

## Report Briefer

December 2022

### **Undeniable:** War crimes, crimes against humanity, and 30 years of villagers' testimonies in rural Southeast Burma

Military abuse, exploitation and conflict have marked villagers' lives in Southeast Burma since the country's independence in 1948. Many villagers have suffered through repeated waves of intense violence and oppression as the Burma military attempted to bring the different ethnic areas under its control and wipe out ethnic armed resistance. Some villagers have experienced decades of displacement due to armed conflict and military operations.

During the period of direct military rule, the Burma military's counter-insurgency operations involved direct attacks on civilians, including extrajudicial killings, torture, arbitrary arrests, forced displacements, looting and extortion, sexual violence, and forced labour, amounting to war crimes and crimes against humanity.

This report draws on the life stories and testimonies of villagers who not only are living amidst the current waves of violence and abuse, but are survivors of the Burma military's longstanding campaigns to eradicate all forms of opposition. In bringing together documentation of past and present abuses, this report helps provide an understanding of the impact of decades of state violence and military impunity on the lives of rural villagers in Karen State. Interwoven with these villagers' stories is the wider history of atrocity crimes and rights violations documented by KHRG over the past 30 years. In revisiting KHRG's past documentation, this report also shows the strength of local actors and local communities who have been working together to ensure that international stakeholders have the necessary evidence to take action against Burma's oppressive military regime, despite the international community's systematic inaction.

In showing that these abuses and these struggles are not new, KHRG hopes that this report will spark a change in the way in which human rights violations are addressed on the larger international level. The repeated failures of the international community to respond to the military regime's violence against ethnic minorities in Burma over more than half a century should be proof enough that a shift in approach is required. This report thus serves as an invitation to listen to the villagers, whose voices are presented here, and to work with them in building a new way forward.



*The full report is available in English and Burmese at [www.khrg.org](http://www.khrg.org)*



On October 6th 2022 at 2:15 am, State Administration Council (SAC) fighter jets bombed Meh K'Thar village, Meh K'Thar village tract, Noh T'Kaw Township, Dooplaya District. The air strike caused widespread damage, and the displacement of nearly 2,000 villagers to nearby forests and caves. [Photo: KHRG]



The remains of houses that were burned down by SAC Military Operations Command (MOC) #3, #8, #15 and IB #60 in July 2022 in BI--- village, Ler Muh Per village tract, Ler Doh Township, Kler Lwee Htoo District. Twelve houses were burned, and soldiers looted the houses and shops, taking all of the rice. [Photo: KHRG]

## Introduction

The problem of military impunity has consistently been cited as the single greatest challenge to bringing an end to the long history of human rights abuses in Burma/Myanmar and helping the country move toward democracy and sustainable peace. Investigators for the UN Independent International Fact-Finding Mission on Myanmar (IIFMM) stated in their 2018 report: “[A]ny hope that Myanmar’s national justice system will provide justice and truth for human rights violations committed by the military would be unfounded. The provisions of Myanmar law, the structure of the legal system and the judiciary’s lack of independence and legal competence make that impossible. Far from uncovering the truth, Myanmar’s domestic justice system will, on the contrary, punish those who seek it.”

The issue of accountability that this report raises pertains not only to the Burma military, but to the international community as well.

KHRG and other human rights organisations have long documented and drawn attention to the severity of the situation, providing evidence of atrocity crimes, and consistently calling upon international mechanisms and bodies to take action. And yet, repeatedly, the international community has failed to act. In 2009, the International Human Rights Clinic at Harvard Law School stated, in reference to the atrocities taking place in eastern Burma: “[F]or years the United Nations (UN) has been on notice of severe, indeed widespread and systematic abuses that appear to rise to the level of state policy. Over and over again, UN resolutions and Special Rapporteurs have spoken out about the abuses that have been reported to them. The UN Security Council, however, has not moved the process forward as it should and has in similar situations such as those in the former Yugoslavia and Darfur.”

The situation remains the same today.

*“The inability of the UN to prevent atrocity crimes in Myanmar not only undermines the credibility of the organization but also risks rendering it irrelevant to what is happening in the country.”—Damian Lilly in a 2021 report for the International Peace Institute*

*Undeniable* focuses primarily on the period from the mid-1970s through the 2015 Nationwide Ceasefire Agreement (NCA), as well as the period since the 2021 coup, highlighting parallels and continuity in patterns of abuse. This report, taken in conjunction with KHRG’s 2017 report *Foundation of Fear* that

covered abuses during the ceasefire period, shows that the Burma military's approach to both warfare and 'governance' has been, and remains, one of terrorising, exploiting and oppressing the civilian population through widespread killings, torture, arrests, destruction of property, forced labour, livelihood and movement restrictions, intimidation and threats, and other forms of systematic violence.

