So currently, according to KNU and [Karen] districts who have authorities, they have plans for us [to help]. I think that I don't need the Myanmar government's support. I would need support from our mother organisation, KNU, and from CBOs by their cooperation and work."*

Saw A--- (male, 41), B--- village, Htantabin Township, Toungoo District/  
northern Kayin State (interviewed in October 2016)<sup>1040</sup>

Villagers who do not have the possibility of returning to their previous homes are sceptical of the government's involvement and their intentions behind repatriation. This particular villager distrusts the Myanmar government to such an extent that he refuses to return if the government is planning it, while the other believes it is in refugees' and IDPs' best interest if the UN plans their return. Due to the abuses committed before the preliminary ceasefire, some IDPs state they would be more comfortable and feel safer if their return is planned by the KNU government, international agencies, or CBOs rather than by the Myanmar government. The testimonies gathered by KHRG demonstrate that IDPs' and refugees' return will only be with safety and dignity if certain conditions are met. Regardless of the Nationwide Ceasefire Agreement and the NLD's control of Myanmar government, IDPs and refugees express their desire to have their return planned by individuals and groups that they perceive are just and capable of choosing locations that ensure their safety and opportunities to start a new life, which are often authorities other than the Myanmar government.

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<sup>1036</sup> ["STRENGTHENING THE GRIP ON DOOPLAYA: Developments in the SPDC Occupation of Dooplaya District,"](#) KHRG, June 1998.

<sup>1037</sup> ["Refugee decision-making processes, community-based protection and potential voluntary repatriation to Myanmar,"](#) Kim Jolliffe, UNHCR, January 2015.

<sup>1038</sup> Source #152.

<sup>1039</sup> Karen Community Based Organisations refers to CBOs local to Karen State.

<sup>1040</sup> ["Toungoo Interview: Saw A---, October 2016,"](#) KHRG, November 2016.

## IDP and refugee involvement

IDPs and refugees consistently report wanting to be involved in the decision-making process of their return. In a situation update on refugees in Tha Song Yang, bordering Hpa-an District, in 2009 KHRG advocated that *“any discussions of repatriation or relocation, consequently, should not only include Thai authorities and international aid agencies but, most importantly, the refugees themselves.”*<sup>1041</sup> While CBOs and the UN have taken steps to help displaced villagers access information about the return process in refugee camps,<sup>1042</sup> seven years after these KHRG recommendations displaced villagers continue to seek more information and involvement. When speaking with a KHRG community member in 2016, one IDP said, *“currently, the important thing for IDPs is for each individual family to decide and design their own destiny for their future.”*<sup>1043</sup>

Recent KHRG reports show a combination of hope and concern about how well villagers’ opinions are being incorporated into the return process. According to Principle 14 of the Pinheiro Principles, States, international and national actors need to ensure that voluntary repatriation is *“carried out with adequate consultation and participation with the affected persons, groups and communities”* while making sure marginalised groups and ethnic minorities are adequately represented in decision-making processes.<sup>1044</sup> Under the military junta, IDPs and refugees predominantly did not have the ability to decide to return within Myanmar or contribute to the planning process. Since the NLD has taken leadership, Myanmar policy has explicitly supported international best practice in regards to restitution,<sup>1045</sup> but has not done so legally. Nonetheless, recent KHRG reports indicate some evidence that organisations, the Myanmar government, and the KNU are at least initiating conversations with displaced villagers about their return. For instance, the following conversation took place in a recent interview between an IDP and a KHRG community member:

***“Has any discussion been held with the people [IDPs] here?”***

*There was a discussion last year already. Because of the uncertainty of sending people back, the survey was not confirmed [no final decision was made]. Now, as far as we know, there will be discussions with civilians [IDPs] and they [authorities responsible for IDP return] will carry out a survey among the civilians [IDPs].*

***So then, they will be collecting the civilians’ perspectives and confirm [what will happen]?***

*Yes.”*

Saw A--- (male, 41) B--- village, Htantabin Township, Toungoo District/  
northern Kayin State (interviewed in October 2016)<sup>1046</sup>

Saw A---’s testimony indicates that organisations or unnamed authorities are taking steps to gather IDPs perspectives about their return. Another KHRG community member in CCE--- village on June 17<sup>th</sup> 2016, documented photos of *“A KWO [Karen Women Organisation] member and responsible people who help IDPs for repatriation interviewing IDPs regarding the repatriation [return] process.”*<sup>1047</sup> While these reports provide hope for the possibility of incorporating the

<sup>1041</sup> [“Abuse in Pa’an District, Insecurity in Thailand: The dilemma for new refugees in Tha Song Yang,”](#) KHRG, September 2009.

<sup>1042</sup> Karen Refugee Committee has established the Camp Information Centre to help to assist refugees gaining access to reliable information from their refugee camp. UNHCR has also established Voluntary Repatriation Centres with the aim to provide information related to the refugee return process.

<sup>1043</sup> [“Hpapun Interview: Saw B---, October 2016,”](#) KHRG, March 2017.

<sup>1044</sup> The Pinheiro Principles, [“United Nations Principles on Housing and Property Restitution for Refugees and Displaced Persons,”](#) United Nations Sub-Commission on the Promotion and Protection of Human Rights, 11 August 2005.

<sup>1045</sup> The National Land Use Policy (NLUP) and Karen National Union (KNU) Land Policy both state restitution measures should be applied in line with international best practice such as those in the Pinheiro Principles.

<sup>1046</sup> [“Toungoo Interview: Saw A---, October 2016,”](#) KHRG, November 2016.

<sup>1047</sup> Source #137.

opinions of IDPs and refugees, it remains unclear if their voices will manifest in the plans and logistics of their return.

In contrast, another KHRG report brings doubts to the voluntary nature of repatriation that has already taken place. A KHRG community member documents the following in 2016:

*“These refugees from Noh Poe camp are the first group that have to go back to Myanmar. They have to go back to different places and different villages in Myanmar, so they packed their things and prepared for their return. Each of them received 8,000 Baht [US\$226.22] from the Thai government if they went back to Myanmar. I am not certain if they will receive support from the Myanmar government, but I heard Thai government officials say that the Myanmar government will give 300,000 kyat [US\$239.01] to each household...These refugees are the first group who have returned to Burma, so the leader of Noh Poe camp wants leaders from Myanmar to help and support these refugees.”*

Photo Note written by a KHRG researcher, Kawkareik Township, Doooplaya District/  
southern Kayin State (received in November 2016)<sup>1048</sup>

As highlighted in this extract, the Thai government is providing refugees with money to return home, but what remains unclear is if this amount is enough to start a new life in Myanmar, if refugees and IDPs will be safe, and if they will receive support and services in the places designated for their return. For instance, an interview in 2016 in Ei Tu Hta IDP camp, a KHRG community member asked an IDP:

***“Do you have any information about services such as healthcare and education at the place where you will return to?”***

*No, I don’t.”*

Saw A--- (male, 41), B--- village, Htantabin Township, Toungoo District/  
northern Kayin State (interviewed in October 2016)<sup>1049</sup>

Saw A--- says he has not received any information about what services he can expect to have in the place of his return. The decisions for villagers’ return are often already made for them by governments, national and international organisations, and IDPs and refugees continue to lack involvement and information about their return that will directly impact their future in Myanmar.

Additionally, an added pressure impeding refugees and IDPs from voluntarily returning with dignity is the current situation within the camps when they assess whether to return. With peace negotiations underway, humanitarian aid to camps is being cut dramatically.<sup>1050</sup> As a result, many refugees and IDPs speak of increasingly difficult conditions in the camps, including a lack of rations, lack of employment options, and a lack of freedom of movement.<sup>1051</sup> If displaced villagers continue to endure these conditions, it is likely they will see return as the best option even if it places them back in the midst of conflict, which would violate the international right of IDPs and refugees to return with safety and dignity, and without coercion.<sup>1052</sup> In a recent interview with a

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<sup>1048</sup> Source #151.

<sup>1049</sup> Source #144.

<sup>1050</sup> [“End of Funding Will Force Ei Tu Hta Karen Displaced Peoples’ Camp To Close,”](#) Karen News, 16 February 2016; and see also Saw Thein Myint, [“Refugees Food Rations Under Threat of Further Cuts,”](#) Karen News, 25 May 2015.

<sup>1051</sup> [“Left Behind: Karen Refugees at Mae La Camp,”](#) The Irrawaddy, 28 April 2017; and see also [“Donor Support for IDP and Refugee Camps Must Continue Until Durable Return and Sustainable Peace Can be Achieved,”](#) Progressive Voice, 6 April 2017.

<sup>1052</sup> The Pinheiro Principle 10.3, Refugees and displaced persons shall not be forced, or otherwise coerced, either directly or indirectly, to return to their former homes, lands or places of habitual residence. Refugees and displaced persons should be able to effectively pursue durable solutions to displacement other than return, if they so wish, without prejudicing their right to the restitution of their housing, land and property.



KHRG researcher, an IDP from Ei Tu Hta IDP camp implied that the conditions at the camp would force displaced villagers to return:

*“The camp leaders informed camp residents that the food rations will stop and some IDPs will have to return to their homes or resettle to return sites starting in August or September 2017.”*<sup>1053</sup>

Saw A--- (male, 41), B--- village, Htantabin Township, Toungoo District/  
northern Kayin State (interviewed in October 2016)<sup>1054</sup>

Displaced villagers live precariously as they worry about their livelihoods both at the camps and within Myanmar. Saw UU---, a villager who was recently displaced to a nearby village from where there had been fighting in 2016 in Meh Th’Waw areas spoke about his difficulties and his fear of return:

*“Even if there is no danger, we do not dare go back [to our farms] because we are really in fear. I cannot describe how much we are afraid. [...] If we cannot go back, I worry that we will not have rice to eat this year. [...] It will be helpful to our leaders if we can go back and work on our hill farms. Now they [leaders] have to give us food. Actually, we do not want to eat [their food] but we are in a difficult situation [poverty] and we cannot bear it [starvation]. If possible, we want to go back [to our village]. When we look at our paddy, we want to get harvest, our paddy fields are not clean [are overgrown and full of grass, etc.] but we cannot do anything.”*

Saw UU--- (male, 53), VV--- village, Paingkyon Township, Hpa-an District/  
central Kayin State (interviewed in October 2016)<sup>1055</sup>

As documented in this interview, displaced villagers report that they risk facing food insecurity because of funding shortages in camps, and simultaneously do not feel safe enough to leave the camp permanently. Food donations are increasingly under threat as the Myanmar government, and international organisations emphasise ‘self-sufficiency’ for camp residents.<sup>1056</sup> Whilst camp residents have expressed their desire to be self-sufficient, they recognise that no opportunities exist to support this, with one resident in an IDP camp, Saw Dd---, saying “we cannot do anything.” Therefore, restricted freedom of movement, as well as security concerns should they return to harvest their land, if indeed they have retained any, limit camp residents’ self-sufficiency. As a result, displaced villagers have taken action in hopes of remedying these conditions within the camp and making their perspectives known to those planning their return to access land and safety.

### Agency in regards to return

According to the Pinheiro Principles, the Myanmar government is responsible for making certain that IDP and refugee return is in line with international standards to ensure IDPs and refugees can return voluntarily with safety, restitution, and dignity. IDPs and refugees should not be responsible for making their own arrangements to access land or to plan their return, as their displacement is the direct result of previous human rights abuses. Nonetheless, KHRG reports indicate instances in which IDPs and refugees have shown agency by demanding their voices be included in the repatriation process, taking action to obtain land in Myanmar, or instances where residents within southeast Myanmar have taken actions on their behalf.

Recent KHRG reports indicate a few cases in which IDPs and refugees are more actively protesting and voicing their concerns to INGOs and the UN. In May 2016, KHRG community member documented refugees in Noh Poe refugee camp, who “gathered and [sat] in front of the UN office in Noh Poe refugee camp since they hoped the UN could help them. This is the big problem,

<sup>1053</sup> Minor edits have been made to the originally published quote for clarity.

<sup>1054</sup> “[Toungoo Interview: Saw A---, October 2016](#),” KHRG, November 2016.

<sup>1055</sup> Source #155.

<sup>1056</sup> “[Donor Support for IDP and Refugee Camps Must Continue Until Durable Return and Sustainable Peace Can be Achieved](#),” Progressive Voice, 6 April 2017.

so they went to UN office. They wanted to go back, but we do not know what the UN is going to do for them.”<sup>1057</sup>

He also reported:

*“[Refugees] want to go back to their homes in Karen State. So they gathered together in the front of the UN office in Noh Poe refugee camp on May 5<sup>th</sup> 2016. Then, they claimed that they wanted to return to Karen State. Some refugees want to go back to Cl--- village in Noh T’Kaw Township, Dooplaya District. Some people want to go back to Cm--- village, Cn--- village and Co--- village in Kawkareik Township, Dooplaya District. People who want to go back home have been residing in Noh Poe refugee camp for many years and feel their hopes are broken for their survival. Therefore, they closed their eyes and they decided to go back home. Whatever happens to them, they said they are satisfied with it. This is their destiny.”*

Photo Note written by a KHRG community member, Kawkareik Township, Dooplaya District/southern Kayin State (received in May 2016)<sup>1058</sup>

IDPs and refugees are demonstrating agency and stating their opinions and desires to actors involved in their repatriation and return. However, the testimonies presented also illustrate uncertainty around whether their actions will result in them having any meaningful influence on their return. Furthermore, KHRG reports only show evidence of refugees and IDPs voicing their concerns to international organisations, while their agency strategies to promote their perspectives to governments remain absent from KHRG interviews. The lack of information on the subject of agency in the repatriation process, suggests governments and organisations must more actively engage with IDPs and refugees and incorporate their perspectives in their return. The Myanmar government needs to make legal commitments that give IDPs and refugees the right to free, prior and informed consent (FPIC) so they can return to Myanmar with safety and dignity.

IDPs and refugees have also shown agency by taking initiative to access land in potential return sites. Naw A---, in Lu Thaw Township, Hpapun District, reported in April 2015 that refugees and IDPs inquired about land to plan for their return:

*“Yes. Not only from the monk, some people who live in Thailand and Per Na Aeh Per Hkoh [village near an IDP camp] came to me and said, ‘Please look for land for me [us], and we will buy it.’ I said, ‘Why don’t you like it there [where you live now]?’ They said, ‘If people force us [to relocate or repatriate], we would [come] to live here’.”*

Naw A--- (female, 51), section C--- of D--- Town, Lu Thaw Township, Hpapun District/northeastern Kayin State (interviewed in April 2015)<sup>1059</sup>

In this case, displaced villagers asked the village head to notify them if land became available, so they could buy it if forced to relocate. While the Pinheiro Principles explicitly forbids return that is forced or coerced,<sup>1060</sup> the actions of IDPs and refugees suggests they believe their time at the camps is limited, and that they need to begin thinking about and planning for their futures in Myanmar.

Additionally, other KHRG reports indicate that villagers currently residing in southeast Myanmar have aided IDPs and in some cases have attempted to secure land in preparation for IDP return. In 2012, Tatmadaw moved their army base close to villagers land and in response villagers sought help from KNU hoping they would move closer to help them protect their land from Tatmadaw. While

<sup>1057</sup> Source #131.

<sup>1058</sup> Source #131.

<sup>1059</sup> “[Hpapun Interview: Naw A---, April 2015](#),” KHRG, February 2016.

<sup>1060</sup> The Pinheiro Principle 10.3, Refugees and displaced persons shall not be forced, or otherwise coerced, either directly or indirectly, to return to their former homes, lands or places of habitual residence. Refugees and displaced persons should be able to effectively pursue durable solutions to displacement other than return, if they so wish, without prejudicing their right to the restitution of their housing, land and property.

the KNU refused to move their headquarters/offices closer to the village, residents took action to protect their land and prepare some of it for IDPs, who do not own land. One local villager, Naw Bk---, from Kyaukkyi Township, Nyaunglebin District, said the following:

***“Who took action to [submit] the land issue in order to get back the land [from Tatmadaw]?”***  
*Missionary, region missionary and villagers’ representatives are included in the land central committee [group]. We committee members submitted the land protection letter and after submitting it we planned to clear the land and fence the land with concrete. Then we will clear a plot of land for them [IDPs] to build their houses.*

***What if you do not get back the land?***

*The past is the past and we will let it go, but for the empty lands that have been left behind, we will place the villagers there who do not have land to live on. [...]*

***Are you protecting the land on behalf of villagers or East Light group [CBO]?***

*The land where the army [Tatmadaw] base is in is BI--- missionary land. The villagers were against it [the land confiscation], but they did not dare to speak out. We started acting against this land issue many years ago, but nothing has changed. We held meetings many times, but no improvement. We later founded the land committee and we have seen some improvements. We cooperate with the other [missionary] departments in other activities. East Light is not doing the work alone. In other land [title] issues we do not use East Light’s name we use Kyaukkyi Development Watch.*

***Who are the people [groups] actively working to get back the land?***

*All people are participating in the land issue: missionary departments, BI--- villagers and believers.*

***Can you tell me about Myanmar’s land use policy?***

*Yes, I will tell you as much as I know because on May 12<sup>th</sup> to 13<sup>th</sup> we held meetings about the land use policy in order to finalise it. [In the land use policy] it includes rights for citizens to use land. Whether residents have land titles or not, it doesn’t matter. They still have right to use the land that has been passed down to them from their great grandparents and indigenous lands. They have a right to own their property. Those rights should be owned by the civilians. The last one is the customary land right. Our land case is related to land rights because our land title, which is #105, was created in 1960. After the Land Use Policy was developed our land became ‘vacant land’ and some plots of land were designated as rural development land. So our land has been divided into two parts: one is vacant land and other part is rural development land. If we look at the Land Use Policy we are residents and the land is owned by us. But if we look at the updated new land policy, we have to re-measure the land.*

***Can you tell me what Tatmadaw leaders [Burma/Myanmar government staff] told you when you went to meet them?***

*We did not meet with Tatmadaw leaders. Instead, we met with CBOs and foreign people about the land use policy. We discussed [reviewed] the land use policy [among CBOs]. In the Land use policy there are very few rights for the villagers.*

***Regarding your land issue, have you ever met with Tatmadaw leaders [Myanmar government staff]?***

*“Yes, I had a conversation with U Nya Win and U Soe Tha about the suffering of the residents. After that I submitted a letter to them. They asked the township general administrator to take action and find out more information about the land. The Township general administrator came back to our land committee to find out whether the land was ours or not. Our land is our land, but we [have to] process the land issue step by step and we have not got any response from them.”*

*Naw Bk--- (female, 42), BI---section, Kyaukkyi Township, Nyaunglebin District/  
 eastern Bago Region (interviewed in November 2015)<sup>1061</sup>*

<sup>1061</sup> Source #109.

As is evident in this example and others, the Myanmar government itself is not following through with its responsibility towards the restitution of IDPs and refugees and as a result, some IDPs and refugees have had to make preparations themselves. In response to this, IDPs and refugees have petitioned organisations to have them address their concerns about return. They have inquired and sought out land they can buy prior to vacating the camps. Additionally, KHRG has reported instances where other villagers residing in southeast Myanmar have taken up the cause of finding land and housing for IDPs and refugees, given that most villagers have limited ability to claim land and plan for their return, due to their displacement and economic hardships.<sup>1062</sup>

In light of these efforts, the Myanmar government needs to do more to ensure IDPs and refugees have the land and housing necessary to build a new life in Myanmar, with priority given to returning their former land. The Myanmar government has committed to supporting IDP and refugee return in accordance to international standards in state policies, however, the government has yet to establish the rights of IDPs and refugees in national laws. Until the rights of IDPs and refugees are secured in law and practice, return and repatriation will continue to have negative consequences for the displaced.

