



Karen Human Rights Group

Documenting the voices of villagers in rural Burma

Interview

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Interview: Naw Ohn Hla, August 2019

Naw¹ Ohn Hla is a Karen human rights defender and democracy activist. In this interview, she discusses the most recent lawsuit against her by the Kyauktada Township authorities for organising an event to commemorate the 69th Karen Martyrs' Day on August 12th 2019 in Yangon. She also elaborates on the current human rights situation in Myanmar, and the challenges that she, as a female human rights defender, and ethnic minorities in Myanmar face.²

Interview | Naw Ohn Hla (female, 58), [Location censored for security reasons], 28th August 2019



Ethnicity: Karen

Religion: Christian

Occupation: Chairperson of the Karen Women Union's (KWU) and co-founder of the Democracy and Peace Women's Network (DPWN)

How would you describe the current human rights situation in Myanmar?

We hoped that the current government [National League for Democracy] would bring human rights. Currently, we feel that there are more human rights violations [than in the past]. I would say so if we look at ethnic minorities' rights, farmers' rights [...] even the workers face a lot of basic human rights abuses.

This photo of Naw Ohn Hla was taken on August 28th, 2019. [Photo: KHRG]

¹ Naw is a S'gaw Karen female honorific title used before a person's name.

² The present document is based on an interview conducted in August 2019. It was carried out by two KHRG staff members who have been trained to monitor human rights conditions.

As a human rights activist, what are the restrictions or opposition you face in your work, notably when it comes to freedom of expression?

Even though farmers and civilians who are victims of [human rights] violations have the right to freedom of expression and have been given rights according to the [Peaceful Assembly and Peaceful Procession Law], the law was modified by the government. That oppressive law was used to commit so many human rights abuses. For instance, some labourers submitted a permission letter to hold a demonstration. However, the demonstrators were charged under section 20 [of the Peaceful Assembly and Peaceful Procession Law] because of the demonstration. I was also charged under section 20. There are so many human rights violations in our country [...]. You will see labourers, farmers and other civilian victims of human violations in the courts.

What developments have you witnessed since the civilian government (NLD) took office?

We celebrated Karen Martyrs' Day between 2010 and 2017. After the NLD took office in 2016, we faced more oppression. We were banned from holding events [for Karen Martyrs' Day] by the Yangon and Irrawaddy Region governments. That is a violation of ethnic minorities' rights, and a human rights abuse as well. [...] There were more restrictions on celebrating Karen Martyrs' Day in 2018 and 2019. We were told [by the authorities] we would be prosecuted under section 20 [of the Peaceful Assembly and Peaceful Procession Law]. [...] I was called right after the celebration of Karen Martyrs' Day on [August 12th 2019]. They could not provide a legitimate reason to cancel the celebration. We told them to give us a reason [...]. They could not. They coerced us, which can be considered as oppression. There were no restrictions on celebrating Karen Martyrs' Day in Bago, Karen State, Mon State, and Tanintharyi. We were only banned from celebrating the 69th Karen Martyrs' Day in Yangon and Irrawaddy regions. These decisions were taken by the local governments.

What are the biggest challenges you face as a Karen human rights activist?

For me, the difficulties I face depend on the government. Even though I use the rights given to all civilians, it [the Karen Martyrs' Day event] was all banned by the government and the authorities. [...] They could not give us a reason as to why they banned us [the Karen Martyr's Day event]. [...] They oppressed us in ways that do not comply with the law. [...]

What specific challenges did you have to overcome as a female activist?

Even though there are more women at the national level, they cannot stand at the front. The problem in our country is that most of the women stand at the back. They do not even know about women's rights. [...] While other countries protect women's land and property rights, the women in our country have been standing at the back until now. They consider that property is for men. We even had to explain it to them. Even though women are encouraged to come forward, they mostly stay at the back. That is a big challenge. We would like them to stand at the front. We even stood at the front to show them the way, but they could not. The main problems are fear, oppression and especially traditional [gender conceptions]. [...]

How did you overcome these kinds of difficulties you have confronted?

We have been conducting human rights [awareness] activities in Yangon, Irrawaddy, and Bago regions. I noticed that there were only two women from the Irrawaddy Region. They are farmers who understand human rights very well and who can respond to the authorities. [...] In Bago, I tried to raise awareness about land issues among women. However, they cannot deal with these issues by themselves. It is because they lack self-confidence. [...] They do not understand when they face [these issues]. [...] They can only speak up if they understand their rights. We continuously educate them.