The stories presented in this report show that the hold that the military has over political and economic processes drives both the oppression and exploitation of villagers as well as the problem of impunity. Villagers themselves have repeatedly pointed out that the military cannot be trusted, neither to manage the future direction of the country, nor in presenting accurate information about the current situation, or past violations, thus there is a need to pay fuller attention to their stories, and their understandings of current and past abuse.

## Methodology

In an effort to understand the long-term oppression and abuse that villagers have experienced and the impact on their lives, KHRG undertook semi-structured interviews with villagers, aged 40 to 70, asking them to recount their life stories. In total, KHRG interviewed 17 villagers, six of whom were former village leaders. Six of the 17 interviews were with women. The interviews were conducted in July and August 2022, and consist of a total of 45 hours of material (515 pages of transcript in English).

Those interviews are cited alongside material from KHRG's earlier reports, spanning the initial reports published in 1992 to not yet published reports received through the end of October 2022. In the preparation of this report, we reviewed around 400 of KHRG's previously published reports, including some unpublished reports and external submissions. That still only represents a small fraction of the material received and published by KHRG over the past 30 years.

Throughout KHRG's history, an emphasis has been placed on a village-led conception of human rights, as well as a holistic approach to reporting, preferring the broad descriptions offered by villagers of the ways in which abuses and repression intersect within their lives over a strictly incident-based approach that can sometimes fail to capture the full significance and impact of the abuse, and villagers' own strategies and agency in the face of oppression and violence.