### Justice for return

Regardless of the Myanmar government's and local and international organisations' commitment to the rights of IDPs and refugees outlined in the Pinheiro Principles, IDPs and refugees have limited ability to access justice legally. IDPs and refugees, given their long-term displacement, often do not have the necessary documents and financial recourse to reclaim their land in courts. Myanmar also lacks an independent judiciary system, which severely hinders IDPs and refugees ability to seek justice for past abuses committed by the military and armed groups, as well as current land confiscation associated with development. Thus, due to these barriers, displaced villagers are prevented from reclaiming their land, acquiring land in another location, or receiving compensation for their land that was destroyed or confiscated.<sup>1063</sup>

### Conclusion

While KHRG reports demonstrate that over the past 25 years the return process has improved, local and national actors need to commit themselves to ensuring displaced villagers can return voluntarily with safety and dignity. Reports suggest IDPs and refugees in southeast Myanmar and residing on the border with Thailand are no longer being threatened or violently forced back into conflict and give hope that more efforts are being made by CBOs, international organisations, the Thai and Myanmar government and the KNU to address some of the issues IDPs and refugees face and to provide for villagers' futures in Myanmar.

Nonetheless, recent KHRG reports highlight the remaining issues regarding IDP and refugee return, and demonstrate that in many cases return is pre-emptive. The Myanmar government continues to shirk its responsibility to ensure the rights of IDPs and refugees as stated in the Pinheiro Principles and Myanmar policies. Displaced villagers continue to lack land and housing due to ongoing land confiscation by companies, the military, and the Myanmar government. IDPs and refugees fear for their safety due to the presence of landmines and ongoing fighting around army bases and they do not yet believe Myanmar is politically stable enough to facilitate a safe return. Furthermore, IDPs and refugees continue to lack information and are still not adequately involved in the decision-making process of their return.<sup>1064</sup> Villagers' testimonies indicate that in

<sup>1062</sup> See for example, source 109, see also "[Hpapun Interview: Naw A---, April 2015](#)," KHRG, February 2016. Villagers who have returned, report that they do not have enough money to pay for the low-cost housing created by the government; see "[Refugees rue return amid housing woes](#)," MyanmarTimes, November 2<sup>nd</sup> 2016.

<sup>1063</sup> For more information see Chapter 6: Development.

<sup>1064</sup> Principle 10.1 in the Pinheiro Principles states, "*Refugees and displaced persons should be provided with complete, objective, up-to-date, and accurate information, including on physical, material and legal safety issues in countries or places of origin.*" "[United Nations Principles on Housing and Property Restitution for Refugees and Displaced Persons](#)," Paulo Sérgio Pinheiro, United Nations, August 2005.



some cases villagers want to return, but they want to do so with safety and opportunities, which does not yet describe return in southeast Myanmar.

### Case Study: Displacement in 2016

The following case study of recent fighting and displacement in Hlaingbwe Township demonstrates the continuity between past and present abuses leading to IDP and refugee displacement. It clearly shows that villagers are still facing abuse, harassment, and violence by Tatmadaw and EAGs in southeast Myanmar. Such testimonies suggest that return is in many cases pre-emptive, as villagers' safety cannot yet be guaranteed.

During September to October 2016, fighting occurred between the joint forces of Tatmadaw and BGF, and DKBA (Buddhist splinter). Thousands of villagers in Meh Th'Waw area, Hlaingbwe Township, Hpa-an District became displaced after the BGF and Tatmadaw military targeted them by shelling their village and the DKBA (Buddhist splinter) forced them to work as porters. Whilst the fighting has temporarily subsided as of October 2016, both armed groups remain operating in the area and the land is now contaminated with new landmines planted by the DKBA (Buddhist splinter). For these reasons, thousands of villagers from Meh Th'Waw area do not feel safe and remain in IDP camps.

Prior to the fighting that began on September 9<sup>th</sup> 2016, villagers faced harassment and abuse by the DKBA (Buddhist splinter). Villagers were ordered by the DKBA soldiers to porter food and serve on sentry duty. In A--- village, when the fighting broke out in the nearby areas, DKBA's soldiers ordered two to three villagers to porter for the soldiers in shift rotation, without pay. Villagers were ordered to carry woven baskets with soldiers' food, ammunition and landmines, which the DKBA soldiers laid in the forest.

On September 9<sup>th</sup> 2016, the fighting broke out between the DKBA (Buddhist splinter) and joint forces of BGF soldiers from Cantonment Area #4 and Tatmadaw soldiers from MOC #12 in Meh Th'Waw area.<sup>1065</sup> During the fighting more than six thousand villagers were encouraged to displace from their villages by senior monk U Thuzana, who provided trucks to move villagers to Myaing Gyi Ngu (Kaw Taw) Town.<sup>1066</sup> Other villagers chose to flee and seek safety in nearby villages and across the Moei River to refugee camps in Thailand. Villagers who were displaced to Myaing Gyi Ngu Town and other nearby villagers were provided with shelter, clothing, food, health care and education services by local groups and Myanmar-based organisations.<sup>1067</sup> Regardless of this support, villagers had to leave their belongings, livestock, home and land behind:<sup>1068</sup>

***“Are there any livestock left in your village?”***

*Saw A--- and Saw B---: Yes, the goats, chickens, and buffalo were left behind in the village.*

***“So all of your belongings were left in your village?”***

*Yes, some of them [our livestock] stepped on the landmines. [...]*

<sup>1065</sup> Meh Th'Waw area is situated on the Thai-Myanmar border, divided by the Moei River. For more information on monk (Sayadaw) U Thuzana see Chapter 8: Discrimination and Division.

<sup>1066</sup> [“Recent fighting between newly-reformed DKBA and joint forces of BGF and Tatmadaw soldiers led more than six thousand Karen villagers to flee in Hpa-an District, September 2016,”](#) KHRG, December 2016.

<sup>1067</sup> [“Hpa-an Interview: Saw A--- and Saw B---, October 2016,”](#) KHRG, February 2017.

<sup>1068</sup> *“We have been fleeing [displaced] because of fighting since our great grandparents' generation; therefore, we want to get independence. We built nice houses and raised many livestock, but we had to leave them in the villages when we escaped from the fighting. We have to leave our hill farms and plain farms. It is a poor situation that we are facing.”* [“Hpa-an Interview: Saw A--- and Saw B---, October 2016,”](#) KHRG, February 2017.

**How many days did it take you to flee from your village to D--- village?**

*It took me one day to come here, but it was very hard for us to travel with children in the rainy season. We did not bring any rain clothes with us. My kids were crying when we were fleeing.*

**Did you flee in the night time?**

*Yes, we fled in the night time.*

**Did you flee there by yourself?**

*Yes, we fled here by ourselves.*

**Had there been any shelling in your village?**

*No, we just heard gunfire around our village.*

**Can you tell me how the incident happened, step-by-step?**

*Saw B---: We faced many difficulties even before we fled. Since we have been facing many things before the fighting took place, we felt more unsafe and it made us full of worry. If we say it in another way, when we put many kilos of pork on the weighing scale there will be too much weight for the weighing scale to weigh [we had already endured so much we were at a breaking point]. When the fighting occurred we did not feel safe and we thought carefully about the situation. We did not dare to face the BGF and the DKBA. As we were villagers this incident became very difficult for us. They [DKBA splinter] did not respect us because they poured all our rice on the ground.”*

Saw A--- and Saw B--- (males, 41, 34), E---, F--- village, Hlaingbwe Township, Hpa-an District/central Kayin State (interviewed in October 2016)<sup>1069</sup>

Displaced villagers' safety and livelihoods were also threatened by landmines. IDPs reported to KHRG that prior to the fighting, the DKBA (Buddhist splinter) recently planted landmines in those areas. Most of these landmines are reported to be hand-made, and are planted in village areas and work places, causing severe risk for villagers who want to tend to their fields.<sup>1070</sup> Before the villagers fled, some of the IDPs' buffalo had already stepped on the DKBA (Buddhist splinter) landmines and then the fighting forced them to leave the rest of their livestock behind, likely to experience the same fate. Furthermore, at least one village head has been killed and another injured by landmines planted in the area since the fighting in September 2016.<sup>1071</sup>

The case study of recent fighting in Hlaingbwe Township reveals that the conflict in Myanmar is not over and villagers continue to flee and become displaced. Thus, the majority of the villagers above remain displaced in Myaing Gyi Nyu and in nearby villages, dependent on donations and the generosity of neighbours, and waiting for the DKBA (Buddhist splinter) and BGF to remove themselves from their home area and for landmines to be systematically cleared.<sup>1072</sup> While their situation at the IDP camp and nearby villagers is insecure, villagers would rather remain displaced than return home where they feel threatened by the DKBA (Buddhist), the Tatmadaw/BGF, and other EAGs.

<sup>1069</sup> “[Hpa-an Interview: Saw A--- and Saw B---, October 2016](#),” KHRG, February 2017.

<sup>1070</sup> “[Recent fighting between newly-reformed DKBA and joint forces of BGF and Tatmadaw soldiers led more than six thousand Karen villagers to flee in Hpa-an District, September 2016](#),” KHRG, December 2016; see also “[Hpa-an Interview: Saw A--- and Saw B---, October 2016](#),” KHRG, February 2017.

<sup>1071</sup> “[Recent fighting between newly-reformed DKBA and joint forces of BGF and Tatmadaw soldiers led more than six thousand Karen villagers to flee in Hpa-an District, September 2016](#),” KHRG, December 2016; see also “[Hpa-an Interview: Saw A--- and Saw B---, October 2016](#),” KHRG, February 2017.

<sup>1072</sup> “[Hpa-an Interview: Saw A--- and Saw B---, October 2016](#),” KHRG, February 2017.

## Photos: Displacement and Return



This picture was taken on October 7<sup>th</sup> 2016 in D--- village, Hlaingbwe Township, Hpa-an District. The picture shows villagers from six villages, who fled from the fighting between DKBA (Buddhist splinter) and joint forces of BGF and Tatmadaw soldiers in Meh Th'Waw area to reach safety in D--- village. When this picture was taken villagers had been staying there for two weeks and they had built their own temporary shelters. There were 504 people and 90 households when the photo was taken. They left behind their livestock and belongings since they could not bring anything with them when they fled. Some of their livestock, such as buffalo, stepped on landmines planted by the DKBA (Buddhist splinter) led by Bo Bee. [Photo: KHRG]<sup>1073</sup>



This photo was taken on October 7<sup>th</sup> 2016 at a camp for displaced villagers in Myaing Gyi Ngu Town, Hlaingbwe Township, Hpa-an District. The photo shows villagers in temporary shelters that have been built for those who fled from fighting that occurred in Meh Th'Waw area. [Photo: KHRG]<sup>1074</sup>



This photo was taken in June 2009 and the photo shows Ei Tu Hta IDP camp for internally displaced persons (IDPs) in Hpapun District along the Salween River bordering Thailand. The camp has steadily increased in size since it was opened in April 2006 and, when this photo was taken, had a population of just over 4,000 people. The residents of Ei Tu Hta told KHRG that due to the recent fighting between joint Tatmadaw and DKBA (Buddhist) forces and the KNLA in June 2009, they are concerned about their security and a possible attack on the camp. [Photo: KHRG]<sup>1075</sup>

<sup>1073</sup> Source #146.

<sup>1074</sup> [“Recent fighting between newly-reformed DKBA and joint forces of BGF and Tatmadaw soldiers led more than six thousand Karen villagers to flee in Hpa-an District, September 2016,”](#) KHRG, December 2016.

<sup>1075</sup> [“KHRG Photo Gallery 2009,”](#) KHRG, July 2009.





This photo was taken on April 25<sup>th</sup> 2009, in Lu Thaw Township, Hpapun District. The photo shows IDPs in Lu Thaw Township in northern Hpapun District receiving emergency food support in the form of rice supplies that are being given by local KNU officers. After prolonged periods of hiding in the forest, these villagers have been unable to fully tend to their farms or maintain stores of harvested paddy. As a result, they have faced severe food shortages. [Photo: KHRG]<sup>1076</sup>



This photo was taken on September 12<sup>th</sup> 2016 at Lay Kay Kaw Town, Kawkaik Township, Dooplaya District. The photo shows the houses that were built for the families of Karen National Liberation Army (KNLA) and Internally Displaced Persons (IDPs). The project is supported by the Myanmar government's Ministry of Border Affairs and the Nippon Foundation. The Myanmar government and leaders of the KNU set up this town in 2015 as a landmark of peace building. Some IDPs including Rakhine, Mon, Pa-O, Burmese and Karen came to live in this place. The IDPs did not have to pay any money to live there. The town area is 750 acres wide and is located on a forest reserve area, according to the Land Administration Department of the Myanmar government. Some of this land belongs to villagers near the area, but there are no land titles for this area. The government has said it will remove the area from their list of forest reserves and provide land titles to the residents. [Photo: KHRG]<sup>1077</sup>



This photo was taken on October 26<sup>th</sup> 2016 and it shows 30 households from Noh Poe refugee camp returning to Myanmar.<sup>1078</sup> These refugees from Noh Poe refugee camp are the first group that has gone back to Myanmar as part of an organised return process.<sup>1079</sup> They packed their belongings and prepared for their return. Some are returning to their original villages while others return to different locations in Myanmar. Each of them received 8,000 baht (US\$233.57) from the Thai government if they went back to Myanmar. It is not certain if they will get support from the Myanmar government's side, but Thai government authorities have said that the Myanmar government will give [donate] 300,000 kyat [US\$219.59] to each household. The leader of Noh Poe camp wants leaders from Myanmar to help and support these refugees. [Photo: KHRG]<sup>1080</sup>

<sup>1076</sup> “[KHRG Photo Gallery 2009](#),” KHRG, July 2009.

<sup>1077</sup> Source #142.

<sup>1078</sup> “[Kayin refugees returning to Myanmar](#),” Myanmar Times, October 27<sup>th</sup> 2016.

<sup>1079</sup> “[First Myanmar refugee returns from Thailand under way](#),” UNHCR, October 25<sup>th</sup> 2016.

<sup>1080</sup> Source #151.





This photo was taken in April 2015 in A--- Town, Hlaingbwe Township, Hpa-an District. The new town was constructed by the Myanmar government between 2011 and 2015 on lands left behind by fleeing villagers, who left for refugee camps along the Thai-Myanmar border between 1981 and 1982. [Photo: KHRG]<sup>1081</sup>



This photo was taken in January 2000, in Lu Thaw Township, Hpapun District. On January 16<sup>th</sup> 2000 at 7:30 am, SPDC troops came to drive the villagers out of Tee Ler Kee village in Hpapun District. The villagers fled, and the troops shot up the village and burned some of the houses, then left. This picture was taken just after the troops had left the village. [Photo: KHRG]<sup>1082</sup>



This photo was taken in June 2009, in Hlaingbwe Township, Hpa-an District. The photo shows displaced villagers from Ler Per Her IDP camp who wait to leave the area by boat as they flee to Thailand on June 5<sup>th</sup> 2009 to avoid the joint SPDC/DKBA attacks. The IDPs made it in to Noh Boh village, Tha Song Yang District, Tak Province, Thailand in June 2009. Following their arrival in Thailand, local and international aid organisations including the Karen Refugee Committee (KRC), the Thailand Burma Border Consortium (TBBC) (The Border Consortium) and the United Nations High Commission for Refugees (UNHCR) came to provide assistance. [Photo: KHRG]<sup>1083</sup>



This photo was taken in March 2010, in Mae U Su refugee site, Tha Song Yang District, Tak Province. The photo shows refugees from Ler Per Her dismantling their huts and burning trash in preparation for their departure from Mae U Su refugee site. Refugees interviewed by KHRG and other community-based organisations stated that they did not yet feel secure to return to their villages, but that the Thai authorities had made it clear to them that they would not be permitted to remain in the site and Thai authorities had set the end of March as the deadline for refugees to depart. Some returning refugees told a KHRG field researcher that they worried about food shortages because they would not dare to work in their farm fields because they feared landmine contamination. [Photo: KHRG]<sup>1084</sup>

<sup>1081</sup> Source #71.

<sup>1082</sup> “[Attacks on Villages and Village Destruction](#),” KHRG, December 2002.

<sup>1083</sup> “[KHRG Photo Gallery 2009](#),” KHRG, July 2009.

<sup>1084</sup> “[Involuntary repatriation of refugees in Tha Song Yang District](#),” KHRG, February 2011.



This photo was taken in April 2008, in Htantabin Township, Toungoo District. The photo shows villagers from M--- village of Htantabin Township fleeing a Tatmadaw attack. They fled through the forest to a hiding site on April 13<sup>th</sup> 2008, loaded up with as many belongings as they could carry. [Photo: KHRG]<sup>1085</sup>



This photo was taken in January 1999 in Kyaukkyi Township, Nyaunglebin District. The photo shows a large group of villagers from the eastern hills of Kyaukkyi Township taking a rest in the forest en route to Thailand. This group of 28 families crossed the border in mid-January 1999. Ten days later they arrived at a refugee camp in northern Thailand. This group had walked for over 10 days through Tatmadaw free-fire zones to reach the border. [Photo: KHRG]<sup>1086</sup>



This photo of a relocation site was taken in 2006, in Kyaukkyi Township, Nyaunglebin District. Amongst those forcibly relocated to Htaik Htoo relocation site by Tatmadaw in 2006 were the residents of multiple villages in Bpa Ta Lah village tract of Kyaukkyi Township. However, on December 22<sup>nd</sup> 2008, Tatmadaw authorities ordered the former residents of Bpa Ta Lah village tract to relocate again. This time residents of three of the previously relocated villages were moved to a new site with no irrigation and located in an open area between Bpa Ta Lah and Taw Koh village. [Photo: KHRG]<sup>1087</sup>



This photo was taken in January 1999 in Kyaukkyi Township, Nyaunglebin District. The photo shows villagers in the plains of Kyaukkyi Township preparing the roofing, which they were forced to strip from their own houses, to transport to the relocation site after they were ordered by Tatmadaw to move in January 1999. [Photo: KHRG]<sup>1088</sup>

<sup>1085</sup> “[Attacks, killings and increased militarisation in Nyaunglebin District](#),” KHRG, January 2008.

<sup>1086</sup> “[DEATH SQUADS AND DISPLACEMENT](#),” KHRG, May 1999.

<sup>1087</sup> “[KHRG Photo Gallery 2009](#),” KHRG, July 2009.

<sup>1088</sup> “[DEATH SQUADS AND DISPLACEMENT](#),” KHRG, May 1999.





This photo was taken in February 1997, in Dooplaya District. It shows Karen refugees from the area further north around Dta Law Thaw (Sakan Thit) and Kyo G'Lee, who had fled to the Thai Karen village of Klaw Taw and were then pushed back into this field by Thai authorities, just 3 km from Tatmadaw and DKBA forces in Dta Law Thaw. These refugees later moved to the new refugee camp at Noh Poe. [Photo: KHRG]<sup>1089</sup>



This photo was taken in February 1997 in northern Thailand. It shows newly-arrived Karen refugees camped along the roadsides and in the drainage gutters at Ka Hee Pa Leh in Thailand in mid-February. About 6,000 new refugees were camped along the road. Thai authorities would not let them build shelters away from the dusty, heavily-trafficked road, and would not let them move into the new refugee camp at Noh Poe until a month later. After plastic sheeting began to arrive from overseas NGOs, the refugees became more 'established' along the roadsides at Ka Hee Pa Leh. However, thousands more were still arriving. [Photo: KHRG]<sup>1090</sup>



This photo was taken in February 1997 in Dooplaya District. The photo shows Karen villagers running for their lives with whatever they can carry across the Thai border in mid-February. The main Tatmadaw attacking force was only half an hour's walk distance when this photo was taken. The villagers were fleeing from villages throughout the Lay Po Hta-Saw Hta (Azin)-Kyaikdon plains and crossing the Thai border at Lay Po Hta. As these villagers ran, distant mortar explosions were audible from Kwih Kler and Meh Tharoh Hta, an hour's walk away. 30 minutes later, Tatmadaw troops began shelling Lay Po Hta, just 15 minutes' walk away. [Photo: KHRG]<sup>1091</sup>



This photo was taken in February 1996, in Mergui Tavoy District. The photo shows villagers who had made it to KNU area, then had to flee a Tatmadaw offensive in the area to Thailand. They are now living in these makeshift shelters in a narrow gully just 1 km. inside unprotected Thai territory, very vulnerable to attack but not allowed by Thai authorities to move further inside Thailand or to build more permanent shelters. Thai forces in the area are positioned further inside Thailand than the refugees – stopping the refugees from escaping, but doing nothing to defend the Thai border. [Photo: KHRG]<sup>1092</sup>

<sup>1089</sup> [“Refugees from the SLORC Occupation of Dooplaya District,”](#) KHRG, May 1997.

