



Interview

June 25th 2020 / KHRG Log # 20-26-A2-I1

Hpa-an District Interview: *Arbitrary arrest and detention, torture and intimidation by BGF soldiers and village authorities, February 2020*

This interview describes events that occurred in T,,Nay Hsah (Nabu) Township, Hpa-an District in February 2020. A Chinese chef attempted to rape a 17-year-old Karen girl working at the same restaurant in W--- village on February 24th 2020. The incident was reported to the local village leaders, who ordered the perpetrator to pay 150,000 baht [USD 4,834.03]¹ to the survivor to close the case.² The interviewee is a relative of the survivor. He criticised the way this case was handled on social media, as well as the behaviour of one local leader who tried to extort some of the compensation money. As a result, he was arbitrarily arrested by the local authorities on February 27th 2020. He had to spend the night at a Border Guard Force [BGF] jail, where he was subjected to torture. Although he was ultimately released, he now remains silent about the case out of fear of reprisals.³

Interview | H--- (Male, 25), W--- village, W--- village tract, T’Nay Hsah (Nabu) Township, Hpa-an District (March 2020)

Religion: Buddhist

Ethnicity: Karen

Family Status: Married

Occupation: [Censored for security reasons]

Could you please tell me the date of the incident?

They arrested me on February 27th 2020 at midnight.

Why did they [section leaders] arrest you?

They arrested me because they saw my Facebook post about the [attempted] rape case. They might have been dissatisfied with it, so they arrested me.

Who arrested you?

They were not soldiers. It was the section leader and his subordinates, because they are the only group [authority] there [in the interviewee’s section].

¹ All conversion estimates for the kyat and baht in this report are based on the June 19th 2020 official market rate.

² For more information about this case, see KHRG, [“Lack of justice in a case of attempted child rape, February 2020”](#), June 2020.

³ The present document is based on information received in March 2020. 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

Could you please explain to me the chronology of the incident?

It started after [the local leaders] closed the attempted rape case by ordering the perpetrator to pay 150,000 baht [to the survivor] at the [village administration] office. At first, I expressed [my opinion] in a written post on Facebook, but nothing happened. On the next day, the ten-household head came to me and asked me to give 10,000 baht [USD 322.27] [from the 150,000 baht compensation] to him. I could not give it to him because the money was with [the survivor of the attempted rape], who was living in my sister's house on the other side of the village. I thought that the case had been settled at the office, but then he asked for money which was unfair and I was not satisfied with it. Therefore, I posted about the incident on my personal Facebook [page] again.

After that, I assume that the daughter of the section leader [U⁴ N---] saw my post so she informed her father about it. Therefore, he ordered me and my parents to meet with him. The ten-household head was also involved and he is wicked so he immediately wanted to punch and beat [me]. The section leader acted badly, but not as badly as the ten-household head. The section leader scolded and warned me. However, the ten-household head did not accept this. He wanted to have me arrested so he phoned his subordinates to come with guns and arrest me. When they arrived, they immediately arrested me without asking me anything, and drove me to their office [to be detained]. At this point, my parents had to be involved in the process and follow the case [to secure his release].

When I arrived at the [Border Guard Force - BGF]⁵ jail, the gatekeepers did not ask me anything about why I had to go to jail and what crime I had committed. They instantly beat me five times in front of the gate before I entered the prison. They beat me, like a soldier's punishment. I had to stay there for one night and then I had to go to the [village administration] office to settle the case at about 11 am.

I think the prison staff beat everyone who is arrested in the same way, except Chinese people. It is because when I was in the prison, I asked the prisoners about the Chinese man [who attempted to rape his relative], and they told me that he had not been beaten. After one night and nearly half a day in custody, I had to go to the [village administration] office to be released from detention.

What is his [the ten-household head's] name?

It is U Y---.

How did they arrest you?