Did these two women overcome their difficulties because of their human rights awareness?

Due to their understanding of human rights and of the law, these two women overcame their difficulties. They became capable of talking about land laws, even when facing trials in court. They tried very hard. That is why even though we cannot go to their area, they can deal with such cases by themselves. They understand what their rights are. I would like to talk about T---, who lives in Wa Ka Ma Township. She accompanied a woman to solve a case in court. When she found out that the judge had rendered an unfair decision, she reported it to the district or division [authorities] immediately. This kind of situation happened. Self-study and hard work turned them into knowledgeable persons who can overcome difficulties.

Could you tell us about your experiences of judicial harassment and threats as a result of your work?

I faced a trial related to a case in Myawaddy [she took part in a demonstration to protest against a contentious housing project in April 2019]. I was not involved in the demonstration. I was [just] trying to help with the demonstration in accordance with the law. They thought that I was the person who led the demonstration. And then, they [the authorities] sued me. They violated the law. [...] I see this as them undertaking it [the lawsuit against me] personally because I did not violate any law. [...] I was investigated by the police, the Myawaddy Township administrator and State administrators. They told us that it was [an order from] the top leaders in Karen [Kayin] State. [...] These kinds of arrests have been practiced before, and they keep practicing such actions even in the NLD period. Thus, we can say that nothing has changed. They elected the NLD government and still the oppression continues like before.

Have you been threatened in court?

The [housing] project manager from the district level came for the investigation. [...] [I asked him] what kind of project they were implementing [...]. I have the right to ask him questions as this was an investigation [related to the] project. However, the judge absolutely forbade him from answering and forbade me from asking. But I moved up [the case] to the District level. Actually, my question should have been answered. As a person taking responsibility in this project, he should have answered to the question I asked. Even though, the judge did not want him to answer my question, the district project manager tried to answer it. It is obvious to me that this is oppression by the judge. When they came to arrest us, they told us that they were ordered to arrest us by the [Kayin State] leaders. The rejection of our queries belittled us. Policemen, lawyers and judges are also involved in the oppression of civilians.

Have you experienced oppression and threats outside of the court?

My question was rejected in the court, which made me feel oppressed. Actually, I have the right to ask questions about the project. However, they did not allow me to ask the questions I would have liked to ask. At that time, I had the [necessary] knowledge to overcome this kind of situation, but many civilians do not know anything. The way the judge was acting in the court was not right. The judge was reading out [legal] section [numbers], but he did not explain these sections to me. I had to go the District [court] because he did not explain them to me. That is why there is no transparency. [...] [The judge] shut down my question. That is a kind of oppression. [...]

How would you like people to handle cases in court?

I understand the court system so I moved [the case] up to the District level. Now, I do not know about the decision [made] at the district level. Sometimes, the decision at the District level is not different from [the decision made] at the Township level. According to the law, civilians have the right to move [cases] up [to the District] level. That is why I [did it]. If they [don't process this case effectively], I will move [it] up to the state level. We have opportunities to ask questions according to our rights as civilians. I know that all my questions are not too much to answer. The project manager has the responsibility to answer when we ask them questions about the project. That is why I am saying that our human rights have been violated.

On how many occasions were you charged with a crime and/ or arrested for your work as an activist?

As of 2019, I had been charged more than 40 times. There were so many cases. I was mainly charged under sections 19 and 20 [of the Peaceful Assembly and Peaceful Procession Law]. These sections were named as section 18 before. [...] I was also charged under [among others] section 505(b) and section [296] of the Penal Code. [...]

Was it more than 40 times according to your memory?

There were around 25 charges [against me] when I was arrested in 2016. I mean, I was charged under the same section, but I was shifted from courts to courts. I was charged two times in Kyuak Ta Dar. At that time, I was charged in Kyuak Ta Dar, Tar Mway, Bo Ta Toung, Lan Ma Daw, Pa Bae Tan, Ah Lone, La Thar, Ba Han and Da Gone. A lot of Townships sued me. I was even charged two times in some Townships. I was also charged for going to the Shwedagon Pagoda.

When did the arrests start?

I was [first] arrested in 1997 and 1998. I have been arrested and sentenced to imprisonment 19 times since then.

How many times were you imprisoned?

I was imprisoned eight times. In total, I was imprisoned for over five years [...].

Could you tell us about your experience in prison [Inn Sein prison]?