<sup>1090</sup> [“Refugees from the SLORC Occupation of Dooplaya District,”](#) KHRG, May 1997.

<sup>1091</sup> [“Refugees from the SLORC Occupation of Dooplaya District,”](#) KHRG, May 1997.

## Chapter 8: Discrimination and Division

*“In the past, I could not talk about it. Actually, I have a lot of things to say. I have not talked about my suffering for 58 years. If we talk about it openly, we are a minority ethnic group and I am afraid that we will be assassinated by someone. As you know our situation, we have no guarantee for [our] security. We worry that something bad will happen if we talk about our suffering. That is why we have kept our suffering silent until now. I have plenty of words to say.”*

U A--- (male, 58, Muslim), Thaton Township, Thaton District/northern Mon State  
(Interview published in December 2016)<sup>1093</sup>

### Key findings

1. Ethnic and religious minorities, namely Muslim and Christian, have faced deliberate abuse including through the destruction of their religious buildings and holy books, forced displacement and relocation to Buddhist areas, threats to force them to practice Buddhism and threats to prevent them from attending their sites of worship. The main perpetrators of these attacks on religious freedom have been Tatmadaw and DKBA (Buddhist).
2. Reports of discrimination against the minority Christian Karen community have lessened but not ceased, with the main offence being the construction of Buddhist pagodas by DKBA (Buddhist) on or near places of Christian worship.
3. Muslim communities in southeast Myanmar report discrimination through the repeated denial of Citizenship Scrutiny Cards (CSCs) throughout 25 years of KHRG reports. The denial of CSC results in restriction on Muslims' freedom of movement, denies them access to health and education services, exposes them to financial insecurity, and risks rendering Muslims stateless. Muslim communities recognise that the denial of CSC is not due to administrative challenges but due to discrimination by Myanmar government officials who refuse to recognise Muslims as Myanmar nationals.
4. Ethnic minorities report facing discrimination when reporting cases to Myanmar police and local authorities, including being exposed to threats, perceiving that their case has not been taken seriously due to their ethnicity, and fearing retaliation.

### Introduction

This chapter presents reports on abuses and discrimination against ethnic, religious and cultural minorities in southeast Myanmar and their experiences throughout half a century of reporting. Cultural, ethnic and religious minorities have been targeted and impacted in many ways by conflict through the holistic and systematic nature of military abuses, including through the destruction of their religious buildings, forced displacement and relocation, violent abuse towards specific minorities, the denial of the freedom of worship, and arbitrary denial of Myanmar citizenship for some minority groups. Cases of heightened abuse during the 1990s and 2000s against religious and ethnic minorities continue to have consequences on how safe and welcome these communities feel in southeast Myanmar, and how they relate to their former oppressors, most commonly Tatmadaw<sup>1094</sup> and the Myanmar government. In recent years, roughly traced to the time period around the 2012 ceasefire, reports of discrimination against the minority Christian

<sup>1092</sup> “[Attacks on Karen Villages in the Far South](#),” KHRG, May 1997.

<sup>1093</sup> “[Thaton Interview: U A---, 2016](#),” KHRG, December 2016.

<sup>1094</sup> Tatmadaw refers to the Myanmar military throughout KHRG’s 25 years reporting period. The Myanmar military were commonly referred to by villagers in KHRG research areas as SLORC (State Law and Order Restoration Council) between 1988 to 1997 and SPDC (State Peace and Development Council) from 1998 to 2011, which were the Tatmadaw-proclaimed names of the military government of Burma. Villagers also refer to Tatmadaw in some cases as simply “Burmese” or “Burmese soldiers”.



Karen community have lessened but not ceased, with the main offence being the construction of Buddhist pagodas on or near their places of worship which is present across 25 years. Reports of discrimination against the minority Muslim community in southeast Myanmar are present across 25 years, including restrictions on their right to citizenship, their right to own land, and run local businesses. This is largely in line with a discriminatory and divisive trend in Myanmar where anti-Muslim sentiment has spiked in recent years.<sup>1095</sup> The abuses stemming from discrimination have impacted southeast Myanmar through large-scale displacement of ethnic and religious minorities, most commonly Karen Christians and Muslims. In 2017, many of these minority communities remain displaced, reporting that they do not trust their former oppressors enough to return.

Prior to the formation of the Democratic Karen Buddhist Army (DKBA) in 1994, villagers mainly experienced the conflict as perpetrated by Tatmadaw and targeted at cultural and ethnic minority groups, particularly ethnic Karen. In 1995, KHRG reported that divisions along religious lines were being used by different armed groups to divide communities who were all facing oppression and suffering in southeast Myanmar.<sup>1096</sup> The main perpetrators of abuses against these minority groups during the conflict were both Tatmadaw and DKBA (Buddhist). However, despite the formal ending of the conflict with the signing of both the 2012 preliminary and 2015 Nationwide Ceasefire Agreement, recent reports by KHRG show that divisive actions continue by Myanmar government authorities in Karen communities, including discrimination specifically targeting Muslim communities in southeast Myanmar, suggesting that the discrimination and divisions are a persistent issue which cannot be attributed only to abuse during conflict. Most recently, discrimination against Muslim residents in southeast Myanmar is reported as coming not from armed groups but from the Myanmar government, local Myanmar government officials, extremist organisations including 969,<sup>1097</sup> and local residents.

## Background

'Minority' is defined here to include individuals and groups with different religious practices, ethnic backgrounds, languages and cultural practices which differ from the Bamar and Buddhist majority in Myanmar. In southeast Myanmar, minorities include people of Christian, Muslim, Hindu and Animist faiths; individuals and groups of non-Bamar ethnicity; individuals and groups who speak languages other than Burmese; and individuals and groups who identify with unique cultural practices separate to majority Bamar culture.

In locally defined southeast Myanmar, the majority ethnic group are the Karen people. Other ethnic groups living in southeast Myanmar include Bamar, Mon, Pa'o, Karenni, 'Muslim',<sup>1098</sup> Kayah, and Kachin. The majority of the people are of Buddhist religion. According to the 2014 Myanmar Government and United Nations Population Fund (UNFPA) Census for Kayin State, which covers significant parts of KHRG's research areas, out of a total population of 1,504,326,

<sup>1095</sup> See for example, "[World Report 2016: Burma](#)," Human Rights Watch, 2016.

<sup>1096</sup> "On the surface it [the DKBA split from the KNU] may appear to have been based on religion, but in reality it was much more based on general suffering and frustration with no end in sight. Many Christians are also disgruntled, while the majority of Buddhists did not support the revolt." "[Commentary: The Fall of Manerplaw – KHRG #95-C1](#)," KHRG, February 1995.

<sup>1097</sup> 969 is a nationalist movement formed under Ma Ba Tha (Association for the Protection of Race and Religion) in Myanmar, preaching ultranationalist Buddhist principles which are strongly anti-Muslim. Its founder, U Ashin Wirathu, has called on followers to boycott Muslim shops, to deny Muslim women the right to marry non-Muslim men, and has strongly linked the Islamic religion in Myanmar to the dissolution of Myanmar values. In March 2017 U Wirathu was banned by senior Myanmar monks from public speaking for 1 year due to his hate speech. See "[Irrawaddy Govt Plans Lawsuit Against U Wirathu's Silent Protest](#)," The Irrawaddy, March 13<sup>th</sup> 2017 and "[Buddhist monk to fight 'jihad threat'](#)," Al Jazeera, September 29<sup>th</sup> 2014.

<sup>1098</sup> The classification 'Muslim' in southeast Myanmar is referred to and often self-identified as both a religion and an ethnicity. Throughout this chapter KHRG uses the term 'Muslim' to encompass both religion and ethnicity.

84.5% are Buddhist.<sup>1099</sup> The remainder of the population are Christian (9.5%), Islamic (4.6%), Hindu (0.6%) and Animist (0.1%) faith.<sup>1100</sup> The figure for practising Animists may be higher than the 2014 Census suggests, as KHRG has received reports of Animists being registered as Buddhists on their national Citizenship Scrutiny Card (CSC), despite their requests to keep their official religion as Animist:

*“They want to eradicate our religion and they put us in the Buddhist [religion]. Therefore, they just write “Buddhist” on the ID cards, not traditional [animist]. It affects our religious and ethnic rights. As Karen people, we don’t want other people to harm our rights and we don’t want them to harm the Karen people’s rights. We hope that somebody will help us and put our religion as animist [on our ID cards], and not to harm our religious rights.”*

Saw A--- (male), Kyaukkyi Township, Nyaunglebin District/  
eastern Bago Region (interviewed in July 2012)<sup>1101</sup>

The Census did not count the people in the refugee and IDP camps and the populations in areas exclusively controlled by the Karen National Union (KNU). According to the UNHCR Thailand, February 2017, out of a total refugee population of 102,412 (83% are of Karen ethnicity), 50% are Christian, 36% Buddhist, 8% Islamic and 6% Animist.<sup>1102</sup> According to the UNHCR between 2005 and 2017, 106,446 refugees have been resettled to third countries (mostly to the United States, Australia and Canada).<sup>1103</sup> From this data it can be concluded that a substantial number of Karen Christians from Myanmar are living in Thailand’s refugee camps and abroad in third countries.

Discrimination by Bamar people, personified in the abusive force of the Tatmadaw, against the ethnic Karen is ingrained in Karen cultural narrative and identity, and can be dated back even prior to the beginning of the conflict in 1948, where the Karen voice calling for separation from a Bamar, Buddhist state was violently suppressed and perceptions of discrimination and oppression became violently entwined with armed territorial disputes.<sup>1104</sup> Discrimination and oppression therefore exists as the foundation of almost every abuse analysed throughout this entire report, and cannot be isolated to a single chapter. However, it must not be assumed that abuses have never been committed by other groups, as the DKBA, KNLA and BGF are all formed from ethnic Karen soldiers and have committed abuses against their own ethnic groups, and Bamar and Buddhist communities have also suffered from arbitrary abuses throughout the conflict. Karen people have consistently recognised that the militarisation of southeast Myanmar and its associated abuses have an ethnic element, with the intent to suppress and divide ethnic minorities against the majority Bamar culture.<sup>1105</sup> One 50 year old man, displaced with his family, having fled his home in Ker, Win Yay Township, Dooطلا District, shortly before he was interviewed in August 1997, understood attacks by Tatmadaw (here referred to as both ‘the Burmese’ and SLORC) were with the specific intent to kill “the roots” of Karen culture and people:

*“We came here because we were worried that the Burmese will come [to Ker] and do more terrible things to us than before. The SLORC [Tatmadaw] don’t give trouble to the [Karen] soldiers, they just give trouble to the civilians. When the Burmese shoot, it is the villagers who have to suffer. We don’t know exactly why they do this. The head of our village has to go to see the Burmese every day, and he told us the Burmese said to him: “The Karen are like a tree. If you cut the trunk, branches will come up again, so you have to dig out the roots so it will never grow*

<sup>1099</sup> [“The Union Report: Religion, Census Report Volume 2-6,”](#) United Nations Population Fund (UNFPA), July 2016.

<sup>1100</sup> [“The Union Report: Religion, Census Report Volume 2-6,”](#) United Nations Population Fund (UNFPA), July 2016.

<sup>1101</sup> Source #1.

<sup>1102</sup> [“RTG/MOI-UNHCR Verified Refugee Population,”](#) UNHCR, February 2017.

<sup>1103</sup> [“Resettlement of Refugees from Temporary Shelters in Thailand,”](#) UNHCR, February 2017.

<sup>1104</sup> Nick Cheeseman traces the Karen-Bamar animosity, separatism and perception of oppression as forming part of the Karen identity back much further than this. See “Seeing Karen in the Union of Burma,” Asian Ethnicity, Cheeseman. Volume 3.2, September 2002.

<sup>1105</sup> See Chapter 3: Education, for an analysis of the restrictions on Karen language and culture under the Myanmar government.

again.” *The Burmese from #106 [Infantry Battalion] told him that during a meeting at Maw Kaneh about one month ago.*”

Saw HHo--- (male, 50), interviewed in a report written by a KHRG researcher, southern Dooplaya District/southern Kayin State (published in September 1997)<sup>1106</sup>

Therefore, the reports analysed and presented do not repeat the remit of discriminatory abuses evident against Karen, namely by Tatmadaw. The reports presented and analysed in this chapter demonstrate how from this foundation of discrimination and abuse against Karen people in southeast Myanmar, additional abuses which do not form part of the Karen narrative of discrimination and oppression, have been and continue to be perpetrated. These discriminatory abuses are most clearly religious, whilst also carrying an ethnic element, against both Karen Christian and Muslim communities in southeast Myanmar.

### Myanmar’s legal commitments

The importance of the right to language, culture and religion is enshrined in Karen culture and infringements on this are recognised as a specific form of Bamar oppression for many Karen, based on their experience under conflict, as noted by a KHRG researcher in 2011:

*“Our Karen students cannot write and read their own language. It is the aim of the SPDC [Tatmadaw/Myanmar government] to disappear our Karen language. Because of this, our Karen villagers who live in the mountains have faced oppression and are looked down on by the SPDC government.”*

Situation Update written by a KHRG researcher, Htantabin Township, Toungoo District/Bago Region (published in June 2011)<sup>1107</sup>

The rights to language, culture and religion are enshrined in the Myanmar 2008 Constitution, as is the commitment of the Republic of the Union of Myanmar to not discriminate based on race.<sup>1108</sup> The 2015 NCA also makes reference to the protection of ethnic, religious and cultural minorities:

*“Guarantee equal rights to all citizens who live within the Republic of the Union of Myanmar; no citizen shall be discriminated on the basis of ethnicity, religion, culture or gender.”*<sup>1109</sup>

The right to freedom of religion is enshrined not only in Myanmar’s 2008 Constitution and as part of the 2015. Whilst Myanmar is not a signatory to the ICCPR and the UDHR remains non-binding, the Human Rights Committee has held in its General Comment No. 24 that the freedom of thought, conscience and religion reflects customary international law which should be respected and protected by the State.<sup>1110</sup> Ultimately, discrimination based on culture, ethnicity and religion is experienced and seen from a community perspective as less a violation of a law that a form of daily oppression and abuse, regardless of which laws exist, as one community member explains in November 2016:

<sup>1106</sup> [“CLAMPDOWN IN SOUTHERN DOOPLAYA Forced relocation and abuses in newly SLORC-occupied area,”](#) KHRG, September 1997.

<sup>1107</sup> [“Toungoo Situation Update: April 2011,”](#) KHRG, June 2011.

<sup>1108</sup> Articles 348, 35, 361, 362, 363, [“Constitution of the Republic of the Union of Myanmar, 2008.”](#)

<sup>1109</sup> Chapter 1.d, [“The Nationwide Ceasefire Agreement between the Government of Republic of the Union of Myanmar and the Ethnic Armed Organizations,”](#) October, 2015.

<sup>1110</sup> [“General Comment 24 \(52\), Human Rights Committee, General comment on issues relating to reservations made upon ratification or accession to the Covenant or the Optional Protocols thereto, or in relation to declarations under article 41 of the Covenant,”](#) U.N. Doc. CCPR/C/21/Rev.1/Add.6, para 8, 1994. This is also supported by several academic publications, see for example: “Customary International Law: A New Theory with Practical Applications”, Brian D. Lepard, *Cambridge University Press*, 2010, p. 347; “Religion and International Law,” Mark W. Janis, *American Society of International Law Insights*, Vol. 7 Issue 3, 2002; [“Religion or Belief, Freedom of, International Protection,”](#) Christian Walter, *Max Planck Encyclopaedia of Public International Law [MPEPIL]*, January 2008.

*"[Dooplaya District] was a black [rebel] area before 2012. According to the Myanmar government's recognition, all people living in black areas are Nga Pway [rebels, literally 'Karen ringworm'] including children. They discriminated [against us] in that way. At that time I did not know what rule of law was. I only knew that it [the classification and treatment of villagers in black areas] was discrimination against us."*

Saw PP--- (male, 37), A--- village, Win Yay Township, Dooplaya District/southern Kayin State (interviewed in November 2016)<sup>1111</sup>

The impacts of discrimination extend far beyond the reach of national laws, as the following cases and trends show.

## Religious land disputes and confiscations

Land confiscation impacts all community members who are reliant on the land for their subsistence. However, it impacts religious communities in specific ways. Tensions between majority and minority religious groups in southeast Myanmar surface over access to land for established places of worship, seen especially with the increase in development and construction in the post-2012 ceasefire period. Problematically, complex land laws,<sup>1112</sup> lack of official recognition of customary land use practices, and barriers to accessing justice mean that Christian and Muslim religious land confiscated not only in recent years but also in previous decades under conflict is yet to be returned to the communal owners or the religious group.

Both Christian and Muslim communities have reported experiencing recent land disputes within their communities. In one 2015 case, Christian community members from Ga--- village, Dooplaya District were limited in their ability to build a church on their own land by a local Buddhist group. According to the head monk of a local Buddhist organisation, Sayadaw<sup>1113</sup> U Pa Nyar Nanda, most of the people in Ga--- village are Buddhists so therefore the minority Christian group could not build their church unless they followed official documentation rules.<sup>1114</sup> In another 2015 incident in Kyaukkyi Township, Nyaunglebin District, Christian missionary land was damaged due to Myanmar government constructing buildings, and whilst church group members were active in pressing for justice, no compensation had been received at the time of reporting.<sup>1115</sup>

Land confiscation has also resulted in the forced displacement of Muslim communities in recent KHRG reports, frequently perpetrated by armed actors, including in Hpa-an District, May 2015 when three Muslim farming families were evicted from their land by Border Guard Force (BGF) Cantonment Area #2 Commander Kya Aye, from Battalions #1015 and #1016, and Cantonment Area Supervisor U Kyaw Hein. The land was promptly sold for road construction to the Steel Stone Construction group.<sup>1116</sup> In 2014 a KHRG researcher reported that an entire Muslim village was forcibly relocated and their farm land confiscated by BGF Battalion #1016, under the command of Saw Myah Khaing, in Gc--- village, Kyeh Paw village tract, Nabu Township, Hpa-an District to make way for an army camp.<sup>1117</sup> Other recent cases causing abuses of land confiscation and displacement against Muslim communities, perpetrated by armed actors, have also been for the purpose of developing dams and water storage sites,<sup>1118</sup> rubber plantations,<sup>1119</sup>

<sup>1111</sup> Source #163.

<sup>1112</sup> The complex application of land laws in Myanmar include Article 37 of the 2008 Constitution which states, "*the Union is the ultimate owner of all lands*," "[Constitution of the Republic of the Union of Myanmar, 2008](#)."

<sup>1113</sup> Sayadaw is a Burmese term for a high monk.

<sup>1114</sup> Source #117.

<sup>1115</sup> Source #103 and "[Complaint Letter to the chairperson of the Burma/Myanmar government Land Management Committee, November 2015](#)," KHRG, December 2015.

<sup>1116</sup> "[Hpa-an Incident Report: Land confiscation in Paingkyon Township, May 2015](#)," KHRG, August 2015.

<sup>1117</sup> "[Forced Labour, Extortion, and Festivities: The SPDC and DKBA burden on villagers in Pa'an District](#)," KHRG, December 2006.

<sup>1118</sup> Source #20; see also Source #49.