They arrested me when I met with the section leader in his house. Then, the ten-household head phoned [another local leader], D---, to arrest me. Therefore, they [D--- and his soldiers] immediately came and told me: „Do you dare to challenge me? Are you brave enough to fight with me? [...] I replied: „I never challenged you. In what way have I challenged you? I just posted messages [on social media], does it mean that I am challenging you?“ However, we [civilians] cannot influence the authorities with our arguments or in any way. If I had kept arguing with him, he would have punched me.

Did he [D---] commit any violation against you?

Yes, he did. They [the soldiers] came with guns so I was concerned that he would shoot me with his gun.

⁴ U is a Burmese title used for elder men, used before their name.

⁵ Border Guard Force (BGF) battalions of the Tatmadaw were established in 2010, and they are composed mostly of soldiers from former non-state armed groups, such as older constellations of the DKBA, which have formalised ceasefire agreements with the Burma/Myanmar government and agreed to transform into battalions within the Tatmadaw.

Did he threaten you? For example, did he raise his fist to punch you or point his gun at you?

He did not [point his gun at me], but he acted aggressively [and wanted] to kick me. Fortunately, the section leaders were also there so he had to control himself.

Did they act toward you like this throughout the whole process until your case was settled?

Yes, all of them acted aggressively toward me and shouted loudly, even inside the office. They would rather have committed physical abuse than verbal abuse.

Did they also beat you before you were released from the prison?

No, they did not. Actually, they [BGF guards] usually beat [prisoners] five times before [they] enter the prison. They beat them five more times and request 1,000 kyats [USD 0.71] before releasing them. They beat me ten times at the gate so they did not beat me again when I was released. I did not have to pay 1,000 kyats because the village administrator paid for me.

In fact, when the ten-household head [U Y---] wanted to arrest me, he contacted many other local leaders to arrest me but they refused to do it. Only section leader D--- agreed to do it for him. D--- told him: *"What should I do to this man for you?"* As they could not arrest me without the agreement of the village administrator, two other local leaders refused to cooperate. Finally, he [U Y---] phoned the village administrator. Then, he [the village administrator] told him [U Y---] to take me to the prison without knowing the detailed story of the incident and without knowing about me. Therefore, I was arrested.

Then who gave the order for the beating? Was it the village administrator or the ten-household head? Who prosecuted you?

Neither of them, because the subsequent decisions were in D---'s hands. The ten-household head, U Y---, is in a lower position so he could not make any decision.

So whose order was it?

It is just how they usually manage the prison system.

Why did D--- violently punish you?

It was because I disclosed information about the [attempted rape] case that they would have liked to cover up, so they were dissatisfied with my actions. They ultimately handed me over to the soldiers to handle my case, so the [BGF gatekeeper] beat me ten times and detained me inside the prison.

How did they beat you?

They have many wooden poles [to torture prisoners] in the prison; the one that they beat me with was almost one arm span [1.8 metres] long and about 3 inches [7.62 centimetres] large. They beat me as much and as hard as they could. They did not ask me anything regarding the types of crimes I had committed.

Who beat you?

The [BGF] soldiers who were guarding the prison.

Do you still have scars from the torture in prison?

Yes, I do because they beat me as strongly as men can torture, so [my legs] are still bruised. I'm getting better compared to the first day, but I have not completely recovered yet.

How much pain did you feel when you were in prison?

It was the first time in my life so I could not sleep. Many prisoners talked with me and asked me about the crimes I had committed. They told me that they had also been wrongfully accused of committing crimes, but I am not sure whether it is true or not. I also told them about the case I was detained for and asked them about the Chinese man [who attempted to rape his relative]. They told me that beating me was unfair.



This photo was taken on February 28th 2020 in W--- village, T'Nay Hsah Township, Hpa-an District. It shows the injuries sustained by the interviewee after he was beaten by BGF soldiers. *[Photo: Villager]*

Who are they [these other prisoners]?

They are S'gaw Karen, Pwo Karen and maybe one Burmese.

Did they share the crimes they committed with you?