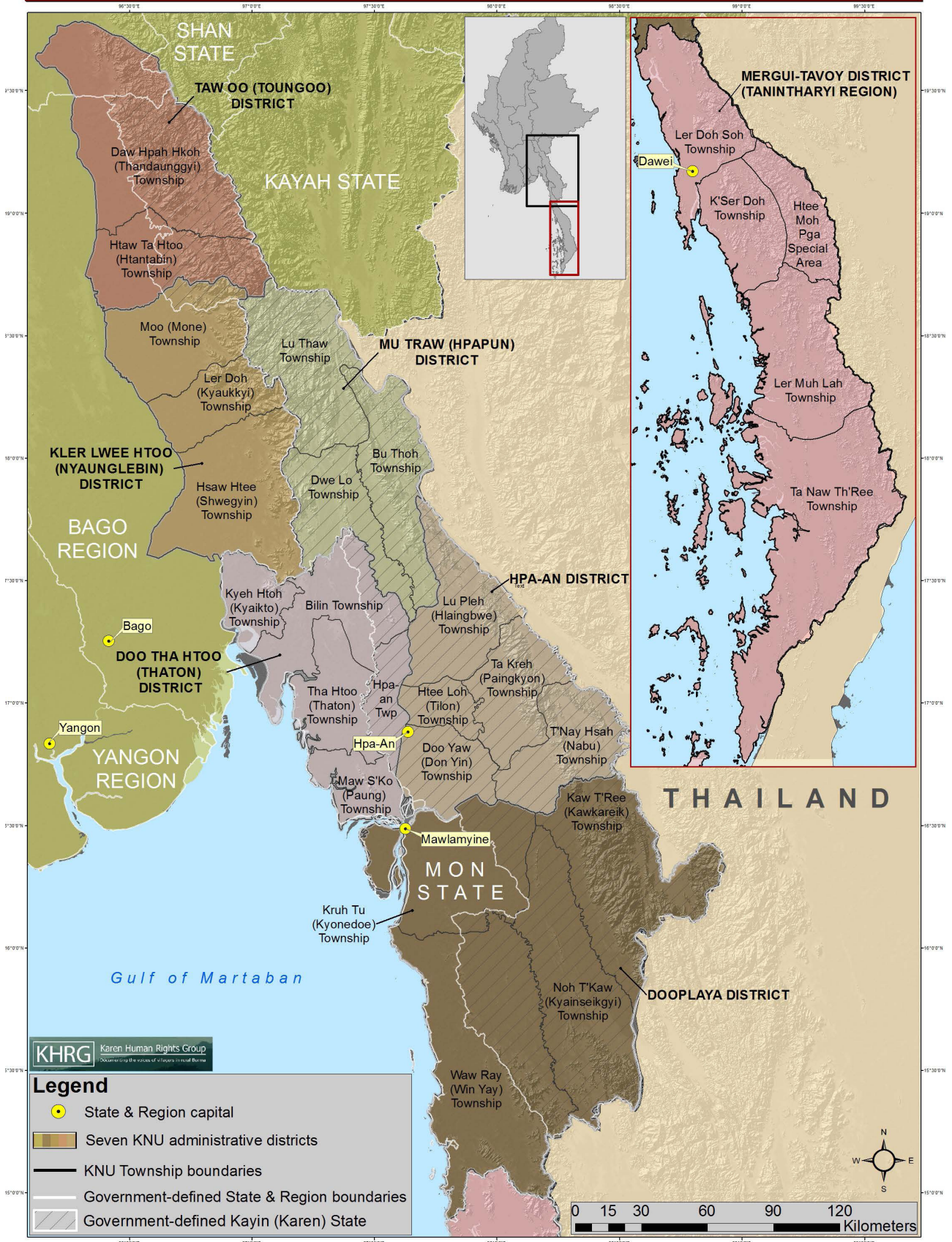


Villagers in Kler Lwee Htoo District buying food and dry goods in October 2003 at a secret 'jungle market' where the villagers from the plains and military-controlled villages sell their goods to villagers and IDPs from the hills. The Burma military prohibited trade between those who live in the plains and those who live in the hills in an attempt to make survival unsustainable for IDPs and resistance forces. [Photo: KHRG]



Medics from mobile medical teams treat internally displaced villagers in the forests of Hpa-an District covertly in November 2002. Displaced villagers in hiding access such mobile medical teams as one means of maintaining their evasion of the military forces that are trying to clear them out of the hills. [Photo: KHRG]

**Map 1: KNU-defined Karen state and Myanmar government-defined state and region boundaries**



## Key Findings

Although the military junta has yet to be prosecuted nationally or internationally for crimes committed against civilians in Karen State, the human rights violations documented by KHRG over the past 30 years clearly point to war crimes and crimes against humanity.

The Burma military has consistently made civilians the target of its attacks, engaging in multiple forms of violence to life and person, thus in clear violation of the most fundamental tenets of international humanitarian law, including the principle of distinction.

As part of its clearance operations and military activities, the Burma military actively engaged in forcible transfer/displacement; direct threats and shoot-on-sight policies; movement and livelihood restrictions resulting in starvation; destruction of property, including the burning of entire villages and farmlands; looting, extortion and land confiscations. It has destroyed schools, churches and medical facilities, and deliberately prevented villagers from access to medical care. It has engaged in forced labour comparable to enslavement, and systematically used villagers as human shields and minesweepers. It has murdered, tortured and detained civilians on the pretext of association with ethnic armed resistance. It has terrorised villagers through multiple forms of abuse, and used sexual violence and rape as a weapon of war.

Children's rights to life, education and health have also been systematically violated through the Burma military's use of children in forced labour and as soldiers, through the denial of access to humanitarian aid, even basic medical care, and through direct and indirect attacks on schools, villages and other civilian areas. The military's offensives have included the murder of children, and soldiers have preyed on girls as targets of sexual violence.

The patterns of abuse that are evident in the Burma military's past operational strategies persist today, and warrant investigation as ongoing war crimes and crimes against humanity.

Given the long history of military impunity as well as its inscription in Burma's legal and political framework, immediate action must be taken to stop the military's ongoing assault. Attempts at negotiation with the junta, and/or waiting to see if the junta leaders will hold to their promises, will only result in further violations and loss of civilian lives. The people of Burma have already made it clear that no government where the military is in charge is going to be an acceptable solution.

Armed conflict is only one of multiple factors that contribute to the perpetration of abuse. The military regime has consistently engaged in extractive and exploitive practices that undermine villagers' rights, well-being and survival. As such, a holistic approach to human rights provides a fuller understanding of the cumulative impacts of military abuse.

Monitoring mechanisms have systematically been inadequate in tracking the frequency and gravity of human rights violations committed in Southeast Burma. No accurate external assessment of current conditions in Southeast Burma can be conducted without heeding the concerns of rural people who are gauging, on a day-to-day basis, the way abuse compromises their priorities.

Effective implementation of civilian protection must recognize and include direct and tangible support for villagers' own resistance strategies. It must strengthen villagers' position vis-à-vis local authorities and increase the options through which they can decide for themselves how to best respond to abuse.

## Overview of chapters

### Chapter 1: Clearance operations

Beginning in the mid-1970s, as part of the military regime's counter-insurgency plan, the Burma Army engaged in widespread clearance operations to force villagers out of areas not under its control by making it impossible for villagers to continue living in these areas. These operations revolved around threats to life and person, looting, extortion, burning houses and plantations, and other forms of property destruction in order to force villagers to leave.