I brought food to prison the first time I was arrested. Later, we ran out of food in the prison and we ate the foods we were provided in the prison. The prison [normally] provides meat once a week, but they did not provide meat to us. After three or four months, we asked them to give us meat. [...] After I pressured them, they provided us with a piece of beef. Sometimes, the piece of beef they provided us was so hard that we could not even chew it. [...] We were restricted from contact with the outside. We could not even talk with our friends. [...] I could only open my room window. [...] Later on, we could talk to each other. When we were in prison, we did not receive food from the outside. We had to eat foods provided to us in the prison. They provided raw fish paste, bean curry in the morning and raw vegetables in the evening. [...] I had a friend called Ko Hla Shwe. He committed suicide in the male section of the prison. [...]

What kinds of charges were you arrested with?

I was arrested for the first time for accompanying Daw Aung San Suu Kyi on a trip. They [...] [charged me and] sent me to the Inn Sein prison.

What about the case related to the Chinese embassy?

That started in 2012. I was arrested during this period. I was arrested for so many small cases. I will be talking about my imprisonment. I was detained in 1996 for two weeks at the Maw Be prison. That was a national arrest. In 2005, I was arrested for wearing a Daw Aung San Suu Kyi shirt. [...] I was immediately imprisoned because I did not sign the paper. [...] In 2005, I was detained at the Inn Sein prison. I had to stay at the prison for two weeks. After I was sentenced to imprisonment, I was sent to the Maw Be prison. In 2009, I was imprisoned under section 505 (b) [of the Penal Code]. [...]

[The interviewee goes back to the case related to the Chinese embassy]

In 2012, we held a demonstration in front of the [Yangon] city hall [in the Maha Bandula Park]. Then we went to the Chinese embassy. I was arrested under section 505(b) and imprisoned for two weeks. After that, I was released [...]. In 2013, I was imprisoned two times.

Why were you arrested and sentenced to imprisonment?

I was first arrested in Mone Ywar.

Was it the case related to the demonstration at the Chinese embassy?

No, this is the case that happened in Lat Pa Daung. For this case, I was arrested in Mone Ywar. I was sentenced to two years in prison. [...] I had to stay in Mone Ywar for 15 days. Then, I was sent to Mandalay prison. [...] I was released with an amnesty after three months. The same year [2013] in December, I was arrested again. I was imprisoned one month at the Inn Sein prison. I was released in November and I was arrested again in December. [...]

Now, I would like to ask you about the Karen Martyrs' Day events. Regarding the one held in Yangon, we heard in the media that you had to go to the police station for questioning. Otherwise, they would have released a warrant. What did the government do to you for holding this event? [...] What were the threats from the government?

The government pressured us from the beginning of the Karen Martyrs' Day activities. According to their instruction, we must send a notification letter one month prior to holding this event. I sent the notification letter on July 7th 2019. When I sent the letter to the administrator in Kamaryut, I also sent it to the government of Yangon. I also had to send the letter to the Kayin [State] government. There was a meeting about this. The Yangon [regional] government made an objection to this notification letter and did not allow us to do this.

As for the Kayin [State] government, they said they sent a notice about this to the union level. However, it did not arrive immediately. At the Karen Traditional Literacy committee meeting, Naw Pan Thinzar Myo [the Minister of Kayin Ethnic Affairs in the Yangon Region government] said the government of Yangon made an absolute objection. She also mentioned in the meeting that the ethnic groups have the right [to celebrate] traditional occasions. However, they did not accept that. [...]

I expected that the notification letter for Karen Martyrs' Day I sent to the administrator of Kamaryut would not be responded to immediately. However, they responded on August 5th. In the response, the government of Yangon did not allow for the event to be held. I knew that they would not have allowed this event to be held in a [public] hall. Then I asked to hold the event in the monastery, and it was permitted by the monk. The monk from East Dagon allowed us to hold this event. I asked a Karen monastery and they were afraid to host us. Later, it was allowed by a Myanmar monk. The monk told us that the monastery could fit 500 people. After I got the invitation letter from the monk, the administrator told the monk not to host us. [...] Then, I decided to tell the monk we would not do it there anymore [...] and went to inform the Kyauktada administrator. [...]