I did not ask them, but they asked me.

How did you feel that night?

I was disappointed and it was midnight so I could not contact any of my friends for help. If I had phoned some soldiers I know in order to speak on my behalf, they could not have come to me anyway [because it was late]. It was my first time in prison and I was also tortured so I was sad, depressed and felt ashamed. My parents were also unhappy and sad.

How did your neighbours react?

They support me. They think that I posted true information and that I am right and acting to disclose the truth. They do not take the side of the authorities. They said that the punishment was disproportionate. However, the section leaders agreed to my arrest because I posted [my opinion on how] the [attempted rape] case [was handled on social media].

When you were in the prison, were you allowed to meet with your parents?

They accompanied me on my way to the prison. However they did not see that I was beaten because [it happened after] they had returned home. They came to me the next morning to settle the case at the [village administration] office.

Were they able to meet with you?

Yes, they were.

Did they [BGF prison guards] give you enough food and water?

They have a big bottle of drinking water in the prison and they serve rice. They serve breakfast at 9 am. They divide prisoners into groups. They divided prisoners into groups of five people, and they [the prisoners] must work during the day.

What kind of work do they do?

They have to do many things such as carrying materials. If I [had not been called] to go to the [village administration] office, I would have had to work too because I had already followed them

half way to the work field. One of the [BGF] majors then asked me whether I had already been to the office. I replied '*not yet*' so he took me back to the prison.

Did you have breakfast that morning?

Yes, I did.

Who provided breakfast for you?

The [BGF] soldiers did. They have breakfast separately from the prisoners and I had breakfast with all the prisoners.

How was the food?

That morning, we had a breakfast with fish paste and fish curry.

How many people were there in the prison?

There were more than 10 people.

What time did the proceedings [at the village administration office] start?

They started at noon.

Who [was present at the village administration office]?

They were the same group of authorities who prosecuted me.

How did they handle the case? Who made the decision as a judge [...]?

Section leaders still wanted to detain me and attack me further. However, the village administrator asked me: „*Where did you go to school?*“ I replied: '*I grew up in W--- village so I went to W--- School, and then I continued my education in Mae Sot [Thailand].*' Then he made the decision [to release me] even though the others did not agree. I promised them I would not repeat this mistake and I also explained to them that I posted [about the attempted rape case] on Facebook in order to share it with my friends. He replied: „*Your post mentioned the name of village leaders so it impacts our reputation. Therefore, it is not good to do it.*“ The village administrator was the decision maker, the judge, and he was speaking nicely. However, the others [local leaders] did not want to release me and they wanted me to be punished more [severely].

Did they subject you to any other forms of torture?

No, except for the beating.

Who was with you during the incident?

Only my parents were with me, but they were afraid to speak. Therefore, they just responded humbly: '*If he is guilty, please forgive him this time. It will not happen again in the future.*'

Did you have a lawyer or anyone to plead your case?

No, I did not. I had to handle it alone.

How many people were at the [village administration] office?

Each section leader and my parents were there.

How many people in total?

There were over 10 people, but I do not know the exact number.

Did any of them take your side?

No, none of them were on my side. All of them would have liked to defeat me. They said: „*You have committed a major crime, it is worse than murder or theft. Therefore, you should be sentenced to the death penalty. You committed the worst mistake, do you know that?*“

Why did they tell you that?

I do not know. I assume that they might have mistakenly thought that I was a journalist.

What did you reply to them?

I was in complete sorrow and I really wanted to cry so I could not reply anything. On the other hand, I was the only one among them without a gun so I did not feel secure to respond in any way and I did not even have the right to speak either.

[...] If you had been a journalist, what would have they done? Don't they like journalists?

I think they do not like [journalists]. If I had been a journalist, they might have killed me. I grew up in W--- and many people know me so they did not kill me. If I had been an outsider, I think they would have finished me [killed me]. They also questioned me: „*What is your organisation? What media group do you work for?*“ They asked me a lot of questions. I replied: „*I do not work for any organisations. I am [only] working for my livelihood.*“

Why did they ask you about media groups? Don't they like them?