- Between 1975 and 1978 alone, the Karen National Union (KNU) estimated that over 800 villages (at least 20,000 homes) were burned down, 160 civilians killed, 120 injured, 40 women raped, and over 200,000 displaced.
- The Burma Army consistently met with difficulty bringing ethnic-controlled areas under its control, and thus escalated its offensives in the 1990s and 2000s.
- In 1998, the Burma Ethnic Research Group estimated that 480,000 people (about 1/3 of the Karen population) had been forced to flee due to clearance operations,
- For the period 1996 to 2011, the Thai-Burma Border Consortium documented the destruction, forced relocation or abandonment of at least 1,260 civilian settlements in Karen State.
- The Burma military claimed that these clearance operations and relocations were for the protection of civilians against enemy forces. In reality, they were mechanisms of control and exploitation.
- In some cases, villagers were issued a written or verbal order to clear out of their village by a certain date, and ordered to relocate to an area under Burma Army control. But in many cases, villages were simply 'marked for destruction' and soldiers would enter the area and begin destroying villages and civilian property, forcing villagers to 'surrender' or flee. Troops also regularly patrolled cleared out villages in order to capture villagers who returned to retrieve supplies or work their land, and to prevent resettlement.
- Schools, clinics and churches were also burned down and destroyed.
- Villagers described the relocation sites as concentration camps. Forced eviction and forcible transfer of civilian populations are not permissible under international law, and may constitute war crimes and crimes against humanity.



The barren landscape of Plaw Law Bler relocation site, Kler Lwee Htoo District where soldiers forcibly relocated villagers in April 2006. Villagers at Plaw Law Bler complained about the scarcity of water, lack of arable land and movement restrictions. *[Photo: KHRG]*



In August 2006, all of the villages and relocation sites under State Peace and Development Council (SPDC) control in Moo Township, Kler Lwee Htoo District were ordered by SPDC Light Infantry Battalion (LIB) #599 to build fences around their villages. *[Photo: KHRG]*

- Relocation sites placed heavy restrictions on movement, preventing villagers from engaging in livelihood activities. They were typically situated in areas not suitable for farming, and were prone to flooding. Villagers were forced to store their rice and paddy at the nearby Burma Army camp, and only given restricted access to their own rice. No medical care or medicine was available at these sites. Villagers faced constant demands for forced labour and were subjected to various forms of extortion.
- Most villagers preferred to flee to the forest rather than live in these military-controlled sites.
- Burma Army troops had standing orders to destroy any villages designated as ‘hiding’ villages, the villagers who inhabit them, and their food supplies. These areas were also deemed ‘free-fire’ areas, meaning that any villager sighted could be shot with complete impunity according to Burma military operations command.

*“Every one of us has come close to being killed by the Burmese. If they see us we must die.” – A villager from Mu Traw District, interviewed in 1997*

- Some villages engaged in local level ‘peace’ agreements with Burma Army troops in their area, however, such agreements were used to place further restrictions on the movements and activities of villagers and increase demands for forced labour.
- Other villagers fled to the Thai-Burma border, where they were often pushed back by Thai authorities or forced to set up camps along the roads or empty fields. Thai authorities would only let refugees enter if they could hear the sound of gunfire.
- Since the 2021 coup, villagers in Karen State have experienced widespread air strikes, which have effectively cleared out and destroyed villages, and killed at least 32 civilians. The military has engaged in the burning down of villages; imposed heavy restrictions on movement and the transportation of goods; confiscated, looted and destroyed medical and food supplies and arrested those providing them, thus cutting off essential resources.



Karen villagers from Dooplaya District are shown running for their lives with whatever they can carry across the Thai border in mid-February 1997. As these villagers ran, attacking forces were just a half hour’s walk away.

[Photo: KHRG]



About 6,000 newly-arrived Karen refugees from Dooplaya District camped along the roadsides and in the drainage gutters at Ka Hee Pa Leh in Thailand in mid-February 1997. Thai authorities would only allow them to set up shelters along the road. [Photo: KHRG]

## Chapter 2: Targeting civilians

Unlawful killings, torture and arbitrary arrests of civilians have been a central part of the Burma Army’s counter-insurgency offensives and the ‘four cuts’ strategy, under which all villagers were seen as potential members of an armed resistance group.

- The Burma military engaged in both extrajudicial executions of civilians in the custody of military personnel, as well as shoot-on-sight killings and other killings of civilians not in military custody.