I asked them [the administrators] whether I was following the law and I sent the [notification] letter as the laws requires. I told them it is unacceptable that they have the chance [to celebrate their own Martyrs' Day] but we do not. Then they did not say anything in response. On [August] 11th, they called us again with a letter which [stated that we had] to hold another vinyl instead of one with "69th Karen Martyrs' Day" [on it]. I asked them to give a reason but they did not have a reason to give. There was no instruction from the Yangon government. I told them that I am doing it in accordance with the law. [...] They told us not to celebrate using the title '69th Karen Martyrs' Day'. Instead, they told us to hold another vinyl. I rejected it and I had to sign [an agreement] there [that I would not use the sign with '69th Karen Martyrs' Day' on it].

We could have celebrated Karen Martyrs' Day smoothly. There were thousands of people who participated in the event. After that, I was called by the police to go to the police station. I told them that I was too busy to go. They did not say anything and hung up the phone. I was called again during the night of the 15th [of August] to go the police office. I also had an appointment with the Myawaddy police station at the same time. However, they rejected what I said [they did not believe me].

Which police station?

That was the Kyauktada police station. I told them with a stern voice that I was not going and hung up my phone. They have not phoned me since. Then, it was written in the media that they would arrest me if I did not go see them at the police station.

Did the media phone them?

Yes, the media did. The media confirmed with both sides. Later, the media informed me that they [the police] would release an arrest warrant if I did not go and meet them. They have to come and stick the poster [issue a warrant] at my home. I already provided them with the address but they have not stuck any poster [issued any warrant] until now. Many organisations released statements [regarding this case]. I am not sure whether they did not do it because of the statements released by the organisations. [...]

Did they open a case [against you]?

It is said that the Kyauktada police station opened one. I did not know who opened this case because I did not go to meet them. [...]

However, the police station said that they opened this case and that you had to go and meet with them, right? The police station did not tell you who opened the case?

They did not tell us who opened the case and I did not ask them either. I did not go because they did not issue a letter with that request. I was not wrong because I did it in accordance with the law. [...] I am sure that they will not release the arrest warrant. Karen organisations have released statements and made objections to that. Therefore, I think that they will not release the arrest warrant anymore.

Why do you think the government did not allow you to hold the Karen Martyrs' Day celebration?

They have their practice of celebrating Bogyoke Aung San Martyrs' Day [July 19th]. Likewise, we have our own practice of celebrating our Karen Martyrs' Day. We also celebrate Karen Martyrs' Day to honour our heroes who sacrificed their lives for the Karen people. They must not tell us what to do. We will not stop doing it even though they object to our events. The [celebration of] Karen Martyrs' Day is much older than I am and we must celebrate it. The acts of the Township administrators or of the Yangon government could have an impact on the peace process. [...] I will not accept it; I will face whatever it takes in the future. [...] There are a lot of Karen people who do not know about Karen Martyrs' Day. As for me, I learned about this not very long ago. We did not know because the Karen revolution is far from the Karen people. After the peace process dialogue, we came to understand and learn about it. That is why we have a responsibility to do it [hold the celebration]. We are celebrating Karen Martyrs' Day because Karen people have to know the history of the Karen people. [...]

What changes do you hope to see in terms of the human rights situation in Myanmar?

I would like to see the fulfilment of rights of the public. Now, their human rights are not fulfilled. When we look at cases before the courts, land and labour rights are unfulfilled. I am saying this not because I am disappointed. These things are actually happening. Injustices were allowed in the courts. [...] The government did not even solve cases [complaints] related to lands. There is no justice in the courts. [...]

As for labourers, their day wages are required to be 4,800 kyats [minimum wage]. When some labourers asked for the wages to be increased, they were sued. Instead of solving this problem, they make it worse for the public. Additionally, the residents of the country would like to live in peace. Depending on the places where civilians live, the authorities and rich people oppress them. That is what the civilians face every year. They destroy houses all over the country, in places such as Mandalay, Yangon, Karen [Kayin] State and Mon State. These situations should not be happening. That affects the dignity of human beings. That is a human rights violation. [...]

What advice would you give to young women who consider becoming activists?

Currently, when we help with human rights violations, some women such as Karen and Burmese women encourage us. They tell us on the phone and on Facebook that they are supporting our activities to fight injustice. They are the people who will be working together to fight injustice. A lot of young women contacted me. [...] A Rakhine women's organisation contacted us to work on solving a case related to drugs and gambling. That is why the number [of people] in our organisation is increasing. This is the current situation.

Are these the things they would like to do and the reason they are contacting you?