I don't know. They might not like them.

Did they fine you?

Actually, I [was supposed] to pay the prison fee [1,000 kyats], but the village administrator paid it for me because I was arrested on his word [after the ten-household head] urged him to give the order to make the arrest.

So he was also involved in the arrest?

Yes, but he is nicer than the others. He resolved the problem properly [in a fair way], but the others would have continued to [threaten] me with imprisonment like a major criminal.

After he made the decision, how did the other people [local leaders] react?

They could not do anything because his position is higher than theirs. He told me: „*It is not good to do it [criticise the authorities on social media] so don't do it again.*“ And I replied: „*It will not happen and I will not do it again in the future. It is the first time for me.*“ And then, they prepared an agreement letter for me to sign and read out loud to everyone in the [village administration] office. All of them except the village administrator told me: „*Take a picture of the letter and then post it on Facebook [and explain] how you were arrested.*“ However, the village administrator, who thought [about it] carefully, said: „*Don't do this; it might [make it worse].*“ Therefore, I did not take the picture anymore and then they kept the letter in the office.

Did they give you a copy?

No, they did not.

What did they write in the letter?

They wrote: „*This is not a theft or looting case. I am guilty of posting [about how the authorities mishandled the attempted rape case] because it damaged their reputation. The real incident was „attempted rape“, but I wrote it as „rape“.*“

So what was the final decision?

They told me: „*If you do it again, you will be [prosecuted more severely].*“ I do not know how they will take action.

And then what [happened]?

They asked me and my father to sign it.

What about the other authorities?

Only the village administrator signed it, with the village administration stamp. The other people [authorities] did not sign it and I assume that they are still displeased about me so they would

like to keep eyes on me. I think that the village administrator is the only one who is okay with me.

Did they handle your case according to the law?

No, they did not.

Did they verbally threaten you?

They told me: „If you keep going, the case will cause more conflict.“

Did they also tell you that if you do it, they will respond violently?

Yes, and they told me: *“If you had been in this situation in the past [before the NCA], you would already be retired [dead]. You would have been killed before going to the office. But now, you are lucky.”*

Do you have any more information regarding this incident? What do you want to say to local and international stakeholders such as the government or the UN?

I would like to call for justice and ethical action, without anger and threats. They [the local authorities] do not stand for justice and they are also involved in bribery so perpetrators continue to enjoy impunity. I would like to call for justice instead of closing cases with money.

Have you reported this case to any organisation?

No, I do not feel safe to report about how I was beaten. They [village authorities] will arrest me again if I do, so I decided not to report it. I do not feel safe to share it with my friends because I worry that the case will get worse. So I will just have to remain silent in order for the case to be forgotten.

How do you feel?

I am dissatisfied. However, I could not do anything. Those authorities might also not be satisfied with me. I worry that they will create problems for me and my parents so I am afraid to do it [report the case]. I know that, if I report it, they will come to [arrest] me for sure. Therefore, I will remain silent.

What about [other] ordinary villagers like you? Do they also have to fear the authorities like you do?

Yes. They might have been [tortured] worse than me, but I do not know if they can pay bribes.

Thank you very much.

Further background reading on human rights abuses committed by BGF soldiers in Southeast Myanmar can be found in the following KHRG reports:

- [*“Hpa-an Incident Report: A BGF Commander punched a village head in Nabu Township, June 2019”*](#), (August 2019)
- [*“Hpapun Incident Report: Physical abuse against a child and confiscation of property by a BGF Corporal in Dwe Lo Township, May 2019”*](#), (September 2029)
- [*“Hpapun Incident Report: Violent threats and physical abuse by BGF #1013 soldier in Dwe Lo Township, March 2017”*](#), (March 2018)

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.

Hpa-an District (Central Kayin State)