- Burma Army soldiers had standing orders to shoot on sight anyone found in ‘black’ areas, areas marked for destruction, and any area that had previously been cleared out.
- A special non-combat armed force was also created by the junta in the 1990s, with the self-stated purpose of “executing everyone suspected of even the remotest contact with the opposition forces, even if that contact occurred years or decades ago”.
- The central feature of military conduct in black areas has been the categorical rejection of the principle of distinction within international humanitarian law, which requires soldiers to distinguish between civilian and military targets and refrain from attacking the former.



On March 21st 2007, around 3:30 p.m., the villagers in the Kabul Dayadar area, Mu Traw District, were shot dead by SPDC Infantry Battalion (IB) #501 while searching for food. After the army burned the houses and farms of the villagers, the villagers faced food shortages and had to move about in search of food. [Photo: KHRG]



In eastern Mu Traw District, SPDC soldiers of IB #2, Light Infantry Division (LID) #44 left the following message for villagers on an unburned house: “‘Flee until you are safe. The day that you tire is the day you will die.’ Nga Pway [‘Ringworm’; SPDC slang for the KNU] [LID #] 44” [Photo: KHRG]

- The Burma military has systematically used torture to punish, intimidate and control villagers, as well as elicit information from them. It was used on a wide scale as part of the military’s counter-insurgency operations.
- Villagers accused of having an association with a ‘rebel’ group were tortured, arrested, and often killed. Reasons for these accusations included working on their farms; traveling in the evening or without a permission letter; carrying or transporting certain kinds of items (like rice, torchlights/batteries, medicine) that the Burma Army wanted to keep out of the hands of armed resistance groups. All of these were activities that villagers engaged in, or would need to engage in, for their general livelihood and health needs.

*“[T]hey tied me in the middle of the water for about two hours; I could raise only my nose above the water [to be able to breath]. [...] it almost killed me.” -- Saw Ao--- from Mu Traw District, who was tortured for 2 days by Burma Army soldiers in 1975.*

- Family members of the KNU and Karen National Liberation Army (KNLA) were also targets of arrest and other forms of violence. This put many people at risk, because in most Karen areas almost everyone has a close or distant relative who is or has been a KNLA soldier.
- Since the 2021 coup, the military junta has implemented a shoot-on-sight policy, and has imposed curfews and travel restrictions in many areas, using them not simply to deprive villagers of basic liberties and freedom of movement, but also to justify further violence against civilians. Reports of torture have also increased, as the junta seeks out participants in the Civil Disobedience Movement (CDM) and anyone engaged in or suspected of engaging in opposition activities. Beatings and threats are also a regular part of junta soldiers’ patrolling activities and at checkpoints.



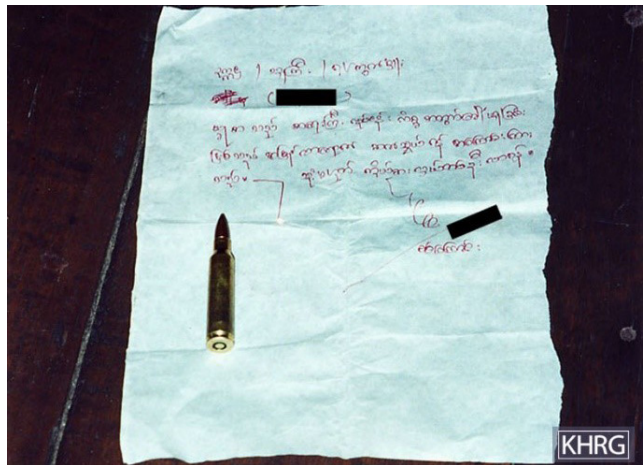
### Chapter 3: Forced labour

Forced labour was the most widespread human rights violation experienced by villagers in Karen State under the military regimes, and the leading cause of internal displacement.

- KHRG has described forced labour, in particular forced portering, as “a dreaded form of punishment held over the heads of villagers, but the main reason civilians fear forced labour so intensely is because it brings them into close proximity to SPDC soldiers, whose presence almost always leads to more severe human rights abuses.”
- Villagers faced endless demands for forced labour, which they could not refuse, and that prevented them from securing a livelihood.
- Forced labour was used by the Burma military both to gain and to consolidate control. It was used for the military’s large construction projects, like building roads, railways and bridges, that allowed it to expand its areas of operation, as well as for camp labour and growing cash crops that allowed it to expand its own resources.