<sup>1119</sup> Source #21.



and armed actors confiscating and selling “vacant” land from Muslim communities.<sup>1120</sup> In addition to these confiscations, Muslim communities in southeast Myanmar face further abuses when claiming their rights to safe shelter, land and livelihoods,<sup>1121</sup> including not being allowed to buy land<sup>1122</sup> and facing restrictions on their freedom of movement outside of their communities.<sup>1123</sup>

Religious minority groups also report that they are still impacted by religious land that was confiscated by armed actors, most frequently Tatmadaw, during conflict. For example, Naw L---, 53 years old from Kyaukkyi Township, Nyaunglebin District reported in November 2015 that her family’s Christian missionary land with a Bible school was confiscated by Tatmadaw for military buildings in 1960 and is still yet to be fully returned, despite her continued action and requests.<sup>1124</sup>

During the 1990s and 2000s, and in the decades prior to KHRG’s reporting period, it was common practise for the Tatmadaw to confiscate land for the purpose of military expansion, without prior warning or compensation. This continues to be perceived by some minority communities to be a deliberate Myanmar government and Tatmadaw tactic to move them out of areas of southeast Myanmar, and remains a suspicion amongst villagers when it comes to their relationship with these authorities. For example, in mid-1995 Tatmadaw LIB #547 forcibly evicted Muslim residents from HHh--- village, Hpa’an District, southeast Myanmar. One day Muslim residents returned to the Muslim portion of the village to find that it had been entirely blocked off, with only sign posts declaring, “*Army Land, Do Not Enter*”; no compensation was paid to the affected community.<sup>1125</sup> According to a 2014 report at least 19 families remain displaced.<sup>1126</sup> DKBA was also listed as a perpetrator of large scale land confiscation against religious and ethnic minority groups during the conflict resulting in significant division and displacement for these communities, including one 2009 case where DKBA forcibly relocated 27 Muslim households from Gi--- village, Dwe Lo Township, Hpapun District after dismantling their mosque.<sup>1127</sup>

Threats and discriminatory language accompanied confiscations and displacement against Muslim communities during the conflict, showing that these confiscations were not purely for territorial expansion but that they with inflicted with deliberate abusive and discriminatory intent. The extent of this discrimination and abuse left some Muslim villagers perceiving themselves to be unwelcome should they attempt to return to their original villages:

*“Some of the Buddhists return again to their villages, but the Muslims cannot return. If the Muslims enter the village, the SLORC [Tatmadaw] beat or kill them, and take their things. They want to stay in their villages but the SLORC says they cannot stay there. Only for Muslims – if Buddhists and others want to stay there they can. In Kyaikdon the SLORC didn’t burn the houses but they broke apart the mosque, and they also burned the Muslim school.”*

Naw Gj--- (female, 20+), Gj--- village, Dooplaya District/  
southern Kayin State (published in May 1997)<sup>1128</sup>

<sup>1120</sup> [“Hpa-an Situation Update: Paingkyon Township, July 2014,”](#) KHRG, October 2014; see also [“Hpa-an Situation Update: Paingkyon Township, June to October 2014,”](#) KHRG, August 2015.

<sup>1121</sup> Source #61.

<sup>1122</sup> [“Thaton Interview: U A---, 2016,”](#) KHRG, December 2016.

<sup>1123</sup> [“Toungoo Interview: Maung A---, April 2015,”](#) KHRG, January 2016, where Muslims cannot travel or build mosque; and [“Toungoo Situation Update: Thandaunggyi Township, March to July 2015,”](#) KHRG, March 2016, where Muslims are prohibited from having overnight guests.

<sup>1124</sup> [“Nyaunglebin Interview: Naw L---, November 2015,”](#) KHRG, October 2016.

<sup>1125</sup> [“Easy Target: The Persecution of Muslims in Burma,”](#) KHRG, May 2002; see also [“Forced Labour, Extortion, and Festivities: The SPDC and DKBA burden on villagers in Pa’an District,”](#) KHRG, December 2006, which reports on Tatmadaw clearing the 200 Muslim households in the Dt’Nay Hsah area to make way for their own army camp and officers’ family houses.

<sup>1126</sup> Source #21.

<sup>1127</sup> [“DKBA attack on villagers and the forced dismantling of a mosque in Papun District,”](#) KHRG, July 2009.

<sup>1128</sup> [“REFUGEES FROM THE SLORC OCCUPATION,”](#) KHRG, May 1997.

This experience for displaced Muslim communities continued unabated throughout the conflict according to KHRG reports. For example, in 1997, Muslim refugees who fled Doooplaya District to reach the Thai border were pushed back into Tatmadaw's conflict zone by Thai authorities who told them that *"Muslims are troublemakers"*.<sup>1129</sup> One KHRG researcher in 2002 reiterated the division of communities and the targeted discrimination of Muslims:

*"Muslim villagers have been forced out of villages while Buddhist and Christian Karen villagers have been allowed to stay."*

Report written by a KHRG researcher, Gb--- village, Bu Tho Township, Hpapun District/northeastern Kayin State (published in May 2002)<sup>1130</sup>

The abuses described above, when considered in combination with abuses detailed throughout the preceding chapters in this report, strongly suggest the planned, holistic approach to community disintegration and division in southeast Myanmar by Tatmadaw during the conflict, the legacy of which remains today.

The mass displacement of Karen Christians during the conflict, due to abuses including land confiscation, violent abuses and threats, is also evident in the figures that show merely 9% of the population in Kayin State identifies as Christian, whilst more than 50% of the population in Thai-Burma refugee camps identify as Christian, showing a significant proportion of Karen Christians are no longer based in their home communities following the conflict.<sup>1131</sup> The impact therefore of discriminatory abuses during the conflict remains, with minority groups remaining displaced and fearful to return to their home communities in southeast Myanmar.

### **Construction of Buddhist pagodas on or near Christian and Muslim religious land**

In addition to military encroachment on religious land, throughout KHRG's 25 year reporting period, Buddhist pagodas have been constructed on Christian and Muslim religious land through the orders of DKBA (Buddhist)-backed Sayadaw U Thuzana,<sup>1132</sup> causing further tensions between religious communities.<sup>1133</sup>

Local pressures on land,<sup>1134</sup> combined with the Buddhist religious mission of Buddhist monks such as Sayadaw U Thuzana and the physical, armed force of DKBA (Buddhist), result in Buddhist pagodas being deliberately built on land which has churches or mosques in use

<sup>1129</sup> ["Refugees from the SLORC Occupation of Doooplaya District,"](#) KHRG, May 1997.

<sup>1130</sup> ["Easy Target: The Persecution of Muslims in Burma,"](#) KHRG, May 2002.

<sup>1131</sup> ["The Union Report: Religion, Census Report Volume 2-6,"](#) United Nations Population Fund (UNFPA), July 2016; ["Resettlement of Refugees from Temporary Shelters in Thailand,"](#) UNHCR, February 2017.

<sup>1132</sup> U Thuzana is an influential ethnic Karen Buddhist monk based in Myaing Gyi Ngu who was instrumental in the formation of the DKBA in 1994; see ["Inside the DKBA,"](#) KHRG, March 1996. In 1995, KHRG reported that U Thuzana had collaborated with the Tatmadaw, and met with then-Southeastern Commander Major General Maung Hla to obtain weapons and supplies for 4,000 soldiers in his monastery. As a result of the agreement, U Thuzana's headquarters and main monastery in Myaing Gyi Ngu, in northern Hpa-an District, reportedly developed a reputation as a mystical safe haven for villagers avoiding Tatmadaw abuses. See ["Karen Human Rights Group commentary,"](#) KHRG, February 1995. More recently monk U Thuzana has been implicated in forced labour demands and of stoking religious conflict by confiscating land to build Buddhist stupas. See ["Hpapun Field Report, January to December 2013,"](#) March 2016, and ["Myanmar Religious Officials Decry Buddhist Monk's Pagoda-Building Spree,"](#) Radio Free Asia, May 2016.

<sup>1133</sup> *"There is tension between the Christian community and the Buddhist community. KNU headquarters should know about this issue. In the past, Karen people were divided because of religion. Some pastors said that they do not want it happen again after ceasefire. People should have freedom of religion"* ["Doooplaya Situation Update: Win Yin Township, January 2016 to March 2016,"](#) KHRG, December 2016.; see also Source #133.

<sup>1134</sup> In this set of photo notes the community member states that there is not enough land within a local community for the Buddhist temple to expand. See source #150.

already.<sup>1135</sup> In one 2016 case, a pagoda was constructed directly on Anglican church land in Gk--- village, Maw Ploh Klah village tract, Hpapun District, despite the church leaders vocally resisting the construction. From April to May 2016 additional pagodas were constructed in this village including on villagers' land, near villagers' homes, on the community football ground, and next to the vehicle road.<sup>1136</sup>

In August 2015, Hpa-an District, church members from the Christian Church and Baptist Chapel, which lie next to each other in Gm--- Village, Wel Pyan Village Tract, Hlaingbwe Township were surprised in to find cement, sand, bricks, mattocks and other building materials on their church and chapel compound, as Sayadaw U Thuzana prepared his followers to build a pagoda in the church compound:

*"The perpetrator is U Thuzana (Monk U Thuzana), aged 60, who is the Region's Head Monk of Myaing Gyi Ngu special region,<sup>1137</sup> and the Chief Monk of Myaing Gyi Ngu's vegetarian gang. The victims who have suffered from U Thuzana's human rights violations are Saw Gn---, aged 47, and church members from Gm--- village church. The reason that Myaing Gyi Ngu Monk U Thuzana built the pagoda with force without permission from the owner, in the seminary school compound, is because he was utilized by the government to create divisions between religions. [...] Because the Buddhist chapel and Christian Church are too close [to the newly built Buddhist pagoda], there is no freedom between each religion and they cannot live freely. The main annoying thing was during the period that they were building the pagoda, they were broadcasting the Pa Htan [Buddhist prayer] sermons loudly with the loudspeakers continuously and it caused a disturbance for the neighbours."*

Situation Update written by a KHRG researcher, Hlaingbwe Township, Hpa-an District/  
central Kayin State (received in November 2015)<sup>1138</sup>

The recent cases continue a pattern of Buddhist expansion which took place throughout the conflict period and reaffirm deep suspicions in local community members that the Myanmar government and its supporters continue to *"create divisions between religions"*. In a 2009 case in Dwe Loh Township, Hpapun District, 2009, Sayadaw U Thuzana and the DKBA (Buddhist) ordered not only the building of a Buddhist pagoda but the destruction of a mosque for its site, despite Muslim community members writing a petition letter against the demolition and build, and being so opposed to the destruction of their mosque that they were willing to sacrifice their homes instead:

*"In early 2009, DKBA personnel met with the Muslim community in Gi--- village, Dwe Loh Township. At the meeting, the DKBA told those Muslim villagers in attendance that the local mosque would have to be dismantled in order to make way for a Buddhist pagoda. Following the meeting the local Muslim community wrote a petition letter to the DKBA authorities, asking that the pagoda be built elsewhere, even offering to dismantle their homes, rather than the mosque, in order to clear space for the pagoda construction. However, the DKBA authorities did not accept the proposed amendments to the construction arrangements. Unexpectedly, on May 2<sup>nd</sup> 2009 at 7:30 am, 30 soldiers from DKBA Headquarters Security Force led by Pah Ngeh arrived at the Gi--- village mosque while Muslims from the local community were in the midst of prayers. The soldiers were accompanied by lay religious leaders as well as Buddhist monk U Thuzana, nominal head of the DKBA. The DKBA soldiers reportedly said to those in the mosque, "Have you finished worshipping? If you've finished worshipping, go away. This is our time to worship. It's not your time anymore." The DKBA then ordered half of the Muslim men in Gi--- village to help the soldiers dismantle the mosque. The DKBA enforced the dismantling of the mosque by threatening that if the Muslim villagers did not take part in this work, they would not be allowed to construct a new*

<sup>1135</sup> Source #133.

<sup>1136</sup> Source #133.

<sup>1137</sup> The "special region" refers to a strict religious Buddhist zone with strong prohibitions on consuming alcohol and meat.

<sup>1138</sup> Source #100.

*mosque anywhere else. While the mosque was being dismantled, villagers informed Tha Aye, commander of SPDC LIB #102, which was based in Gi--- village. However, Tha Aye would not intervene to prevent the mosque from being dismantled. KHRG field researchers reported that the dismantling of the mosque was completed on June 1<sup>st</sup> 2009.”*

News Bulletin written by a KHRG staff, Bu Tho Township, Hpapun District/northeastern Kayin State (published in July 2009)<sup>1139</sup>

A testimony from 2001 in Hpa-an District further shows the time period that the DKBA have been active in the forced construction of Buddhist pagodas on minority religious groups' land, and shows the additional abuses that accompany the destruction of religious buildings, including extortion, forced labour,<sup>1140</sup> denial of freedom of religion and death threats directly against the minority ethnic group:

*“They [DKBA #555 Brigade] built one pagoda in the middle of the village. They destroyed the mosque first and built a pagoda in place of the mosque. They destroyed it with a bulldozer and built a pagoda instead. They told us, ‘You have to worship our god first.’ Then our mosque teacher told them, ‘It doesn’t concern us.’ The religions are opposite. Then they said, ‘You can’t stay.’ ... They built a Buddhist pagoda. That pagoda wasn’t our affair, but they forced us to carry bricks and sand for it. They made offerings to the Buddha and they ordered us to go and build it ourselves. We then told them that it did not concern us Muslims. They said, ‘No, you can’t stay.’ Then they asked for money for a donation at that very hour and second [immediately]. ... They asked for 200,000 Kyat [US\$200] at four o’clock. They were going to kill us if we didn’t give it. There was one monk who said he had a sword, and that if he took it out he couldn’t put it back until he had killed someone. We were afraid of that. The village is a poor people’s village. We asked around here and there to find enough money until we got 200,000 Kyat [US\$200], and we sent it to them.”*

Maung Go--- (male, 28, Muslim), quoted in a report written by a KHRG researcher, Hpa-an District/central Kayin State (published in May 2002)<sup>1141</sup>

The above cases demonstrate how the destruction of minority religious groups' worship sites are not seen or experienced by the community members as isolated acts, but are recognised as part of a system of wider abuses and a perpetration of divisive tactics to weaken and expel ethnic and religious minorities from southeast Myanmar by powerful Bamar and Buddhist armed actors.

## **Destruction and prohibition of places of worship**

In addition to minority religious groups' land being reclaimed for pagoda construction, Muslim and Christian religious buildings have been explicitly destroyed according to KHRG reports. This direct targeting of religious buildings, and by association the religious group, has lessened since the 2012 preliminary ceasefire but has not ceased and the threat remains, particularly for local Muslim residents. As recently as 2016 the threat by 969 group<sup>1142</sup> to burn down the community mosque in Ili--- village was reported by one Muslim villager in Pein Nel Taw village tract, Thaton Township.<sup>1143</sup> Additionally, one mosque in Bago region was attacked and destroyed in June 2016, with 5 local residents injured. This attack was said to be led not by military but by local villagers, and no action has been taken against those who led the attack, suggesting local communities are now active and Myanmar authorities are complicit in the discrimination and abuse of Muslim minorities.<sup>1144</sup>

<sup>1139</sup> “[DKBA attack on villagers and the forced dismantling of a mosque in Papun District](#),” KHRG, July 2009.

<sup>1140</sup> For an example of forced labour and threats by a Tatmadaw Camp Commander towards a village head for the construction of a new pagoda, see “[Rice / Crop Quotas and Taxes](#),” KHRG, November 1999

<sup>1141</sup> “[Easy Target: The Persecution of Muslims in Burma](#),” KHRG, May 2002.

<sup>1142</sup> 969 is a radical Buddhist organisation in Burma known to be strongly anti-Muslim.

<sup>1143</sup> “[Thaton Interview: U A---, 2016](#),” KHRG, December 2016.

<sup>1144</sup> “[Human Rights Groups Call for Investigation into Destruction of Mosques](#),” Karen News, July 12<sup>th</sup>, 2016.



During the conflict, religious land and buildings were targeted not only for the purpose of Tatmadaw military expansion but as a deliberate attack on a minority group, evident in the violent destruction of both mosques and churches. Direct threats and actions to burn down religious buildings were aimed at both Christian and Muslim minorities in southeast Myanmar and restrictions were also placed by Tatmadaw on the building of new mosques and churches.<sup>1145</sup> There were no KHRG reports of Buddhist temples or pagodas being deliberately damaged or destroyed or facing similar building restrictions. Since 2012, Christians and Muslims have reported that they still experience strict criteria to build new places of worship.<sup>1146</sup>

Cases of deliberate destruction of Christian and Muslim places of worship featured with some frequency in older KHRG reports, particularly in Toungoo District in 2001, when KHRG documented how mosques, Muslim shops and houses were destroyed by Tatmadaw in over a period of several days:

*“There were four mosques in Pegu [Toungoo/Bago Region] that were destroyed. They were Panleit Mosque, Thenerka Mosque, Kayberla Mosque and 1<sup>st</sup> Road Mosque. They [SPDC] didn’t destroy them all at the same time. They destroyed them on separate days. It was four months ago, in about October 2001. ... They destroyed everything that we had inside the mosques. They took the Koran outside the mosques and stepped on it. They also destroyed some of the buildings in front of the mosques. They broke them. Some of them were only partially destroyed”*

Maung Gu--- (male, 27, Muslim), quoted in a report written by a KHRG researcher, Bago Division (published in May 2002)<sup>1147</sup>

In the same year, 2001, at least one mosque in Hpa-an District was deliberately destroyed by DKBA troops. Muslim resident U Gv--- fled his village for a refugee camp after this attack. Even when they have not been physically abused, Muslim residents have therefore felt threatened enough by these acts to be forced to flee from their communities:

*“It is a DKBA area. They [a DKBA column] came on that day and told the villagers who stay there that they had come to destroy the place under the orders of Khin Nyunt [Lieutenant General Khin Nyunt, Secretary-1 of the SPDC]. When they came to destroy the mosque they said they did it because General Khin Nyunt ordered them to do it, so they had to do it. They then did it by force.”*

U Gv--- (male, 35, Muslim), quoted in a report written by a KHRG researcher, Hpa-an District/central Kayin State (published in May 2002)<sup>1148</sup>

Tatmadaw also deliberately destroyed an unknown number of mosques in southeast Myanmar, including the main mosque in Kyaikdon Town, Dooplaya District in February 1997.<sup>1149</sup> The following interview, conducted in a refugee camp with Muslim shopkeeper who had fled his home village in Kyaikdon Township just days before the main mosque was destroyed, is evidence that the destruction of the mosque was combined with threats, abuses and widespread discrimination against the local Muslim community and triggered displacement:

*“I am going to tell you everything. When I first left Kyaikdon [just before the SLORC arrived], I stayed in the forest behind Gr--- monastery nearby the village for 3 or 4 days. My children became sick, so I went back to the village and the soldiers told us to go away. I went back to the village with others in 3 bullock carts. When we arrived in the village we went to fetch water at the mosque, and the soldiers saw us and drove us out with their guns by telling us: “You, Muslims, you cannot stay here!” We could not even go back to retrieve our possessions. The soldiers had destroyed the mosque, they burnt the [Muslim] school down and they tore up all the Korans.*

<sup>1145</sup> [“Easy Target: The Persecution of Muslims in Burma,”](#) KHRG, May 2002.

<sup>1146</sup> Source #127.

<sup>1147</sup> [“Easy Target: The Persecution of Muslims in Burma,”](#) KHRG, May 2002.

<sup>1148</sup> [“Easy Target: The Persecution of Muslims in Burma,”](#) KHRG, May 2002.

<sup>1149</sup> [“STARVING THEM OUT: Forced Relocations, Killings and the Systematic Starvation of Villagers in Dooplaya District,”](#) KHRG, March 2000.

*I myself saw what the SLORC had done. I saw all the religious books they destroyed, all scattered around, and I saw how they had damaged our mosque. I dared not look at it too long, because the soldiers were standing very close to me and wouldn't allow me to look at it. So I bowed down my head and fetched the water. I saw a big gun in the compound of the mosque. The mosque was collapsed and scattered. They cursed us as Muslims, they said "Nga lo ma kala!" ["Fuck the mothers of all Muslims!"] They also asked me, "What are you doing here in the village? Would you like to rebuild your mosque again? If you want to you can!" I didn't say anything, I just left the village with the bullock cart at about 12:30 because they forced us to leave the village. We can't destroy each other's religion and faith. I felt so sorry about that, so we went and slept in another village. [...] To destroy our religion and our mosque – these are the cruel things they did to us. The soldiers did that because they were ordered by the Army officers. They are from #22 [Light Infantry] Division, #202 Battalion and #44 Division. When I saw the mosque they had already destroyed it with their hands, but after that they blew it up with mines and razed it with a bulldozer. Even though they didn't torture us, they destroyed our mosque and that's what we can't bear. They cursed us and forced us to leave. Now the Buddhist people who come to the [Thailand refugee] camp here say that at Kyaikdon gate near the village the soldiers have hung a signboard that says, "No entry for Indians" [meaning Muslims]. Muslims are strictly prohibited to enter Gt--- village, but Buddhist people can stay there."*

Maung Gs--- (male, 34), Gt--- village, quoted in a report written by a KHRG researcher, Dooplaya District (published in May 1997)<sup>1150</sup>

Additional abuses include the burning and looting of religious minority communities, in addition to the destruction of their worship sites. For example, in KHRG's earliest years of reporting, one report from November 1994 also detailed how Tatmadaw LIB #546 burnt down the church and the pastor's house, and beat the pastor in Gp--- village, Kyone Doh Township, Hpa-an District, after the community abandoned the village and fled. In the same month, Tatmadaw proceeded to burn a Catholic church, along with the majority of the houses in Gq--- village, ensuring that the Christians who fled could not promptly return.<sup>1151</sup>

The above cases testify that the destruction of religious buildings has been used to directly attack Muslims and in some cases Christians in KHRG reports. It is a direct attack on the religious community, and experienced by some individuals as worse than physical abuse, generating fear and intimidation. These attacks have not been arbitrary or isolated but have combined with other grave abuses perpetrated by both Tatmadaw and DKBA against ethnic and religious minorities which ultimately led to many Muslim and Christian minorities fleeing.