Yes. They contacted us. After that, they knew about woman rights and what women could do. There are some monitoring organisations. They just simply do monitoring but say nothing. We told them about the rights of the citizens. We told them that they can ask [questions] in court and to the judges. When I went to help with one of the cases in Mandalay, the ruling was postponed by two days. That was not honest. Then I told the judges that I wanted to talk [to them]. I told them [that they] haven't reached a decision about the case even though [they] have to. We have the right to tell them that. Then they told us they were going to decide according to the law. Actually, they did not. [...]

What would you suggest to young women who have contacted you to collaborate for the fight against injustice?

Our women's group has principles. We have objectives and activities. We told them to act consistently with our principles. [...]

There are human rights activists who are not involved in your women's organisation. What would you suggest to those young women?

[...] Some people asked for help from us but they live far away. In that case, we give them suggestions on the phone. [...] We could only recommend how to proceed [with certain issues]. We tell them how to go to court and how to talk. [...] Sometimes, people come to us from Dawei whenever they face land-related issues. When they come to us, we write complaint letters for them.

In particular, when a case [related to sexual and gender-based violence] happens, a medical examination must be done immediately. [...] We have to inform them about that. [...] The police oppress the young women who want to report cases. The police bury cases. Therefore, we need to help them not to be afraid. It is important not to get nervous. Things will get worse if they are afraid. The main thing is they have to know the law and their rights so that they can respond in court.

[...] One day there will be a change. [...] We still need so many things to change.

What are the positive changes you wanted to see after the NLD government took power?

There were positive changes, but few opportunities. When we compare now with 2015, our rights have decreased. The NLD said that they were appointed by the public. [...] The principles that they claim have not benefitted the public. These principles were mostly set by them and less for the citizens. [...]

It is also obvious in the land laws. During the Thein Sein period, lands were [recognised] as customary lands [the interviewee is referring to the non-binding National Land Use Policy, which was adopted by the former Myanmar government in January 2016. It contains progressive provisions on the recognition and protection of customary land tenure, but progress on the adoption of a National Land Law in line with these principles stalled]. [Now], there are no rights for ethnic groups. We can say that this government [...] [and] the representatives appointed by the public do not listen to the voices of citizens. [...]

For every charge you faced, how did the police handle the cases and how long did it take to reach the court? [...]

It depends on the charge. [Some] normally take three to four months. I have also experienced being charged and arrested on the same day [...]. [Some people who were] charged were arrested and sentenced on the same day. This shows that our country is just doing whatever it wants.

How long does [it take for] a case to be resolved in the judicial system?

Some charges take up to three or four months. [...] However, some of the minor cases are fast. The big cases sometimes take years.

And why is that?

It happens [this way] because the police waste time. [Once], we were asked to help with a looting case in Law Ga. A golden necklace was taken [forcefully]. In that case, the police had to keep the golden necklace as evidence but the police did not do that. The case was thrown out twice because of that. I helped the plaintiffs to report it. They [the police] were just delaying the case. As the police, they must know which evidence is necessary. [...] It depends on how fast you can offer money. In most cases involving farmers, they were put in jail.

Do you see justice in the courts?

There are negotiations [as opposed to trials] made in the court. That is not fair for the victims. Some cases are not resolved within six months. People should be called to court once a week and there must also be three witnesses from both sides. Even if they call [witnesses] once a week, it will take up to six months. There are police, witnesses and doctors [who must testify]. It is not possible to do it all within six months. The faster cases are solved in at least eight months.

Who is involved in the negotiations?

There are negotiations among the judge, lawyers, victims, and the plaintiff and defendants.

For what reason do they do the negotiations?

It is to solve the case faster. However, it does not happen in reality [the resolution of cases], even though they negotiate. It rarely happens.

There are charges that need to be undertaken systematically. Some people say it is impossible. For cases involving theft, the charges end with a confession. Some cases involve pressure by the police to admit one's wrongdoing. In that situation, I tell them not to admit that they have done anything wrong. Some cases end very quickly with such pressures. If the person confesses, they will be sentenced to imprisonment. If they do not, the case still needs to be solved. [...]

How would you like to encourage the youth?

The future is in young people's hands. They should know what human rights are. They should discover things and read more so that they have knowledge. I would like them to [do that] to be able to create beneficial things for their people. Try hard.

About KHRG

Founded in 1992, the Karen Human Rights Group is an independent local organisation committed to improving the human rights situation in Southeast Myanmar. KHRG trains local people to document and gather evidence of human rights abuses, and publishes this information to project the voices, experiences and perspectives of local communities. More examples of our work can be seen online at www.khrg.org.