In November 2002, SPDC Army soldiers from LID #44 (Min Aung Hlaing commanding) ordered these villagers to clear all trees, bushes and plants within 50 feet [15 metres] of either side of the Bilin – Hpapun vehicle road in order to protect their troops from ambush while travelling along the road. [Photo: KHRG]



Orders demanding labour and supplies were often accompanied by threats. A 5.56 mm bullet from a Burmese Army MA-1 assault rifle was included in this letter to a village headwoman in Dooplaya District on October 23rd 2002 as a clear threat that if she did not comply, the villagers would be shot. [Photo: KHRG]

- Most villagers who were over the age of 18 by the time of the preliminary ceasefire in 2012 were likely to have personally experienced some sort of forced labour during their lifetime.

The conditions of forced labour that the Burma military imposed on civilians could be considered a form of enslavement, and would qualify as a crime against humanity.

- While being detained as forced porters, villagers were typically deprived of food, water, shelter and medical care, and were often held for extended periods of time, often several months. Porters were subjected to beatings and abuse, and often left to die along the way if they could no longer walk or carry their load.
- Forced labour impacted women’s ability to care for their children. Villagers spoke of mothers needing to expel their milk while portering because their children were still breastfeeding. Meanwhile, their babies back home would go hungry. Women, although less frequently used for portering, were also at risk of sexual violence.
- Villagers were typically captured or ‘arrested’ by Burma Army troops while they were traveling, working in their fields, or even in villages and towns, and were forced to serve as porters, and in some cases as human shields and human minesweepers to protect troops from armed attacks and from stepping on landmines.

- Due to ongoing international pressure, the military junta signed an order on November 1st 2000 prohibiting the further use of forced labour by military and civilian authorities. However, through 2012, forced labour continued to be the most heavily reported form of abuse by villagers throughout Karen State.
- The Burma military increasingly tried to hide its illegal use of forced labour by referring to it as ‘loh ah pay’ (voluntary labour).
- Since the 2021 military coup, forced labour, in particular forced portering and the use of civilians as human shields, has been on the rise as SAC troops restock their camps, set up new temporary bases, or bring rations and ammunition to the frontline, with the largest number of reports coming from Doo Tha Htoo District.

## Chapter 4: Food insecurity and livelihood challenges

The cumulative impacts of restrictions on movement and access to food sources, control of villagers’ rice supply, displacement, forced labour, land confiscations and rising food prices led to severe food insecurity and extreme poverty during periods of direct military rule.

- The Burma military engaged in large-scale, deliberate attacks on villagers’ food sources and prevented access to livelihood areas and essential resources in order to eliminate support for Karen ethnic resistance organisations and oppress villagers. In many cases after villagers fled, Burma Army soldiers burned down rice barns and killed the livestock to destroy villagers’ food sources and their ability to survive in hiding near their village. This also prevented villagers from returning and resettling in their village.
- Failing to protect objects that are essential to the survival of the civilian population, including foodstuffs and agricultural areas for the production of crops violates international humanitarian law. In addition, the use of the starvation of civilians in warfare is a war crime.
- Displaced and forcibly relocated villagers were unable to bring sufficient food to displacement sites to sustain themselves, and struggled to obtain steady supplies of food due to restricted access to rice supplies and to their farmlands.
- Increased military activity, including patrolling and troop movements, building new army camps, security checkpoints, transporting rations, weapons or ammunition, and constructing new roads, also impacted villagers’ livelihoods, as villagers were forced to flee and feared working in their fields.
- Rice quotas, forced crop production for the military, and development and agricultural projects prevented villagers from engaging in livelihood activities and exacerbated problems of food insecurity and poverty.



Taken in January 2002, in Lu Thaw Township, Mu Traw District, this photo shows Naw S--- looking for any paddy that may be saved after SPDC soldiers burned down her paddy barn in M--- village in 2002. There were 50 baskets [1,250 kg/2,750 lb] of paddy in the barn. [Photo: KHRG]

*“Since the Burma soldiers came and set up their army camps in our area, we were displaced from our village and therefore, faced many issues, including food shortages. Villagers also faced financial issues because they lost their income as they had to flee and could not work.” — A villager from Mu Traw District*

- The 1990s and late 2000s saw many villagers choosing to flee on a semi-permanent basis and entire villages were abandoned.
- Since the 2021 coup, movement restrictions, measures cutting off access to food, displacements, and attacks against civilians have increased in most districts. This has led to widespread food insecurity and livelihood challenges.

## Chapter 5: Conflict-related sexual and gender-based violence

Sexual violence is ingrained in military tactics and used at all levels of authority, from privates to commanders, and has been heavily used as a weapon of war against civilians as part of the military's offensives.