## **Religious discrimination and restrictions on the right to religious freedom**

During the conflict, religious discrimination against both Muslim and Christian minorities included other explicit abuses in addition to the destruction of their religious buildings and confiscation of their land. Minority groups have experienced restrictions on the right to religious freedom and verbal and physical abuse. All groups except Buddhists according to KHRG reports faced limitations on their freedom of religious association and worship, and some Christians and Muslims testified that they were forced to adopt Buddhist practices. With the decline in conflict following the 2012 ceasefire, such outright and systematic abuses against freedom of religion in southeast Myanmar have decreased but minority religious communities report that they continue to face some restrictions, most notably for Muslim communities. The perpetrators of these attacks on freedom of religion have changed from Tatmadaw and DKBA during conflict, to locally-formed organisations<sup>1152</sup> and local Myanmar government officials.

<sup>1150</sup> "[REFUGEES FROM THE SLORC OCCUPATION](#)," KHRG, May 1997.

<sup>1151</sup> "[Dooplaya District: Before the Offensive](#)," KHRG, May 1997; "[Attacks on Karen Villages in the Far South](#)," KHRG, May 1997.

<sup>1152</sup> For example 969 group.

Muslim community members report that they face threats and extortion despite the de-escalation of conflict in southeast Myanmar, suggesting that discriminatory actions are rooted not only in the abuses of the conflict but also in the society at large. Recent cases include members of 969 ultra-nationalist group and local township officials harassing a Muslim family with the intent that they leave the town, with threats of jail if they do not leave.<sup>1153</sup> Further restrictions were placed on the Muslim community in Thandaung Town as they recently faced limitations on their ability to allow people from outside of the town stay overnight in their house, suggesting a deliberate restriction on the freedom of movement:

*“Ko A--- said that the reason he was summoned [by Immigration Officer U Myo Tint] is because his family is Muslim. The Immigration Officer U Myo Tint and lawyer Yan Naing Aung told him that only Christians and Buddhists are allowed to stay in Thandaung town; Muslims are not allowed. Moreover, they rudely threatened that if he keeps living [in Thandaung town] they will sue him and put him in jail.”*

Short Update written by a KHRG researcher, Thandaunggyi Township, Toungoo District/northern Kayin State (received in February 2015)<sup>1154</sup>

In 2014, residents of the same Township reported that an anti-Muslim leaflet had been distributed stating that Muslims must not stay overnight, and that anyone doing so would be fined. According to one KHRG community member:

*“There are some Muslim families in Thandaung Town and some Thandaunggyi Township [area] police officers are not only giving much trouble to these Muslim families, but also threatening and extorting Muslim families. Moreover, they also do other kinds of extortion by setting the social topics.”<sup>1155</sup> Under these conditions, for the race that has a different skin colour,<sup>1156</sup> they are not only facing these problems, but they also feel worried.”*

Situation Update written by a KHRG researcher, Thandaunggyi Township, Toungoo District/northern Kayin State (published in April 2015)<sup>1157</sup>

In the same District, in at least one village in Yay Tar Shay Lay village tract, Htantabin Township, signposts were nailed to local residents' houses listing restrictions on the rights of Muslims in early 2016 including that they cannot buy land in the village. Whilst local residents said that they did not agree with the sign, they also were worried they would face repercussions if they removed it.<sup>1158</sup>

In addition to Toungoo District, KHRG reports also document a continuation of discrimination against Muslims in Thaton District, with the imposition of arbitrary restrictions on Muslims, such as Buddhists not buying goods from Muslim shops, severely limiting their security of livelihood. U GGb--- notes how this discriminatory restriction is not isolated but is part of wider discrimination

<sup>1153</sup> [“Toungoo Interview: Maung A---, April 2015,”](#) KHRG, January 2016.

<sup>1154</sup> Source #7.

<sup>1155</sup> [“Toungoo Situation Update: Thandaunggyi Township, July to November 2014,”](#) KHRG, April 2015. These “social topics” include social events such as religious ceremonies where Muslims are made to pay more than other religious groups for similar religious events, without specific reason.

<sup>1156</sup> In Burma/Myanmar, individuals who are perceived to have a darker skin colour are often referred to as the S’gaw Karen term *Kaw La Thu*, “thu” meaning black. In Kayin state, it is often associated specifically with followers of Islam (Muslims), although this association is sometimes erroneous, and Muslim individuals do not typically self-identify with this term.

<sup>1157</sup> [“Toungoo Situation Update: Thandaunggyi Township, July to November 2014,”](#) KHRG, April 2015.

<sup>1158</sup> Similar pamphlets were distributed in Hpapun District, September 2012 by a monastery and pinned to trees by the BGF. The pamphlets included the rule: “No one is allowed to sell food or products to Muslims and no one is allowed to buy from them, and if they do, they will be fined.” See, [“Incident Report: Religious discrimination and restrictions in Papun District, September 2012,”](#) KHRG, March 2013. Similar posters and similar excuses were reported by local residents in Toungoo Town during the anti-Muslim riots in May 2001. Source #122, see also [“Easy Target: The Persecution of Muslims in Burma,”](#) KHRG, May 2002.

he has experienced by local authorities and the local community, including being excluded from attending village meetings and feeling physically threatened if he encounters non-Muslims in certain places:

*"I reported to him that the people [members of the nationalist organisation] (969) from here [surrounding area] said they would destroy or burn our religious school and our Muslim temple [mosque]. So I discussed about it with the Township leader. Then, he told me that he would come to call a meeting for us after two days but we, Ka la, were not invited to come to the meeting for the first time because the other people would see us in a different way. Even though we did not go to the meeting, people still criticised the Township leader [accused him of supporting Muslims when the Buddhist monk came to preach here. In my life, I have never seen those who have bad attitudes [hate] towards other people. Now it happens like that. We were not happy about that. It also made a worse situation for us. It became a noise [commonly spoken in the village] that people should not buy things from Ka la [Muslim] shops. Most Ka la are poor people.[...] If we go out for fishing, we worry that we will be beaten by other non-Ka la people because we are a minority ethnic group. That case [experience of discrimination] became very tough that year so the Township leader had to call a meeting two times. Then, it [discrimination] became silent. We can stay in peace here because of KNU's support. Without KNU's support, I could not imagine what would happen to us."*

U GGb--- (male, 58), GGc--- village, Thaton Township,  
Thaton District/northern Mon State (interview received in May 2016)<sup>1159</sup>

Religious discrimination is evident not only in recent cases such as the above, and has affected not only Muslim but also Christian minorities. Throughout 25 years of KHRG reports Christian religious minorities have also experienced abuse and direct threats, most commonly by DKBA after their formation in 1994. In one case, in 1998 during an attack by DKBA in a refugee camp along the Thai/Myanmar border, DKBA recruits threatened to kill any refugees of Christian faith:

*"They [DKBA] asked us 'Are you Buddhist or Christian?' Most refugees answered 'Buddhist' regardless of their religion; they said, 'If you are Christian, we will kill all of you. Tomorrow you must go back to Myaing Gyi Ngu [DKBA headquarters in Pa'an District]. If you don't go back, in three days we will come back again.' Then they went away and they started to fire their guns in the direction of the camp."*

Saw Gw--- (male, 38), Gx--- refugee camp, quoted in a report  
written by a KHRG researcher, Thai/Myanmar border (published in May 1998)<sup>1160</sup>

This attack on Gx--- refugee camp is especially threatening as refugee camps should be a site of safety and protection for the displaced communities who have fled.

Further attacks on religious freedom throughout KHRG reports include the forced conversion of Christians and Muslims to Buddhism, particularly during the 1990s. One KHRG researcher in Dooplaya District in 1998 stated:

*"According to villagers from Kyaikdon, SPDC troops there have threatened to kill any Muslims in the area, and there is a population of Muslims who have 'converted' (at least in public) to Buddhism because this is the only way they can still live there."*

Report written by a KHRG researcher, Kawkaireik and Win Yay Townships,  
Dooplaya District/southern Kayin State (published in June 1998)<sup>1161</sup>

<sup>1159</sup> ["Thaton Interview: U A---, 2016,"](#) KHRG, December 2016.

<sup>1160</sup> ["ATTACKS ON KAREN REFUGEE CAMPS: 1998,"](#) KHRG, May 1998.

<sup>1161</sup> ["STRENGTHENING THE GRIP ON DOOPLAYA: Developments in the SPDC Occupation of Dooplaya District,"](#) KHRG, June 1998; ["Developments in the SLORC/SPDC Occupation of Dooplaya District"](#) KHRG, February 1998.



In the same year, 1998, Christian women according to one report became Buddhist nuns against their own will in order to avoid further persecution.<sup>1162</sup> Additional abuses with the intention of preventing religious freedom for Christian and Muslim communities have included death threats for those seeking to attend their places of worship during the conflict time:

*“DKBA troops have posted signs in Karen in front of the village churches of JJ---, LLI---, and MMm--- villages in this area of Kyaukkyi Township, reading “Anyone who comes to this Church on Sunday we will shoot dead.” As a result none of the Christians in these three villages worship any longer on Sundays.”*

Report written by a KHRG researcher, Kyaukkyi Township, Nyaunglebin District/  
eastern Bago Region (published in November 1998)<sup>1163</sup>

These threats continued into the 2000s. In 2002, Maung Gz--- testified about arbitrary restrictions and orders given to Muslims that no more than five could gather for worship, effectively banning worship in mosques, and the Muslim call to prayer was banned:

*“[W]e can worship, but we have to stay under their strict administration so we don’t have freedom of worship. We have to ask for permission if we want to hold a religious ceremony or if we want to celebrate the days of special significance. We have to wait until we get permission and then we can do it. We can’t do it if they don’t give us permission. We often have to face these kinds of problems. ... Our Muslim people worship five times a day. We use a loudspeaker to gather and invite the people to worship, but they have forbidden us to use it. They don’t allow us to use it. They told us, ‘Why do you have to use it? You cannot use it.’ So, they forbade us, threatened us and took action on us. They often do things like this to us.”*

Maung Gz--- (male, 33, Muslim), quoted in a report written by a KHRG researcher,  
Sagaing Region (published in May 2002)<sup>1164</sup>

For Muslim communities, the denial of their right to religious freedom in addition to direct threats and attacks has also involved religious insults and deliberate disrespect with the intention of forcing them out of their communities. For example, one KHRG researcher in Hpa-an District, 1997, documented how:

*“The order to drive them out was given by Strategic Commander Ye Htut, and specified that all Muslims must move out within 7 days and settle on Kanaing Paw hill, where there is no water and no fertile land. To encourage the Muslims to leave, SLORC troops released pigs in the Muslim cemetery and hung pork on the houses of some Muslims.”*

Report written by a KHRG researcher, Hpa-an District/  
central Kayin State (published in August 1997)<sup>1165</sup>

Additional attempts to suppress any religion other than Buddhism have included Christians being forbidden from reading the Bible and Tatmadaw confiscating any copies found,<sup>1166</sup> and the Koran being torn up and stamped on. To spread Buddhism in addition to suppressing Christianity and Islam, villagers in the 1990s were forced to buy Buddhist DKBA calendars and other propaganda

<sup>1162</sup> “Since July in the western part of Ler Doh township in the plains, SPDC Infantry Battalion #60 has reportedly been ordering each village tract (group of 5 to 10 villages) to provide 20 women to become ‘pwa thi lah’ (Buddhist nuns) and to go and take residence at the monastery in Klaw Maw village; this village also has a DKBA camp with an estimated 95 DKBA troops. There is a high proportion of Christians in these villages. Thus far some village tracts have complied while others have not, and an estimated 40 women have become nuns because of the order, some of whom were previously Christian and some Buddhist.” [“KAREN HUMAN RIGHTS GROUP INFORMATION UPDATE \(#98-U5\).”](#) KHRG, November 1998.

<sup>1163</sup> [“KAREN HUMAN RIGHTS GROUP INFORMATION UPDATE \(#98-U5\).”](#) KHRG, November 1998.

<sup>1164</sup> [“Easy Target: The Persecution of Muslims in Burma.”](#) KHRG, May 2002.

<sup>1165</sup> [“ABUSES AND RELOCATIONS IN PA’AN DISTRICT.”](#) KHRG, August 1997.

<sup>1166</sup> [“FORCED LABOUR AROUND TAUNGGOO TOWN.”](#) KHRG, July 1996.

and display it in their homes to show that they were Buddhist.<sup>1167</sup> Villagers who had faced the abuse of forced relocation to DKBA areas such as Myaing Gyi Nyu faced additional abuses of threats to make them adopt Buddhist principles included being vegetarian. These restrictions on eating their livestock, in addition to hunting and fishing, attacked villages' livelihood security. Anyone not following these principles was further punished with a fine:

*"The other thing was that they forced the Muslims who stayed there [GGa--- village] to become vegetarian. Since that time [in 2000], if they saw any people eating animals or if they saw anyone kill a cow, they fined them 100,000 Kyat [US\$100.00]. They fined anyone who killed a goat 50,000 Kyat [US\$50.00]. They threatened us. They are going to fine the Muslim people for every animal they eat. There are some villagers who face that kind of problem. There was one Muslim man who went to find fish. A monk arrested him and ordered him to worship him. He was fined 30,000 Kyat [US\$30.00] because he wouldn't worship the monk."*

U Gv--- (male, 35, Muslim), quoted in a report written by a KHRG researcher, Hpa-an District/ central Kayin State (published in May 2002)<sup>1168</sup>

In cases where religious minorities did not submit to extremist Buddhist orders to convert, or where their religious practice remained evident, they faced violent consequences culminating in deliberate killings. For example, Naw HHp--- explained the conditions under which her Christian husband and son were murdered by DKBA in 1995:

*"My husband gave them [DKBA] the money and said 'We only have that money, I swear to God'. Then the man said 'The situation is not like before. There is no God any longer.' Then he shot my husband in the mouth ..."*

Naw HHp---(female), Gy--- refugee camp, Thailand, quoted in a Commentary written by a KHRG researcher (published in May 1995)<sup>1169</sup>

## The right to citizenship for Muslims

Coupled with restrictions of religious freedom and the associated abuses that have been suffered by Muslim and Christian minorities over KHRG's 25 years reporting period, Muslim communities in southeast Myanmar identified additional abuses by the Myanmar government authorities against them, both during the conflict and in the post ceasefire period, namely the denial of the right to citizenship and the ensuing access to a Citizenship Scrutiny Card (CSC).<sup>1170</sup>

Possessing a Myanmar CSC is essential for freedom of movement, such as moving through army checkpoints when traveling, staying as a guest in other people's houses, and accessing basic essential services including Myanmar government schools, clinics and hospitals. The denial of CSC

<sup>1167</sup> ["ABUSES AND RELOCATIONS IN PA'AN DISTRICT,"](#) KHRG, August 1997.

<sup>1168</sup> ["Easy Target: The Persecution of Muslims in Burma,"](#) KHRG, May 2002.

<sup>1169</sup> ["KAREN HUMAN RIGHTS GROUP COMMENTARY,"](#) KHRG, May 1995.

<sup>1170</sup> The Myanmar Citizenship Scrutiny Card (CSC) is commonly referred to by local community members as a Myanmar identity card. The requirements for a CSC are based on the controversial 1982 Citizenship Law, which includes distinctions of citizen based on naturalised and non-naturalised, and a prison term of up to ten years for claiming false citizenship. According to Human Rights Watch, *"To become a naturalized citizen, a person must be able to provide "conclusive evidence" that he or his parents entered and resided in Burma prior to independence in 1948. Persons who have at least one parent who holds one of the three types of Burmese citizenship are also eligible. Beyond these two qualifications, Section 44 of the act stipulates that the person must be eighteen years old, be able to speak well one of the national languages (the Rohingya language, a dialect related to Chittagonian, is not one), be of good character, and be of sound mind."* ["BURMA/BANGLADESH: BURMESE REFUGEES IN BANGLADESH: STILL NO DURABLE SOLUTION,"](#) Human Rights Watch, Chapter III, Vol 12., No. 3 (C), May 2000. Mr Yozo Yokota, The UN Special Rapporteur on the Commission on Human Rights, reported in 1993 that, *"The 1982 Citizenship Law should be revised or amended to abolish its over-burdensome requirements for citizenship. The law should not apply its categories of second-class citizens in a manner which has discriminatory effects on racial or ethnic minorities,"* "Situation of Human Rights in Myanmar," U.N. Commission on Human Rights, E/CN.4/1993/37, February 1993.

to some Muslims in southeast Myanmar therefore has severe negative impacts. For example, one Muslim villager from Thaton Township, U GGb---, reported the impact this has on his children's education:

*"The local Myanmar government came to register the student to give Burmese ID card [CSC] at the high school but all of my daughters were not allowed to get ID card. My wife does not have ID card but I have it because I got it when I was [a] village elder, I could not remember the exact time [date]. Therefore, I tried to talk to U Tu Klow [former village head] to make my daughters get an ID card because they need an ID card when they go to study at the college. He rejected my words. All my words were useless. Now the Myanmar government comes to make ID cards for the students at the school but our Muslim children were rejected because they said we have to go and ask for an ID card at the Township level if we want to make [one]. It is not easy to make an ID card if we go to the Township office. Also, we have to pay a lot of money. Some Muslim people just reported the case [need for an ID card] many times but finally they just lost their money [as they did not get an ID card]."*

U GGb--- (male, 58), GGc--- village, Thaton Township,  
Thaton District (interview received in May 2016)<sup>1171</sup>

For U GGb---, the denial of a CSC has resulted in financial hardship and an ending of his daughters' educations. Furthermore, it highlights the daily discrimination that Muslims face in their home communities, as when U GGb--- tried to speak to local authority figures he was rejected and ignored. Muslim community members including U GGb--- have reported that the laws surrounding registration have long been unclear, excessive and inconsistent. For example, according to KHRG researchers in 2002, the Myanmar government announced that all citizens were eligible to receive temporary CSCs when they reach 10 years old, and permanent CSCs on their 18<sup>th</sup> birthday. Despite the law being officially announced, Muslim villagers' experiences showed that this was not practically implemented for their ethnic/religious group:

*"[T]hey don't allow Ka la<sup>1172</sup> and Muslims to get identity cards anymore. I don't know why. I also want to ask why they won't allow Muslims to get identity cards. We live in Burma and we have Burmese blood. All of us have real Burmese blood. Our religion is different, we are Burmese Muslims, but we are the same nationality, so why do they have to separate us?"*

GGe--- (male, 27, Muslim), quoted in a report written by a KHRG researcher,  
Bago Division, (published in May 2002)<sup>1173</sup>

As GGe--- shows above, the denial of CSCs is directly understood by Muslim communities to not be merely because of administrative technicalities but because of discriminatory attitudes that their identity cannot be considered to also be one of Myanmar nationality. As early as 1996 in KHRG reports, Muslim villagers identified the denial of CSC as a specific form of discrimination and oppression:

*"Now they are oppressing us, like they do with the Christians. But of all the religions, Muslims are treated as the lowest. We are looked down upon. I tell you the truth. They don't even allow Muslims to get ID cards. They don't take any photos for ID cards for us."*

Maung GGd--- (male, 28), quoted in a report written by a KHRG researcher, Nabu Township,  
Hap-an District/central Kayin State (published in October 1996)<sup>1174</sup>

<sup>1171</sup> ["Thaton Interview: U A---, 2016,"](#) KHRG, December 2016.

