



Incident Report

December 5th, 2019 / KHRG # 19-91-11

Hpa-an Incident Report: *Arbitrary detention and lack of fair trial in sexual violence-murder case in T’Nay Hsah Township*

This Incident Report describes events currently occurring in T’Nay Hsah Township. An 18-year-old woman has been held in custody by the Karen National Police Force (KNPF)¹ since October 2018 in C--- village, Htee Klay village tract for the murder of her father, who sexually abused her on multiple occasions when she was a child. The local village leaders, KNPF and KNU authorities have yet to refer the case to a court of law, and did not notify her about the length of her detention.²

Part 1 – Incident Details

Type of Incident	Arbitrary detention, violation of fair trial rights, rape and other forms of sexual violence
Date of Incident(s)	2016 to present
Incident Location (Village, Township and District)	P--- Village, P--- Village Tract, T’Nay Hsah Township, Hpa-an District.

Victim Information	
Name	Naw F---
Age	18
Sex	Female
Ethnicity	Karen
Family	Single
Religion	Buddhist
Village	P--- Village

¹The Karen National Police Force was established by the Karen National Union in 1991. The Karen National Union is the main Karen group opposing the government.

² The present document is based on information received in November 2019. It was provided by a community member in Hpa-an District who has been trained by KHRG to monitor human rights conditions on the ground. The names of the victims, their photos and the exact locations are censored for security reasons. The parts in square brackets are explanations added by KHRG staff.

Part 2 - Information Quality

1. Explain in detail how you collected this information.

A person working at the clinic where Naw F--- is being detained informed a KHRG researcher about this case. Subsequently, the KHRG researcher met with Naw F--- and interviewed her.

2. Explain how the source verified this information.

The source experienced the incident first hand.

Part 3 – Complete Description of the Incident

Describe the Incident(s) in complete detail.

Naw F--- has been subjected to sexual violence by her father, U San Pwe, since she was 15 years old. He attempted to rape her for the first time in 2016 when she was 15, and subsequently raped her twice when she was 16 and 17 years old, respectively. Naw F---’s sister and sister-in-law were also raped by her father. Additionally, she has witnessed her mother being subjected to domestic violence by her father since young. Her mother often sustained physical injuries and was constantly afraid whenever she was abused, and occasionally had to hide in other people’s houses to escape.

After Naw F--- was raped at 17 years old, she killed her father to put an end to the sexual violence. She is currently under arbitrary detention for the alleged murder in C--- village, Htee Klay village tract. She was not brought before a court of law that would take into consideration the history of sexual abuse by her father as a mitigating factor to said murder. Given that the incidents of rape were highly traumatic, Naw F--- was unable to recall the exact dates thereof. She feels ashamed of what happened, continues to face social stigma and marginalisation,³ and is perceived as a criminal by her community.

Naw F--- recounts all three incidents: *“I was raped by my father in 2016 when I was 15 years old. At that time, he approached me when I was sleeping in bed at night. He pressed on my mouth and held my waist. Immediately, I asked him: ‘Pa, what are you going to do?’ He said: ‘Shu, be quiet!’ Then, I realised that he was attempting to rape me. I stood up and made an excuse by saying that I wanted to go to the toilet. Then, I went under the house and stayed there for a while.”*

“The second time was when I turned 16 in the following year [2017]. I did not think that he was going to attempt [to rape] me again. One night, he asked me to follow him to go fishing. I took a candle and followed him. When we reached the river side, he took the candle away and blew it out. Then, he raped me beside a bush. My father threatened me: ‘Don’t tell anyone about this! If you tell someone, I will take you to the forest and hang your neck with a rope until you die.’ I told my mother about this but she kept it a secret because she was afraid that I will be ashamed when people find out.”

In 2018, U San Pwe raped Naw F--- for the second time: *“I cannot understand why he could do*

³ In Southeast Myanmar, a culture of victim-blaming and social stigma against victims/survivors of sexual and gender-based violence has led to underreporting of such cases. Consequently, perpetrators are not held accountable, and the victims/survivors often grapple with life-long trauma and receive little to no psychological support or protection from their abusers. See KHRG (2018), *“Suffering in silence? Sexual violence against women in Southeast Myanmar”*.

such a thing to me.” Recounting the various incidents of rape, she elaborates on her reasons for the murder: “I tried to forgive him because he is my father. Since he has done this to me several times, I cannot let this happen anymore. I was lucky that I did not get pregnant after being raped. Otherwise, I would have been so ashamed.” She added: “My father has raped many of us. I was also worried that he will rape my younger sister when she grows up. She is quite young now.”

Naw F--- ultimately confessed to the crime to the local authorities. The village tract leaders, the T’Nay Hsah Township KNPF Chief Nyar Sein and her father’s family had a meeting and decided on which action to take regarding this case. At the request of her aunt [the sister of her father], Naw F--- was initially placed in detention for three months and paid 3,000,000 Kyats as compensation. While they were processing this case, Naw F---’s older sister and sister-in-law came forward and revealed that they were both raped once by the deceased.

Naw F--- has been held in arbitrary detention since October 2018 at a clinic in C--- village, Htee Klay village tract, T’Nay Hsah Township under the authority of the KNPF. She was not informed about the length of her detention and can only be released if her aunt agrees to it. She was also told by the KNPF that they would refer the case to the KNU district court, but this has not been done.

Although allowed visits by family members and permitted to communicate with her mobile phone, she is prohibited from leaving the clinic and must execute whatever chores she is ordered to do, including cooking and cleaning. Once, in November 2019, she requested to go home for two days to look after her sick mother but was not allowed to do so. Living under these conditions and the local community’s perception of her has made her depressed and distressed. She expressed that she had occasionally lost hope and wanted to commit suicide.

In late November 2019, Naw F--- expressed that she wanted her case to be referred to the KNU district court as soon as possible. For now, her aspirations to become a community health worker and to move forward from the traumatic events remain on hold. *“I want to go back to school or attend a medical course so that I can come back and work as a community health worker. If I have that skill, I can start a new life and put aside all the shamefulness. [...] I will be satisfied if I can live freely. I want to realise my dream of being a health worker. I want to have medical skills and contribute to my community’s health.”*

Update (January 20th 2020): According to information received by KHRG, the KNPF in T’Nay Hsah Township referred the case to the KNU Hpa-an District judicial authorities on January 2nd 2020.

Update (February 18th 2020): On February 14th 2020, the Hpa-an District KNU court decided to drop all the charges against Naw F---. However, she did not receive any compensation for the time she spent in pre-trial detention. The court referred her to the Karen Women’s Organisation (KWO), as she has a strong desire to continue her studies. The KWO will provide care and counselling to ensure her reintegration into society.

Part 4 - Permission for Using the Details

Did the victim(s) provide permission to use this information? Explain how that permission was provided.

The interviewee gave KHRG permission to use this information. Although she risks stigmatisation from her community, she wished to share her story as she hopes that nobody experiences what she has been through.

Further background reading on the issue of sexual violence in Southeast Myanmar can be found in the following KHRG reports:

- [“Nyaunglebin Incident Report: Child rape by a Myanmar police officer in Kyaukkyi Township, August 2019”](#), (November 2019)
- [“Mergui-Tavoy Incident Report: Rape case in Lay Nya Bu Pyin Township, December 2017”](#), (September 2019)
- [“Dooplaya Incident Report: Attempted rape by a Tatmadaw soldier in Kawkareik Township, June 2019”](#), (September 2019)
- [“Hpa-an Incident Report: Rape case in Nabu \(T’Nay Hsah\) Township, 2018 Rainy Season”](#), (September 2019)

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.khrq.org.