- Between 1988 and 2004, 125 cases of sexual violence committed by military troops in Karen State were documented by Karen Women's Organisation (KWO) and KHRG, half of which were perpetrated by high-ranking army officers. Incidents of SBGV are however highly underreported due to threats and social stigma, as well as lack of justice.
- Rape during forced labour was the most widespread form of sexual violence reported to KHRG, and was committed against women and girls. Conditions during forced labour make women and girls exceptionally vulnerable, as they are not only being forcibly detained, but often purposefully isolated.
- Other forms of sexual violence included genital violence against male villagers, sexual humiliation and forced nudity.
- While there may have been some punishment for low-level soldiers, Burma military commanders who commit rape are particularly immune to any prosecution or punishment.
- Rape and other forms of extreme sexual violence are a violation of international humanitarian and human rights laws, and in some cases may constitute war crimes and crimes against humanity.

*"He just kept threatening that he'd give me to his men who'd rape me to death, waving his knife and demanding sex. [...] He raped me 3 times that night. I was tied so tight my elbows were dislocated while he raped me, and they still hurt even now."* – A female villager raped by the battalion sergeant at the nearby army camp in 1992.

## Chapter 6: Children's rights

Children in Southeast Burma have been subjected to a variety of human rights abuses over the past 30 years, including the six grave violations highlighted by the UN Security Council: killing and maiming of children; recruitment or use of children as soldiers; sexual violence against children; abduction of children; attacks against schools or hospitals; and denial of humanitarian access for children.

- Conscription, abduction, and forced labour of children were widespread. According to a 2002 estimate, the Burma military is the largest recruiter of child soldiers in Burma and throughout the world.
- KHRG reported in 2006 that children as young as 10 or 11 were targeted by recruiters, and 'tricked' or threatened into joining the army, and in many cases abducted.
- The most systematic use of child labour was for military construction projects, clean-up work, forced portering, guiding army patrols, and messenger duty, which could be considered a form of forced conscription of children.
- Under previous military regimes and the current junta, children have been significantly impacted by the Burma military's restrictions on access to aid, food and medical care, with many children dying due to lack of medicine or medical care. High levels of malnutrition have also consistently been reported among displaced children.

- Children in Karen State have systematically been prevented from accessing education. Unlawful attacks by military forces, as well as threats of arrest and forced labour, led to frequent displacement of villagers and disruptions to education.
- Attacks on schools have resumed since the 2021 coup, and SAC soldiers are using force and intimidation to keep students from attending ethnic-run schools.
- Since the 2021 military coup, KHRG has received information that six children have been shot dead by SAC troops, while another 12 were killed in air and ground attacks. Children are also being used for forced labour.



Children, mostly aged between 7 and 13 years old, gathered 300 piles of stones for the construction of a road from Kyaik Khaw (Thein Seik) to Wee Raw village in May 2004. [Photo: KHRG]

KHRG has repeatedly emphasized that more children are dying and suffering from structural violence committed by the military regime than directly killed by armed conflict.

## Chapter 7: Landmines

The Burma military has actively used landmines in warfare since 1969. It is one of the 12 remaining landmine producers globally and the only State whose security forces still actively use landmines.

- The Burma Army has intentionally targeted civilians when planting landmines. It has used landmines as part of clearance operations to prevent villagers from returning to their villages after forced eviction, and has withheld information about the location of landmines.
- The use of landmines against civilians is a violation of international human rights law and humanitarian law.
- Landmine contamination is particularly widespread in plantations, along riverbanks, and in forest areas where villagers forage, putting civilians' livelihoods at risk and leading to increased food insecurity. This often pushes villagers to try to remove landmines themselves or enter lesser known areas, where landmines may exist.



16-year-old Naw D--- from Saw Muh Plaw village tract, Mu Traw District recovers after medics amputated the mutilated lower part of her right leg which was injured by an SPDC-deployed landmine on March 15th 2008 when she returned to her abandoned village to collect her family's hidden stores of rice. [Photo: KHRG]

- Insufficient efforts have been made by the Burma military, other armed groups, and external organisations to clear landmines.
- Instead, since the 2021 coup, armed actors have resumed planting new landmines. From February 2021 to August 2022, KHRG documented 33 landmine and UXO incidents involving civilians, causing at least 31 injuries and 14 deaths.

- All armed actors have actively planted landmines, but only the Burma Army and its allied forces have systematically used civilians as human minesweepers to protect soldiers from landmine-related injuries, and for forced mine clearance near military camps.
- While mine risk education (MRE) provided to civilians has increased over the years, its effectiveness remains limited, and will remain limited as long as landmines and UXO remain unmarked.