<sup>1172</sup> *Ka la* is a Burmese/Myanmar term which is sometimes used to refer to individuals in Burma/Myanmar who are perceived to have a darker skin colour. In Kayin state, it is often associated specifically with followers of Islam (Muslims), although this association is sometimes erroneous, and Muslim individuals do not typically self-identify with this term.

<sup>1173</sup> ["Easy Target: The Persecution of Muslims in Burma,"](#) KHRG, May 2002.

<sup>1174</sup> ["PORTER STORIES: CENTRAL KAREN STATE,"](#) KHRG, October 1996.

The legal protection which a CSC and recognition of citizenship provides means that Muslim and other minority communities in southeast Myanmar who are denied this cannot access not only their right to freedom of movement and the provision of government services, and their right to justice and to be protected from abuses. Of concern, the denial of a CSC based on excessive criteria over the course of decades and generations risks rendering Muslim communities stateless.<sup>1175</sup> Furthermore, it shows the persistence of an abusive trend whereby the division and discrimination of ethnic and religious groups is reinforced through the rules and actions by Myanmar authorities and local authority figures.

### **Discrimination when accessing justice**

Discrimination in southeast Myanmar against Karen ethnic minorities, throughout this report, and against Muslim minorities specifically recognised in this chapter, underlines multiple human rights abuses. Of equal concern is the finding that both ethnic and religious minorities face additional discrimination after abuse when they seek recourse through Myanmar state authorities such as police and law courts. This finding is especially relevant in the post-ceasefire period, where reports indicate that the implementation of the rule of law remains weak and therefore civilians facing discrimination in addition to other abuses are explicitly vulnerable, lacking protection, resolution and justice. Reports prior to 2012 show agency tactics were used to avoidance of discriminatory actors rather than confront them and seek justice.

Reports indicate that many Karen people perceive that they have not been treated appropriately or received full access to justice because of their ethnicity when seeking restitution through Myanmar state authorities. For example, 16 years old Naw GGg---, testified in 2014 that she felt as an ethnic Karen her case was not taken seriously by the Tatmadaw, who were responsible for knocking her off her bicycle while she was cycling to school. Naw GGg--- sustained injuries severe enough to stop her from attending school:

*“They [Tatmadaw] did not support me sufficiently. It is because [I am] Karen, that is why they do not care. If [the case affected] other ethnic people, they [Tatmadaw] would be sued seriously [because the police would take action].”*

Naw GGg--- (female, 16), GGh--- village, Bu Tho Township,  
Hpapun District/northeastern Kayin Sate (received in March 2014)<sup>1176</sup>

This experience reinforces perceptions for villagers of the impunity of Myanmar’s powerful actors, including Tatmadaw, and undermines any willingness to engage with Myanmar state authorities and rules.

Coupled with perceptions of dismissive and unequal treatment by Myanmar state authorities, Karen villagers report that they have been unwilling or unable to access justice due to court proceedings not being conducted in Karen language, faced discriminatory abuse when seeking justice, and faced violent threats, extortion, intimidation and additional abuses when reporting abuse to the Myanmar government authorities.

Cases of religious and ethnic discrimination by Myanmar state authorities when seeking justice also include explicit abuses against Muslim community members. In one 2015 report from Thaton

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<sup>1175</sup> In denying Myanmar residents a Citizenship Scrutiny Card based on ‘naturalised’ criteria, where-by both parents must have been born in Myanmar, the 1982 Citizenship Law is in breach of the Convention on the Rights of the Child, which Myanmar became a State Party to in 1991. The UN Committee on the Rights of the Child has “urged Myanmar to ensure that all children are registered at birth without discriminatory conditions,” expressing concern at the risk of statelessness that can result for internally displaced people in Myanmar who are denied citizenship. See “[MYANMAR: Children's Rights References in the Universal Periodic Review](#),” Child Rights International Network, 10<sup>th</sup> Session, 2011.

<sup>1176</sup> Source #15.



District, a local Muslim man reported theft of his livestock to the village tract administrators and they failed to act. Problematically, the local non-Muslim community also did not support him:

*“...[A]lthough [the perpetrator who stole the goats] Saw GGi--- was arrested with evidence, U GGj--- who is Meh Tha Lote village tract administrator did not make a clear decision to solve this case and he just kept this case for a long time. We can assume it is because [the victim] U GGI--- is Muslim. [...] In this case, U GGI--- has suffered alone [lost his goats] although he did not want to talk about it anymore. He tried to rely on the village tract administrator in order to get justice but the village tract administrator did not care about that. Because of this, Muslim people in the local area did not feel happy. The other local villagers [non-Muslim people] just stay in their own place and they ignore whatever problems happen. They also do not want to try to solve any problems.”*

Situation Update written by a KHRG researcher, Thandaunggyi Township, Thaton District/northern Mon State (received in August 2015)<sup>1177</sup>

The lack of action from the village tract administrator combined with the complacency of the local non-Muslim community creates an environment whereby abuses against Muslims are neither punished nor prevented. This environment creates fear for minority groups, who do not feel protected, and suppresses their agency options, as they do not feel safe, confident or motivated to report cases where they face abuse, as noted by U A---, a Muslim elder from Thaton Township, in 2016:

*“I have not talked about my suffering for 58 years. If we talk about it openly, we are a minority ethnic group and I am afraid that we will be assassinated by someone. As you know our situation, we have no guarantee for [our] security. We worry that something bad will happen if we talk about our suffering. That is why we have kept our suffering silent until now.”*

U A--- (male, 58, Muslim), Thaton Township, Thaton District/northern Mon State (interview published in December 2016)<sup>1178</sup>

In another example of this culture of oppression and silence with regard to seeking justice, in 2014, Hpapun District, a Muslim man who was stabbed by four LIB<sup>1179</sup> #341 deserters in GGf--- village, Mel Klaw village tract, Bu Tho Township, Hpapun District did not report the case to the police, military or local authorities because *“[t]he Burmese soldiers and the Government do not like this kind of Kaw La [Muslim].”*<sup>1180</sup> Furthermore, the victim feared negative repercussions rather than justice if he reported the abuse.<sup>1181</sup>

It is gravely concerning that members of minority ethnic and religious groups have faced passivity and a lack of action when they have reported cases of abuse to Myanmar authorities. Moreover, a culture of silence which oppresses minority community members from raising their voice to report abuse uncovers the insecurity and fear that persists in southeast Myanmar, whereby community members remain not only unprotected but actively at risk of further abuse by the very actors who are responsible for ending the abuse and discrimination.

The experiences of minority ethnic and religious groups who, having experienced abuse and discrimination, assert their agency in seeking justice and face further barriers and discrimination, reinforce the division between minority ethnic groups and the Myanmar state authorities, and the

<sup>1177</sup> Source #140.

<sup>1178</sup> [“Thaton Interview: U A---, 2016.”](#) KHRG, December 2016.

<sup>1179</sup> A Tatmadaw Light Infantry Battalion (LIB) comprises 500 soldiers. However, most Light Infantry Battalions in the Tatmadaw are under-strength with less than 200 soldiers. LIBs are primarily used for offensive operations, but they are sometimes used for garrison duties.

<sup>1180</sup> Sources #16; see also source #33.

<sup>1181</sup> *“The victim dared not report about it to me [KHRG researcher] because he worried that if the Burmese superiors knew, they would make problems for him. He dared not report about it because he lives in the town.”* Source #16.

perception that Myanmar state does not work to protect, serve or unite the cultures, religions and ethnicities that co-exist within the Union.

### Community perspective and agency

Based on KHRG analysis of 25 years of reporting, both community harmony and relations with Myanmar authority figures in southeast Myanmar can be undermined by discrimination, oppression and abuse on religious, ethnic and cultural terms. These abuses affect not only those directly targeted but all members of the society, particularly when the discrimination or abuse is perpetrated or tolerated by respected Myanmar authority figures. One KHRG community member who lives in Dwe Loh Township, Hpapun District noted in August 2016 that religious discrimination such as the denial of CSC to Muslims is representative of wider limits on religious freedom and makes him question whether he lives in a democratic society:

*“This action is not appropriate with a system of democracy. If we look at religion in Myanmar, Muslim people are born in Myanmar but not all of them have Myanmar citizenship ID cards or the right to religion. In fact, it is obvious that not everyone has the right to religion in Myanmar.”*

Situation Update written by a KHRG researcher, Dwe Loh Township, Hpapun District/northeastern Kayin Sate (received in August 2016)<sup>1182</sup>

Other villagers perceive that the forms of discrimination reported above are used to divide diverse communities to prevent them from forming a united front against the Myanmar government and the Bamar, Buddhist majority. Tactics to break up and displace ethnic and religious communities been used by Tatmadaw and its allies throughout the conflict period in attempts to weaken ethnic Karen leadership and prevent communities in southeast Myanmar from creating a strong, unified identity. Under this legacy of oppression and discrimination, concerns continue to be voiced about how the Myanmar government is dealing with ethnic and religious issues, as villagers’ suspect it can be used to divide rather than unify them. Discrimination has therefore reinforced the isolation of minority groups from the Myanmar state, ensuring their continued dependence on non-Myanmar state actors for their protection, namely the KNU and the KNLA. This ongoing dependence on local armed ethnic actors for protection from perceived discrimination by the state in itself undermines long term prospects for peace.

At the community level, some examples exist of villagers working together to overcome divisions, discrimination and oppression, uniting not only in their support for the KNU and KNLA but also in their support for different religious groups’ ceremonies or special days. For example, one KHRG researcher in 2015 noted how:

*“Most of the Karen ethnic groups who live in Thandaunggyi Township, Toungoo District are Christians. There are also other ethnic groups and they are Buddhists. Since there are religious groups [that] have formed in[to] different religions such as Christianity and Buddhism, they [religious leaders] work together to solve any [religious] problem if it happens. If the civilians conduct any religious festivals, they also celebrate them together.”*

Situation Update written by a KHRG researcher, Thandaunggyi Township, Toungoo District/northern Kayin Sate (received in November 2015)<sup>1183</sup>

This unity is also evident in the case of a Buddhist abbot defending the local Christian community and church from attack by DKBA (Buddhist) in 1995, Kawkareik Township, Dooplaya District, by telling the DKBA that if they burn down the local church they should also burn down the Buddhist monastery:

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<sup>1182</sup> Source #140.

<sup>1183</sup> Source #94.

*"The abbot said [to Ko Per Baw]<sup>1184</sup> 'I will give it [petrol] to you, and you can burn the church down, and then you can also burn my monastery down. Because we [Buddhists and Christians] in this village have lived together since long ago and we live together peacefully, understand each other and drink the same water from the river. To burn down the church and not the monastery would be unfair."*

Anonymous villager quoted in a KHRG Commentary written by a KHRG researcher, Karen/Kayin State (published in July 1995)<sup>1185</sup>

The Buddhist abbot in this case showed his affiliation with Christian or Buddhist villagers (notably, no Muslim community members are mentioned), and a willingness to rise above religious differences to protect the sacred sites and followers of both faiths. This however seems to be an exception, as in KHRG reports throughout 25 years the most common agency tactic for villagers has been to unite with the religious or ethnic group that they feel safe to identify with. This has led in some part to the segregation of ethnic and religious minorities in southeast Myanmar, and a lack of communal co-existence between all ethnic and religious groups. For example, one Buddhist village head notes how the single family who were not Buddhist moved away from his village, for unknown reasons:

*"The civilians in my area are Buddhist. There are no Christians in my area. We had one Christian household in the past but we do not see [know] where they are now."*

Saw A--- (male, 48), B--- village, Win Yay Township, Doooplaya District/southern Kayin State (interviewed in September 2016)<sup>1186</sup>

This push towards separatism rather than co-existence has also been reported by Muslims, such as Maung A--- in Thandaung Myo Thit Town, Toungoo District who in 2015 was told indirectly that the town is only for Christians and Buddhists and has been under pressure from authorities to move out of the area.<sup>1187</sup> The above cases therefore suggest that whilst community perspective remains united in their suspicion of Myanmar government policies and actions which are seen as discriminatory, it remains divided in the creation of safe, welcoming and harmonious communities of mixed ethnicity and religion and many minority groups chose or are forced to remain isolated from the majority culture.

## Conclusion to Discrimination and Division

The testimonies and reports presented here show that the systematic division, discrimination and abuse of minority groups has shaped the structure of communities in southeast Myanmar and their perception of Myanmar authorities in the present day. Discrimination and attempts to weaken and disperse minority groups in southeast Myanmar throughout KHRG's 25 years analysis include the destruction of their religious buildings by Tatmadaw and DKBA; forced relocation; land confiscation; prohibitive rules and orders; displacement; direct threats; and killing. Additionally, the aggressive construction of Buddhist pagodas on minority worship sites, particularly Christian church land, risks the long term peace and harmony of mixed-religion communities in southeast Myanmar. Of critical concern, while the excess of some Tatmadaw and DKBA abuses have declined since the signing of the 2012 preliminary ceasefire period, Muslim community members have continued to experience discrimination by Myanmar government authorities and local authority figures. These abuses include direct or indirect land confiscation; the denial of the right to citizenship; harassment by government officials; arbitrary and restrictive rules; threats and intimidation; and a lack of justice or protection in cases of abuse. These in combination demonstrate that diversity of religion, ethnicity and culture is not tolerated in southeast Myanmar, leading to the continued separation and division of some mixed-religion communities in southeast Myanmar.

<sup>1184</sup> *Ko Per Baw* is a Karen term meaning 'yellow scarves' commonly used by villagers to denote the DKBA in reference to the yellow scarves that form part of their uniform.

<sup>1185</sup> "KAREN HUMAN RIGHTS GROUP COMMENTARY," KHRG, July 1995.

<sup>1186</sup> "Doooplaya Interview: Saw A---, September 2016," KHRG, May 2017.

<sup>1187</sup> "Toungoo Interview: Maung A---, April 2015," KHRG, January 2016.

## Photos: Discrimination and Division



The above photo was taken on September 16<sup>th</sup> 2015, in HHl--- village, We Pyan village tract, Hpa-an Township, Thaton District. The photo shows a Buddhist pagoda (right, white building) which was constructed on a Christian church compound, directly adjacent to the Christian church (left). It was constructed by Sayadaw U Thuzana and his followers. [Photo: KHRG]<sup>1188</sup>



The above photo was taken in 1996, in HHm--- village, Kyonedoe Township, Dooplaya District. It shows the remains of a church burned and destroyed by Tatmadaw Light Infantry Battalion #546 commanded by Maj. Tin Aye and DKBA troops commanded by Pa Day on 22<sup>nd</sup> November 1996. The troops also beat up the elderly church pastor, Saw HHn---, and burned down his house, and burned the village school. [Photo: KORD]<sup>1189</sup>



The above two photos were taken in 1997, in a temporary IDP camp in Dooplaya District. They show some of the over 1,000 Muslim refugees who fled Dooplaya District and were camped at Ka Hee Pa Leh. The Thai authorities immediately ordered them to move 1 km up the road closer to Tatmadaw troops and separate from the Karen, claiming that “Muslims are troublemakers”. [Photos: KHRG]<sup>1190</sup>

<sup>1188</sup> Source #99.

<sup>1189</sup> “[Dooplaya District: Before the Offensive](#),” KHRG, May 1997.

<sup>1190</sup> “[Refugees from the SLORC Occupation of Dooplaya District](#),” KHRG, May 1997.





The above photo was taken on May 12<sup>th</sup> 2016 in Thit Chaik Hseik village, Yay Tar Shay Lay village tract, Yedashe Township, Toungoo District. The photo shows a signboard set up in front of villagers' houses. The signboard lists rules against Muslims. The title of this sign says that the area should be free from followers of Islam. It states three rules against Muslims, to be enforced by local Buddhists: 1. Muslims are prohibited from staying overnight in the village; 2. Villagers should not buy, sell or rent land to Muslims; 3. Buddhists are not allowed to marry Muslims. Whilst some villagers reported that they disagreed with the signboard, they did not remove it out of fear that something would happen to them. The signboard was reportedly constructed by a local monk. [Photo: KHRG]<sup>1191</sup>



The above photo was taken on March 24<sup>th</sup> 2014, in HHk--- village, Htee Lon village tract, Hlaingbwe Township, Hpa-an District. This photo shows Tatmadaw Battalion #203 gathered all Muslim villagers to relocate in Htee Lon village which you see in the photo. They confiscated the site of a mosque and Muslim residential area before they relocated them in that village. The confiscated land affected around 38 Muslim householders. The Tatmadaw confiscated their lands and built up a water storage facility which additionally destroyed their paddy fields. [Photo: KHRG]<sup>1192</sup>



The photo on the left was taken on November 10<sup>th</sup> 2015, in HHj--- section, Kyaukkyi Town, Kyaukkyi Township, Nyaunglebin District. The photo shows the construction of a Myanmar government Cooperative Department building on land claimed by the Shwegyin Karen Baptist Association. Construction began on November 5<sup>th</sup> 2015 led by Myanmar government Kyaukkyi Township administrator U Tin Myo, and Myit Zi Ma Thit Sa Company. The leaders of the church have written complaint letters and opposed the construction, but the Myanmar government officials has not responded to their concerns and the construction has continued. [Photo: KHRG]<sup>1193</sup>



The photo on the left was taken on November 11<sup>th</sup> 2015, Kyaukkyi Township, Nyaunglebin District. It shows *Tharamu Naw L---* who was interviewed by a KHRG researcher about her family's Christian missionary land in HHj--- section, Kyaukkyi Township. The missionary land, including one Bible school, was taken over by Tatmadaw in the 1960s and *Tharamu Naw L---* has active in writing to the Myanmar government to reclaim the land, without success. [Photo: KHRG]<sup>1194</sup>

<sup>1191</sup> Source #122.

<sup>1192</sup> Source #117.

<sup>1193</sup> Source #103.

<sup>1194</sup> Source #103.

## Chapter 9: Perspectives on Peace

*“...years of oppression, fighting and broken promises have made many villagers hopeful for a permanent end to the fighting, but also cynical about the possibility of this really happening.”*

Commentary written by a KHRG researcher, Nyaunglebin District/eastern Bago Region and Hpapun District/northeastern Kayin State (published in September 2004)<sup>1195</sup>

### Key Findings

1. The majority of villagers in southeast Myanmar reported to have low confidence in the peace process, with their greatest concern being that the ceasefire would be broken and there would be a return to fighting. Villagers stated that ongoing military activities including the strengthening of Tatmadaw and BGF army camps near civilian areas, troop rotations and military trainings has led them to question the integrity of the ceasefire.
2. Many villagers expected the withdrawal of Tatmadaw and BGF army bases from civilian areas following the signing of the ceasefires, but have conversely witnessed the strengthening of some of these bases.
3. Some community members felt that the peace process lacked transparency and that the expected outcomes at a local level had not been made clear to them, making it difficult for them to make informed decisions about whether their area is now safe.
4. Some villagers reported positive developments since the peace process including less fighting, greater freedom of movement, new schools, clinics and NGOs coming to be active in the area, and a reduction in extortion and arbitrary taxation.

Using 25 years of testimonies, incident reports, situation updates, photo notes, field reports and more, KHRG has tracked villagers' perspectives as they have lived through conflict, displacement and, most recently, a fragile peace. The term peace process here includes not only the signing of the 2012 preliminary ceasefire and the 2015 NCA by the Karen National Union, and the election of the National League for Democracy (NLD) in November 2015, but also the commitment to political dialogue by signatory parties and non-signatory EAGs working towards alternative peace agreements to move from a state of negotiable ceasefires to a state of stable, long-term peace in Myanmar.<sup>1196</sup>

Having lived through decades of oppression and civil war, Karen civilians have consistently called for peace, giving the impression that they would welcome the current peace process. In 1996, Naw Ha--- from Kawkareik Township, Doooplaya District stated:

<sup>1195</sup> [“Papun and Nyaunglebin Districts: Continued Oppression During the Ceasefire,”](#) KHRG, September 2004.

<sup>1196</sup> The political dialogue for the peace process is outlined in Section 5 of the Nationwide Ceasefire Agreement. A central part of this political dialogue is the re-starting of talks with ethnic groups which began with General Aung San on February 12<sup>th</sup> 1947, at the first Panglong Conference, where Myanmar (Burma) established its independence from Britain. On August 31<sup>st</sup> 2016, the 21<sup>st</sup> Century Panglong conference began. The new peace conference strived to include groups that have not yet signed the NCA, but only partially succeeded as the Arakan Army, Myanmar National Democratic Alliance Army (MNDAA), also known as the Kokang Army, and the Ta'ang National Liberation Army were barred from participation even though they expressed willingness. A non-signatory group that did participate initially, the United Wa State Army (UWSA) reportedly withdrew from the conference because they were only given 'observer' status and not an equal status as the other participants. Another major concern on the 21<sup>st</sup> Century Panglong conference was the lack of women's participation. See, [“Nationwide Ceasefire Agreement Between The Government Of The Republic Of The Union Of Myanmar And The Ethnic Armed Organizations,”](#) October, 2015.

*“There’s no use in speaking about SLORC [Tatmadaw], and I have exhausted all my words. There is just one thing I want most, and that is to see peace and justice before I die.”*

Naw Ha--- (female, 61), quoted in a report written by a KHRG researcher, Kyainseikgyi and Kawkareik Townships, Doooplaya District/southern Kayin State (published in February 1996)<sup>1197</sup>

More than ten years later, in 2007, as the conflict continued and tens of thousands more civilians had been displaced, Saw J--- from H---village, Toungoo District also stated:

*“We civilians want to have peace. If there is no peace, we must go to a refugee camp. [I want] to let the world know that since our grandparents’ time, until now we have had to run and the situation has become worse and worse... Since our grandparents’ time we have had no peace.”*

Saw J--- (male, 40), H--- villager, quoted in Report written by a KHRG researcher, Htantabin Township, Toungoo District/northern Kayin State (published in August 2007)<sup>1198</sup>

More recent perspectives, gathered by KHRG since the signing of the 2012 suggest that, contrary to the full support of the peace process that may have been expected, Karen villagers do not yet have full confidence in the peace process. Villagers’ testimonies range from optimistic and hopeful, to cautioned and hesitant, to feeling that the situation in many aspects is worse for villagers now than during the conflict.

### Concerns for the stability of the peace process

Whilst many villagers are willing and hopeful when considering the current peace process, several still report to KHRG their concern that the peace process could easily breakdown with a return to fighting. As one villager in Hpapun District summarised in 2015:

*“The ceasefire between the Myanmar government and KNU, I hope it will be true. We may have to face more problems than in the past if it is not true. This is what we are concerned [about]. [...] In the past, we fled into the jungle and left our families in the villages. If they saw our wives and children they arrested them. This is our worry. If the ceasefire is not stable the situation will be the same as before. Forced labour, rape and killings are the main concerns for us.”*

Saw A--- (male, 42), B--- village, Bu Tho Township, Hpapun District/northeastern Kayin State (interview published in August 2015)<sup>1199</sup>

This concern is also held by IDPs and refugees, who are hesitant to return to their home villages.<sup>1200</sup> According to KHRG reports, displaced villagers feel that their long-term security is not yet guaranteed in southeast Myanmar. For example, Naw Hf---, in an interview with KHRG in January 2017, emphasises that although she fled her village in 1997, she still will not return 20 years later due to the presence of a Tatmadaw army camp:

*“We do not dare to think [expect/believe] that the Tatmadaw will stop the fighting and then we will get freedom [peace] because we do not know what risks they have [put] on us. Therefore, we are worried and concerned that we will not access freedom, and the Tatmadaw will start the fighting again.”*

Naw Hf--- (female, 45), Hg--- village, Lu Thaw Township, Hpapun District/northeastern Kayin State (interview received in January 2017)<sup>1201</sup>

<sup>1197</sup> “[SLORC IN KYA-IN & KAWKAREIK TOWNSHIPS](#),” KHRG, February 1996.

<sup>1198</sup> “[Landmines, Killings and Food Destruction: Civilian life in Toungoo District](#),” KHRG, August 2007.

<sup>1199</sup> “[Hpapun Interview: Saw A---, January 2015](#),” KHRG, August 2015; see also, “(Q) What are you most worried about for your individual/personal future? (A) I worry most that the fighting will happen in the future.” Source #170.

<sup>1200</sup> For more information see Chapter 7: Displacement and Return.

<sup>1201</sup> Source #142.

One KHRG researcher also noted the concerns of IDPs in 2015, Toungoo District:

*“Even though, now is the time of the ceasefire, there is no security and they [IDPs] are living in temporary shelters by building a group of 4 or 5 houses and they cannot live together with all of the family members. Just those who can do gardening go back and stay for a few for short days to do work. They want to live together with all of their family members like living in the village before [the conflict], but there is no guarantee for their security and they are waiting for the time that is safe for their security.”*

Photo Note written by a KHRG researcher, Thandaunggyi Township, Toungoo District/northern Kayin State (received in March 2015)<sup>1202</sup>

These testimonies show that many villagers still do not feel safe even with the peace process underway, which leads them to question the integrity and stability of the foundations for peace. Other villagers feel sceptical since they have neither seen nor experienced significant change and therefore do not feel that the peace process in its current form has made improvements for them.<sup>1203</sup> As one KHRG researcher from Toungoo District suggested, a paper ceasefire alone cannot create security and such an agreement needs to be followed by significant local changes.<sup>1204</sup> One villager from S--- village, Win Yay Township, Dooplaya District noted the barrier for change at the local level by stating that as long as armed groups in his area “*hold guns*” he will not believe that a stable peace can be achieved.<sup>1205</sup>

Following the comment advocating for the disarmament of armed groups, villagers in recent KHRG reports state that despite the ceasefires, their security is threatened by the continued presence of Tatmadaw and BGF in civilian areas. Due to the history of past abuses, villagers often state that they do not trust Tatmadaw and are fearful when the Tatmadaw are active in their area, fearing that fighting will re-start and the ceasefire will be broken. For example, one KHRG researcher noted in 2014:

*“Nowadays, even though villagers can travel freely and work comfortably for their living because of the KNU (Karen National Union) and Burmese government peace talks, they still have limited confidence in the peace talk process. The trustworthiness of the peace talk process from both sides of leaders is low and [villagers are] worrying that armed fighting will happen again. Because of the numerous activities of soldiers, villagers have low confidence [in the peace process].”*

Situation Update written by a KHRG Researcher, Mone, Kyaukkyi and Shwegyin Townships, Nyaunglebin District/eastern Bago Region (received in December 2014)<sup>1206</sup>

After the preliminary and nationwide ceasefires were signed there was the expectation among many villagers that Tatmadaw would withdraw their army from areas near villages in southeast Myanmar.<sup>1207</sup> However, as the KHRG researcher pointed out, soldiers continue to carry out “*numerous activities*”, including the reinforcement of BGF and Tatmadaw army bases, troop patrols, troop rotations,<sup>1208</sup> resupply of rations and munitions to army bases,<sup>1209</sup> and the transporting of military equipment as observed by Karen villagers. As a result, the numerous activities by the

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<sup>1202</sup> Source #80.

<sup>1203</sup> See Chapter 1: Militarisation, for further explanation of villagers’ concerns related to peace and safety in their communities.

<sup>1204</sup> Source #80; see also source #79.

<sup>1205</sup> “[Dooplaya Situation Update: Win Yin Township, January 2016 to March 2016](#),” KHRG, December 2016.

<sup>1206</sup> Source #51.

<sup>1207</sup> “*If we look at the Tatmadaw situation, even though the leaders signed a ceasefire, the Tatmadaw has not withdrawn any of their military [group] but they send more rations and repair their road and army bases. Because they fired a mortar, we civilians, have to live in fear and we have to always be careful. We thought that these things would have changed, but only [one change is that] they do not come and attack us. We hoped that we would be able to go back and stay in our own places and it is [still] our main goal.*” Source #12.

<sup>1208</sup> Source #51.

<sup>1209</sup> “[Hapapun Incident Report: Tatmadaw’s mortar shelling and military activities in Lu Thaw Township, December 2013](#),” KHRG, June 2014.



military has led villagers to directly question the intention of the Tatmadaw, BGF and other armed groups in their local area, and perceive that the Myanmar government and Tatmadaw are preparing for long-term conflict in southeast Myanmar.<sup>1210</sup>

Not only is villagers' confidence in peace compromised by the history of military abuse, perceived militarisation and the presence of Tatmadaw, but it is further eroded by recent fighting in southeast Myanmar:

*"As for me, I see it as a temporary [ceasefire] because there are still some minor wars happening. Though these are happening in other places, they also take place in Brigade Six [Doplaya District] and other Brigades. So that I think this is temporary ceasefire."*

Naw He--- (female, 46), Win Yay Township, Doplaya District/  
southern Kayin State (interviewed in November 2016)<sup>1211</sup>

Villagers continue to witness fighting which makes them doubt peace. In particular, villagers have observed fighting in minority ethnic areas including Shan and Kachin States,<sup>1212</sup> as well as potential infringements on the ceasefire agreements such as Tatmadaw / KNLA crossing into delimited territory<sup>1213</sup> or lack of advance notice when Tatmadaw travel through KNLA areas.<sup>1214</sup> These military activities have a direct impact on villagers' perspectives about the integrity of the peace process:

*"I will express my own point of view openly. Even though they said [there is a ceasefire] and signed [a] ceasefire agreement, I [will] never trust it. For example, fighting broke out in Kachin State,<sup>1215</sup> they had already signed it [a ceasefire] but [still] fought with the Kachin. Secondly, they launched heavy weapons [artillery] at the Kachin Second Lieutenant training ground.<sup>1216</sup> Over 20 people died [in this attack]. Even when I die I will never trust the Tatmadaw. I believe that they are untrustworthy and not good people. This is the main point that I believe."*

Saw A--- (male, 42), B--- village, Bu Tho Township, Hpapun District/  
northeastern Kayin State (interview published in August 2015)<sup>1217</sup>

<sup>1210</sup> ["Thaton Situation Update: Bilin Township, August to October 2014,"](#) KHRG, April 2015; see also source #13.

<sup>1211</sup> The last case of fighting in Brigade 6 (Doplaya) which Naw He--- is likely referring to was in August 2016, between Border Guard Force (BGF) and the DKBA (splinter) group Na Ma Kya in D--- village, Kawkaik Township, Doplaya District. For an interview with a villager whose family were severely affected by the fighting see ["Doplaya Interview: Naw G---, September 2016,"](#) KHRG, December 2016; see also source #167.

<sup>1212</sup> *"We cannot recognise it [2015 ceasefire] as a nationwide ceasefire as not all ethnic armed groups were involved in signing it. When KNU signed the ceasefire, people in southeast Myanmar are able live peacefully and have no problem. However, [Tatmadaw] launched an offensive in Shan and Kachin states. To say frankly, they are trying to divide the ethnic groups."* Source #108.

<sup>1213</sup> Source #82.

<sup>1214</sup> ["Nyaunglebin Situation Update: Shwegyin Township, March to June 2014,"](#) KHRG, January 2015; and source #148. According to the 2015 Nationwide Ceasefire Agreement, "Movement of armed troops in the areas controlled by the other is allowed only after obtaining prior agreement." Chapter 8.b, ["THE NATIONWIDE CEASEFIRE AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE UNION OF MYANMAR AND THE ETHNIC ARMED ORGANIZATIONS,"](#) Union Peacemaking Working Committee and the Ethnic Armed Organization's National Ceasefire Negotiation Delegation, 2015.

<sup>1215</sup> For further details about the renewed fighting in Kachin State, see ["Hundreds flee new fighting in Myanmar's north,"](#) Al Jazeera, January 2015.

<sup>1216</sup> The interviewee is likely referring to a high-profile incident from November 19<sup>th</sup> 2014 near Laiza in which 22 cadets who were training for combat at Jawng Rung base died and at least another 15 were injured due to artillery shelling by the Tatmadaw military base at Hkarabum. The killed cadets were from the Ta'ang National Liberation Army (TNLA), Arakan Army (AA), All Burma Students' Democratic Front (ABSDF) and Chin National Front (CNF), all allies of the Kachin Independence Organisation (KIO). See, ["22 Dead as Burma Army Fires on Kachin Military Academy, Rebels Say,"](#) The Irrawaddy, November 2014; and ["Laiza shelling fatalities were from KIO allies, ABSDF, AA, CNF, TNLA,"](#) Kachin News, November 2014.

<sup>1217</sup> ["Hpapun Interview: Saw A---, January 2015,"](#) KHRG, August 2015.

## Concerns about the integrity of the peace process

*"Whenever people saw us they would ask, 'How long until things become better?' I heard that question 'How long until things become better?' in so many places, and I know that they hope to have a decent government and to be free from this oppression"*

Report written by a KHRG researcher, north of Myawaddy, Dooplaya/Hpa-an District (published in January 1996)<sup>1218</sup>

The majority of villager testimonies reveal insecurity and challenges that continue through the peace process, and a persistent lack of faith in Myanmar politics to address these challenges, especially with regard to Myanmar government and Tatmadaw. Throughout KHRG's 25 years analysis, villagers have reported their feelings of mistrust regarding multiple political events including the 2008 Referendum and Constitution,<sup>1219</sup> the 2010 election,<sup>1220</sup> and the 2015 election.<sup>1221</sup> According to one KHRG community member in Hpapun District, 2015, villagers' experiences of decades of military dictatorship has left them wary of Myanmar politics and, thus unwilling to civically engage within Myanmar's parliamentary system to seek solutions to political and social problems.<sup>1222</sup> Furthermore, villagers experiences of human rights abuses, both during the conflict and recently, remain unresolved, without justice, further degrading the foundation of trust in the intentions of Tatmadaw and the Myanmar government which is an essential component of the peace process:

*"[W]e still see many problems. [When] we look back to some civilians' situation, they still cannot sleep [in their huts on their farmland, which are usually far from their village] due to fear of soldiers [all armed groups]. Moreover, some civilians are still worrying that the situation will get worse. Likewise, if we look at the human rights violations, they are still not investigated. [And] There are still human rights violations."*

Situation Update written by a KHRG researcher, Shwegyin Township, Nyaunglebin District/eastern Bago Region (published in January 2015)<sup>1223</sup>

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<sup>1218</sup> "[ABUSES IN TEE SAH RA AREA](#)," KHRG, January 1996.

<sup>1219</sup> See for example, KHRG's 2008 Commentary on the experiences of villagers prior to the referendum on the new constitution, "*Regarding the referendum in particular, villagers have expressed to KHRG that they doubt they will be allowed to vote freely. Others say that the SPDC is just using the referendum to ensure its continued rule. Given the coercive nature of the whole registration process, the threats against non-compliance and the fact that SPDC officials have provided little or no information regarding the contents of the proposed constitution, villagers have expressed skepticism about the possibility that the referendum could lead to positive developments in the country. They [SPDC] don't follow the opinions of the majority of the people. They just try to achieve their own objective.*" "[Just another case of coercion and forced labour? Karen villagers' statements on the 2008 referendum](#)," KHRG, April 2008.

<sup>1220</sup> The November 7<sup>th</sup> 2010 election result was widely rejected. The National League for Democracy (NLD) boycotted the election for reasons including new election laws which excluded prisoners from voting or running as candidates, denying many political and former political prisoners associated with NLD the right to vote or represent the party. See, "[Burma's 2010 Elections: a comprehensive report](#)," Burma Fund UN Office, January 2011. During the election itself Daw Aung San Suu Kyi remained under house arrest. From a community perspective, villagers reported forced taxation by a USDP candidate to financially support his campaign, and election promises including the USDP building a school which never materialised. See, "[Militarization, Development and Displacement: Conditions for villagers in southern Tenasserim Division](#)," March 2011.

<sup>1221</sup> Source #91; see also source #101.

<sup>1222</sup> "[The ceasefire is like] The Myanmar government are like when people are playing [fighting in] a boxing match and their longyi is untied then they say, 'Wait wait!! I will take a rest [I will tie up my longyi]'". They just want to take a rest for a while and they will punch you back after they have tied up [their longyi]. We [Karen people] cannot give up because they will not give up either. Regarding this ceasefire, I do not believe that the Myanmar government will work for genuine peace yet." Source #168; see also source #140.

<sup>1223</sup> "[Nyaunglebin Situation Update: Shwegyin Township, March to June 2014](#)" KHRG, January 2015.

Villagers' knowledge and experience of ceasefires in the past influences their current perspectives on the peace process. In addition to villagers not feeling safe, some villagers perceive the ceasefire as a means to expand and strengthen military and state control in ethnic areas of southeast Myanmar without ethnic armed group resistance:

*"[One] Villager in Hn--- village, Naw Ho---'s father, talked to me and said 'After the ceasefire the situation has not changed [improved] very much, instead there is more freedom for the Burmese government [Tatmadaw] such as they have more opportunity to travel and transport their military equipment and rations freely without disturbance from other armed groups'."*

Situation Update written by a KHRG researcher, Nyaunglebin District/eastern Bago (received in March 2015)<sup>1224</sup>

This perception of the ceasefire as an opportunity for Tatmadaw to strengthen its troops and expand into ethnic areas is unchanged since the early 1990s, when brief ceasefires between Myanmar government and EAGs were used by Tatmadaw to strengthen their military prior to escalating attacks:

*"Using the increased freedom of movement it gained under the ceasefire, the [Tatmadaw] Army has sent out columns to consolidate control over civilians in the remotest parts of this mountainous district."*

Report written by a KHRG researcher, Toungoo District/northern Kayin State (published in March 2005)<sup>1225</sup>

This concern that Tatmadaw is strengthened by the ceasefire is exacerbated for one religious leader from Dooplaya District who reports that the KNLA has been weakened by the ceasefire as they can no longer act (with force of arms) against Tatmadaw and BGF to "protect" Karen civilians.<sup>1226</sup> The request from this leader that the KNLA protects villagers from Tatmadaw and BGF shows the ongoing context of insecurity which the peace process is yet to address.

A separate and serious concern that community members report with marked increase since the beginning of the peace process is the escalation in development projects that negatively affect them, including through land confiscation. These projects are often through collaboration with armed groups or the Myanmar government, with villagers excluded from any process of consultation or consent, furthering the divisions and distrust villagers feel and causing livelihood insecurity.<sup>1227</sup>

As the above cases suggest, concerns about Tatmadaw and Myanmar government expansion into ethnic areas during the ceasefire period, both through military control and control of land and development projects, result in villagers feeling threatened not only in their personal safety but also in their long-term livelihood security.

### **Lack of transparency about the peace process**

In addition to villagers wanting security improvements before they have confidence in the peace process, some community members feel they do not have enough information to speak confidently and judge the current state of the peace process. Villagers express confusion over

<sup>1224</sup> The military truces and brief ceasefires between KNU and the Myanmar (Burma) government, and other EAGs with the Myanmar (Burma) government, in the early 1990s were used by Tatmadaw to strengthen their military, including in 1994 directly prior to Tatmadaw's attack on KNLA's headquarters in Manerplaw, Hpapun District. Source #59.

<sup>1225</sup> ["Peace, or Control? The SPDC's use of the Karen ceasefire to expand its control and repression of villagers in Toungoo District, Northern Karen State,"](#) KHRG, March 2005. See also, ["Worst army attacks in years displace Thousands,"](#) IDMC (Internal Displacement Monitoring Centre), May 2006.

<sup>1226</sup> ["Dooplaya Situation Update: Win Yay Township, June to July 2015,"](#) KHRG, March 2017.

<sup>1227</sup> Source #163; also see Chapter 6: Development.

ceasefire terms including who they are now “ruled by”,<sup>1228</sup> what the territorial boundaries are in their local area according to the NCA Code of Conduct,<sup>1229</sup> and what the political dialogue process involves for their local peace process representatives and for the local community:

*“Since the [preliminary] ceasefire took place our leaders [KNU] always go [to meet the Burma/ Myanmar government] but we do not know what they do there. [Whether] their plan will be implemented or not we do not know. They [KNU] go there often and then come back. It seems as though we have not yet seen the implementation [of the ceasefire].”*

Photo Note written by a KHRG researcher, Thandaunggyi Township,  
Toungoo District/northern Kayin State (Received in March 2015)<sup>1230</sup>

Women further report that they are underrepresented in the peace process and when they do seek to raise their voice their input has not been valued:

*“Yes [I want opportunities]. For example, when the people [KNU leaders] ask about peace [negotiate in the peace process] there are also women involved [in giving their recommendations] but I think no one pays attention to the women even if they claim [speak out] because if they pay attention to the women’s concerns then there will be equality [and we do not have equality].”*

Naw Hq--- (female), Hr--- village, Kyainseikgyi Township, Dooplaya District/  
southern Kayin State (interview received in January 2016)<sup>1231</sup>

The result of women’s voices being excluded from the peace process, and the process itself largely lacking transparency from a villager perspective, is that meaningful participation by community members in the peace process is limited, further isolating them from political decisions which affect them and further fostering their distrust in the process. Crucially, by not acknowledging or including the perspectives and experiences of women, the peace process itself is weakened due to its inability to accommodate and represent the needs of diverse citizens.

Contrary to the majority of villagers’ testimonies however, several reports received do show that both Karen National Union (KNU) and Myanmar government have taken steps towards transparency, holding multiple workshops to discuss the peace process and its components with villagers. The workshops consist of open discussions between KNU and Tatmadaw Generals,<sup>1232</sup> village meetings between KNU and villagers to discuss the process,<sup>1233</sup> and different armed groups holding meetings in local areas to discuss their commitment to peace.<sup>1234</sup> Villagers’ testimonies and the actions by the KNU and Myanmar government demonstrate the need for more awareness-raising activities with the community. Increased communication between local leaders and the civilian population centering on the peace process is important to ensure that villagers have access to information on the peace process, how it affects them, and access to be involved in peace discussions if they choose to do so.

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<sup>1228</sup> “[Hpapun Situation Update: Bu Tho and Dwe Lo townships, April 2014 to February 2015](#),” KHRG, September 2015.

<sup>1229</sup> Source “[Mergui-Tavoy Situation Update: K’Ser Doh Township, January to March 2015](#),” KHRG, February 2016; see also ‘Code of Conduct’, “[The Nationwide Ceasefire Agreement Between The Government Of The Republic Of The Union Of Myanmar And The Ethnic Armed Organizations](#),” KHRG, October 2015.

<sup>1230</sup> “[Hpapun Interview: Saw A---, January 2015](#),” KHRG, August 2015.

<sup>1231</sup> Source #107.

<sup>1232</sup> Source #60.

<sup>1233</sup> Source #93; see also “[Nyaunglebin Situation Update: Moo, Ler Doh and Hsaw Htee townships, January to June 2012](#),” KHRG, October 2012.

<sup>1234</sup> Source #8; see also KHRG’s op-ed, “[To Follow Suu Kyi’s Lead, Myanmar Women Need Education and Opportunity](#),” News Deeply, October 2016.



## Positive developments under the peace process

*"We are very excited to hear about the NCA and we want the leaders to play peaceful politics not using guns and instead using pens. Using guns for the purpose of playing politics causes worry for the villagers."*

Saw A--- and Saw B--- (males, 41, 34), E---, F--- village, Hlaingbwe Township, Hpa-an District/central Kayin State (interviewed from an IDP camp in October 2016)<sup>1235</sup>

Despite an overall hesitancy to pledge their complete faith in the peace process, villagers acknowledge some benefits in southeast Myanmar. Within recent KHRG interviews, villagers give praise to their observance of less fighting, greater freedom of movement, new schools, clinics and NGOs coming to be active in the area,<sup>1236</sup> and a reduction in extortion and arbitrary taxation by armed groups.<sup>1237</sup> Moreover, some also indicate more willingness to work with and have hope for the Myanmar government.<sup>1238</sup> For example:

*"As I am a citizen, I think the ceasefire will provide some benefit for us because I think if there is no benefit for us then my leaders [KNU] will not do it [sign the ceasefire]. After the ceasefire, we [villagers] can sleep and we can live in peace without worry. We can freely work on our farms and plantations."*

Saw Hh--- (male, 51), Hi--- village, Dwe Lo Township, Hpapun District/northeastern Kayin State (interviewed in December 2016)<sup>1239</sup>

Furthermore, Naw Hj---, a young female in Kyaukkyi Township, Nyaunglebin District, believes that the peace process has reduced hardships for Karen people due to the reduction in fighting and abuses:

*"This NCA is relevant to me because I am a [Myanmar] citizen. My concerns for my [Karen] people have reduced regarding the [risk of] fighting between the Myanmar government [Tatmadaw] and Karen armed groups. Prior to the NCA, there was fighting between the Myanmar government [Tatmadaw] and ethnic armed groups including Karen armed groups. Therefore, I always wondered and worried about my Karen people who had been killed and shot. Now they [KNU] have already signed the NCA so the fighting between Myanmar soldiers and Karen soldiers has reduced even though the fighting has increased between Myanmar soldiers and other ethnic armed groups. Thus, my concerns for my Karen people have decreased. Because of that, I am happy and satisfied. This happiness and satisfaction will stay until I die. I hope it [stays]. It [happiness] should not be for a short time [only]. This happiness and satisfaction about the NCA will continue until our new generations see and taste it [peace after the NCA]. I do not want our new generations to see [experience] fighting."*

Naw Hj--- (female, 24), Hk--- village, Kyaukkyi Township, Nyaunglebin District/eastern Bago Region (interviewed in December 2016)<sup>1240</sup>

Karen villagers also encourage the Myanmar government to work respectfully with local leaders (KNU) and fellow community members for the benefit of future peace:

<sup>1235</sup> ["Hpa-an Interview: Saw Loo Beh and Saw Dee Ngeh, October 2016,"](#) KHRG, February 2017.

<sup>1236</sup> Source #148.

<sup>1237</sup> ["Doooplaya Situation Update: Kawkareik Township, June 2015 to August 2016,"](#) KHRG, December 2016.

<sup>1238</sup> One KHRG researcher summarised villagers' hopes for new government two decades ago, during conflict, saying, *"There is no hope for improvement through the peace talks between SLORC [Tatmadaw/Myanmar government] and the ethnic groups. It can only be possible with the interference of the whole world and if SLORC transfers state power to Aung San Suu Kyi. I think the situation in Burma might be better if Aung San Suu Kyi comes to power."* ["ATTACKS ON KAREN REFUGEE CAMPS,"](#) KHRG, March 1997.

<sup>1239</sup> Source #169.

<sup>1240</sup> Source #165.

*"I think the NCA is good. We try to follow our leaders' [KNUs'] path in order to solve our political problems. Not only the KNU but also the [Myanmar] government should try to build a good understanding. We should treat them [the Myanmar government] as a friend in order to move forward for our future."*

Saw Hc--- (male, 65), Hd--- village, Kyainseikgyi Township, Doooplaya District/  
southern Kayin State (interviewed in October 2016)<sup>1241</sup>

While villagers spoke of their willingness to work with the Myanmar government to achieve peace, some villagers who spoke to KHRG tied the peace and security of the ceasefire to other needs which they believe should come to their community. These statements suggest that the Myanmar government can be active in providing general services for civilians, in consultation with local communities and the KNU, as a way to work towards an improved relationship of trust in southeast Myanmar:

*"They [Myanmar government and Tatmadaw] should build peace, develop education and develop hospitals."*

Saw Hl--- (male, 45), Hm--- village, Bu Tho Township, Hpapun District/  
northeastern Kayin State (interviewed in December 2016)<sup>1242</sup>

## Conclusion

The history of Tatmadaw abuse of villagers, combined with ongoing militarisation and fighting in ethnic areas, leads villagers in southeast Myanmar to be seriously hesitant to announce the peace process as either a success or a benefit. Furthermore, the limited information that is shared with villagers, in addition to the limited representation of key voices in the peace process, result in a lack of meaningful participation and engagement in the peace process for villagers in southeast Myanmar, and risk furthering the divide between the Myanmar government, the KNU and Karen communities. Negative livelihood impacts from militarisation such as a fear to access farmland, combined with cases of land confiscation due to increased development in the post-ceasefire period, are detrimental to villagers' perceptions of their own security and stability in southeast Myanmar and therefore further the experience that the peace process has not brought the positive benefits anticipated by villagers in southeast Myanmar.

Villagers testify that trust in the peace process can only be achieved with a reduction in current militarisation in southeast Myanmar, and the cessation of fighting in ethnic areas. Furthermore, trust in the intention of the Myanmar government and Tatmadaw needs to be rebuilt for villagers to have faith in the peace process, including taking steps towards addressing the abuses of the past. The more security improvements that villagers perceive to be occurring in their home communities, the more faith they will build in the peace process. As it is, while the current fragile peace is preferable to the violent conflict of the past, serious risks and concerns remain for villagers in southeast Myanmar.

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<sup>1241</sup> Source #148.

<sup>1242</sup> Source #168.

## Photos: Perspectives on Peace



The above photo was taken on April 19<sup>th</sup> 2014 in Tho Maing village, Thandaunggyi Township, Toungoo District shows the photo of KNU and villagers taking after meeting was held by the KNU. In the meeting KNU explained to the villager about the current political situation of the ceasefire that they are conducting with the government and they ask the suggestion from the villagers so that the progress of the ceasefire will go properly. It is the most important thing to let the civilians know. [Photo: KHRG]<sup>1243</sup>



The above photo was taken on October 17<sup>th</sup> 2015 in Shin Jaw Jet church, Thandaunggyi Town, Toungoo District. The photo shows 125 representatives from Thandaunggyi Township, Toungoo District attend a Peace Forum meeting regarding the signing of the NCA. The meeting was led by Saya Saw Klo Htoo Gyi who is the chair person from Hsa Mu Htaw Social Group. They discussed about what rules both armies have to follow for the villagers to know more about the duties that the armed groups have to protect the civilians. The villagers know more about the rights that they should get now the NCA has been signed. [Photo: KHRG]<sup>1244</sup>



This picture was taken on October 7<sup>th</sup> 2016 in D--- village, Hlaingbwe Township, Hpa-an District. The picture shows two displaced villagers from other villages who have been selected as the temporary village heads in D--- village, whilst internally displaced persons (IDPs) stay there. They said, *"We are very excited to hear about the NCA and we want the leaders to play peaceful politics not using guns and instead using pens. Using guns for the purpose of playing politics causes worry for the villagers."* [Photo: KHRG]<sup>1245</sup>

<sup>1243</sup> Source #60.

<sup>1244</sup> Source #93.

<sup>1245</sup> Source #146.





This photo was taken on October 14<sup>th</sup> 2014 in Aung Blah ground, Thein Tan Zone, Kyaukkyi Town, Kyaukkyi Township, Nyaunglebin District. The photo shows an event attended by more than 4,000 villagers of different ethnicities from Mone Township, Kyaukkyi Township and Shwegyin Township. Villagers are gathering together to celebrate the peace process and to prematurely welcome peace. They want to show their positive support to the people who will sign the Nationwide Ceasefire Agreement (NCA). Villagers requested permission for this celebration from the Burma/Myanmar government, who allowed the gathering to take place. The villagers came together without force, and they want genuine peace for the country. [Photo: Villager]<sup>1246</sup>



The above photo was taken in November 2014 between Ht--- and Hu--- villages, Bu Tho Township, Hpapun District. The photo shows Tatmadaw army camp Light Infantry Battalion #434. A KHRG researcher from Bu Tho Township reported that in past the army camp fence was built with only bamboo and barbed wire, but since 2014 it has been strengthened and expanded and the camp fence has been reinforced with concrete. Militarisation activities such as this makes villagers fearful and they perceive that Tatmadaw is preparing for further conflict. [Photo: KHRG]<sup>1247</sup>



The above photo was taken in 2014, Kawkareik Township, Dooplaya District. It shows a Tatmadaw army camp base near Hv--- village. This photo is taken on a mountain road around Hv--- Village that enters into the army camp and military area. There is a gate in front of the army camp and also a sign board which, in Burmese language, 'new army camp, standoff over defensive military bases'. Villagers cannot complain or express if they feel good or not about this sign board. Soldiers are enjoying living in the military area because it is close to the village and they can find (steal) vegetables from people's farmland. [Photo: KHRG]<sup>1248</sup>

<sup>1246</sup> Source #97.

<sup>1247</sup> Source #17.

<sup>1248</sup> Source #50.



## Photos: Front and back cover

### Top row, left to right:

The first photo was taken in February 1997 in Dooplaya District. The photo shows Karen villagers running for their lives with whatever they can carry across the Thai border in mid-February. The main Tatmadaw attacking force was only half an hour's walk away when this photo was taken. The villagers were fleeing from villages throughout the Lay Po Hta-Saw Hta (Azin)-Kyaikdon plains and crossing the Thai border at Lay Po Hta. As these villagers ran, distant mortar explosions were audible from Kwih Kler and Meh Tharoh Hta, an hour's walk away. 30 minutes later, Tatmadaw troops began shelling Lay Po Hta, just 15 minutes' walk away.

The second photo was taken in March 2010. It shows a civilian after he was injured by a landmine while engaging in regular livelihoods activities outside Wo--- village, Htantabin Township, Toungoo District. Saw Pu---, 46, stepped on a landmine while returning from his betelnut plantation to his home in Wo--- village on March 29<sup>th</sup> 2010. He injured his right leg and was assisted by fellow villagers, who constructed a stretcher and carried him to the nearest medical facility, approximately two hours away on foot. Villagers in Wo--- believed that this mine and others had been planted by SPDC LIB #427, which had been active in the area and maintained a camp near Wo--- village since the beginning of 2010. The unit had reportedly been planting landmines carelessly around the village since it arrived in the area.

The third photo was taken on December 5<sup>th</sup> 2015 in Htantabin Township, Toungoo District. The photo shows villagers holding a peaceful demonstration and marching in the street from Toh Boh village to Na Ga Mauk village against Kaung Myanmar Aung Company (KMAC). KMAC confiscated villagers' lands and made long-term plantations on the land. Therefore, about 80 people whose lands were confiscated by KMAC from three local villages, Toh Boh, Na Ga Mauk and Yay Own Zin, marched in the street and held a demonstration in order to regain their lands. Some of these villagers are the same villagers who previously lost plantation lands and had to relocate due to flooding and land destruction under Toh Boh Dam. In accordance with the law, the local demonstrators proclaimed and raised placards which state, *"We do not need Kaung Myanmar Aung Company; We do not need the Farmers' Development Party; Return local people's lands, which have been inherited from our parents and grandparents, at once."*

### Second row, left to right:

The first photo was taken on May 9<sup>th</sup> 2014 in Htoo Ler village, K'Ser Doh Township, Mergui-Tavoy District. This photo shows an active coal mining site.

The second photo was taken on March 9<sup>th</sup>, 2016 in Tha Nay Moo village, Kawkaik Township, Dooplaya District following armed groups fighting in this village. During fighting, BGF and Tatmadaw soldiers burned 9 houses and then returned to burn houses which were still standing. Out of 20 houses that existed in this village, only 4 houses which were not burned were left following this attack.

The third photo was taken on December 1<sup>st</sup> 2014 in Kaw Thay Der village, Htantabin Township, Toungoo District. It shows the Tatmadaw using a village road to send rations to their frontline camp in Buh Hsah Hkee village. Villagers report that persistent militarisation such as this makes them fearful that Tatmadaw is preparing for conflict.

### Third row, left to right:

The first photo was taken on October 26<sup>th</sup> 2016 and it shows some of the 30 households from Noh Poe refugee camp returning to Myanmar. These refugees from Noh Poe are the first group to return to Myanmar as part of an organised return process. Some are returning to their original villages while others will return to new return sites. Each has received 8,000 baht (US\$233.57) from the Thai government, and Thai government authorities have said that the Myanmar government will give a further 300,000 kyat (US\$219.59) to each household.

The second photo shows a group of 10 villagers (8 female, 2 male), who were killed by Tatmadaw IB #78 on April 28<sup>th</sup> 2002. The villagers from Tee Law Bler village in Doooplaya District tried to flee to Thailand after being ordered to relocate in April 2002. They spent the night of April 28<sup>th</sup> in some rice field huts not far from their village. Soldiers of IB #78 found the villagers asleep in the huts and without investigating who was inside opened fire on them. Ten people were shot dead, six of them children. Nine other villagers were wounded and left there by the soldiers. *[Photo: FBR]*

The third photo was taken on October 14<sup>th</sup> 2014 in Kyaukkyi Town, Kyaukkyi Township, Nyaunglebin District. The photo shows an event attended by more than 4,000 villagers of different ethnicities from Mone Township, Kyaukkyi Township and Shwegyin Township. Villagers are gathering together to celebrate the peace process and to prematurely welcome peace. They want to show their positive support to the people who will sign the Nationwide Ceasefire Agreement (NCA). Villagers requested permission for this celebration from the Myanmar government, who allowed the gathering to take place. The villagers came to together without force, and they want genuine peace for the country. *[Photo: Villager]*

**Fourth row, left to right:**

This photo was taken in January 2002, in Lu Thaw Township, Hpapun District. It shows Naw S--- looking for any paddy that may be saved after SPDC soldiers burned down her paddy barn in M--- village in Hpapun District in 2002. There were 50 baskets [1,250 kg/2,750 lb] of paddy in the barn.

The second photo shows displaced children studying Karen and English at a temporary hiding site in the forests of Nyaunglebin District in February 2007. The teacher writes with chalk using the side of large rock outcropping as a blackboard.

The third photo was taken as refugees watch helplessly while almost all of Huay Kaloke refugee camp burns on the night of 28<sup>th</sup> January 1997 after being attacked by DKBA. Fire spread so quickly through the tightly-packed bamboo huts that most could escape with nothing more than their children.

**Back cover photo:**

About 200 villagers cross the Bilin River during their January 2001 flight from Nyaunglebin District into Hpapun District. They fled after SPDC (Tatmadaw) columns came up from the west to camp around their villages, destroying houses, looting, destroying crops, and taking anyone they found with them for forced labour. *[Photo: FBR]*

*[All photos: KHRG unless otherwise cited]*





Since 1992, the Karen Human Rights Group has been documenting villagers' voices on the human rights situation in southeast Myanmar. 25 years on, KHRG presents this extensive review, an analysis of villagers' current concerns and human rights abuses, ranging from development to discrimination, and from militarisation to refugee return, within a context of a quarter-century of human rights reporting.

The report uncovers concerning trends where the history of violent abuse, ethnic and religious discrimination, and neglect of basic services for rural communities in southeast Myanmar has continued to repeat itself. These trends have created a 'foundation of fear' for villagers, with the history of human rights abuse resulting in a deep lack of trust in the Tatmadaw and the Myanmar government, which has only been exacerbated by an absence of accountability. Of equal importance, this report exposes new areas following the 2012 preliminary ceasefire, in which villagers' rights are at risk of being exploited, such as through so-called development projects by private companies; through arbitrary financial demands made of villagers by Tatmadaw, Border Guard Forces and ethnic armed groups; and through increasing pressure placed on refugees and internally displaced persons to return to their places of origin. In doing so, 'Foundation of Fear' further highlights villagers' agency strategies and their successes and challenges in accessing justice, recognising that at no point throughout KHRG's reporting period have villagers been 'helpless victims' or passive recipients of rights violations, but instead have actively sought ways to avoid, confront or mitigate abuses and impacts and claim their rights.

*"During the conflict period and before the [2012] preliminary ceasefire had taken place, many civilians and leaders died. Many villagers fled to refugee camps and to other countries because of the war. We recommend that both governments open more livelihood opportunities for villagers. We recommend that both the KNU and Myanmar government build trust between each other and do not break their promises. We do not want to see human rights abuses happen in our grand-children's generation."*

Saw C.J--- (male, 24), Ck--- village, Shwegyin Township, Nyaunglebin District/  
eastern Bago Region (interviewed in November 2016)

Founded in 1992, KHRG is an independent local organisation committed to improving the human rights situation in Myanmar by training and equipping local people to document their stories and gather evidence of human rights abuses; disseminating this information worldwide; and working directly with local villagers to enhance their strategies for protecting themselves from abuse and the effects of abuse. Examples of our work can be seen online at [www.khrg.org](http://www.khrg.org)



**Karen Human Rights Group**  
Documenting the voices of villagers in rural Burma