## Chapter 8: Village agency

- Villagers have been using agency strategies for as long as the military has carried out abuses. The strategies serve to confront, and prevent human rights violations, and to maintain livelihoods.
- Common resistance tactics include negotiating, bribing, shaming, confronting, refusing, lying, false-compliance, and evasion.
- Villagers most often used methods of avoidance and protection instead of more overt resistance strategies because of fears of retaliation by armed actors. The danger of retaliation was highest in the 1990s and 2000s.
- The significance of displacement as an evasion strategy cannot be under-estimated. While it served to limit some forms of direct abuse by the military, it still led to the loss of livelihood security and disruptions to farming practices.
- Actions taken by village heads, including negotiating for the reduction of demands or temperance of abuse, comprise a large part of village-level resistance to abuses committed by the Burma Army.



This woman from Mu Traw District is putting her rice into tins to hide it for the next time SPDC soldiers come to the village. The SPDC entered the village one or two days previously and had taken much of the villagers' rice, clothing and other belongings. [Photo: KHRG]

## Chapter 9: Villagers' perspectives

The 17 villagers interviewed directly for this report expressed their frustration of trying to end the military abuse and oppression on their own and the inability to obtain justice under the military regime. The majority of villagers highlighted the need for action from the international community to take measures against the SAC, ranging from sanctions to legal proceedings.

- Villagers are heavily concerned about military accountability and impunity. It is clear from the villagers' testimonies that oppression and violence will persist for as long as the military enjoys impunity and avoids accountability.

*"I want the world to know the wrongdoings of those people and to punish [them] for their action. I want international courts to take action towards them. I want the courts to give punishment according to the violations that they have committed."* – A villager from Doo Tha Htoo District

- Villagers pointed to the inaction and failures of the international community, with one villager stating that this must be the last time she is asked for information about the military's abuse and oppression.

- Villagers also call for unity among Karen people, recognising factions within their own community as a hindrance to peace efforts. Many advocated for transparency from ethnic leaders.
- While villagers are hopeful for change, they highlighted the urgent need for action and external support due to the unbreakable cycles of oppression within their country's political framework, and the humanitarian and human rights obligations that are consistently ignored.

## Conclusion

*“As we share our experiences and challenges on the ground, I hope that international community will do something. If I could speak English, I will talk to the international community in person.” – A villager from Dooplaya District*

- For 30 years, KHRG has actively documented the human rights abuses taking place in Karen State, and consistently made available to international audiences the direct testimonies of rural villagers of widespread abuses. Reports within the UN have made clear that UN bodies and other international stakeholders are not only aware of the gravity of the human rights situation, but have received sufficient information regarding atrocity crimes committed by the military regime to take strong and decisive action.
- The UN's failure to respond to the situation in Burma despite the overwhelming evidence of gross human rights violations has long been acknowledged. Without concerted effort to address the already identified systemic and structural problems within the UN, both external and internal pressure placed on the UN to take concrete action is likely to be ineffective.

If the UN is unable to resolve its systemic issues, then new possibilities for inclusive and coordinated action through alternative channels need to be explored.

- While current proceedings regarding the Rohingya genocide represent a positive step toward accountability, there is a clear need to initiate accountability proceedings that are more inclusive and broader in scope than those currently under way. In the absence of accountability proceedings regarding the crimes committed in Karen State and in other ethnic areas, how can justice be served for these peoples? The Karen and other ethnic groups and oppressed peoples in Burma deserve to have acknowledgment of and justice for the crimes committed specifically against them.
- Monitoring and reporting mechanisms often overlook how village agency strategies, adopted to limit the impacts of abuse and destruction, can lead to the underreporting of violations. For instance, in seeking to remain invisible to the Burma military by keeping hiding sites small, and limited to individual families or small clusters of villagers, villagers also end up remaining invisible to larger rights and protection organisations.
- A neglect of villagers' concerns and priorities, as well as village agency strategies, can also lead to the development and implementation of inappropriate and ineffective solutions that are potentially harmful and destructive of villagers' own ability to respond to abuse and violations, and defend their rights and freedoms.
- Decisions regarding funding need to shift from concerns about 'humanitarian neutrality' to concerns about human rights obligations and the criminal activities of the junta in this regard. The denial of access to humanitarian aid is an international crime, and thus directing funds to the junta for the delivery of humanitarian aid implicates those stakeholders in the junta's criminal acts.

## Recommendations

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### IMPUNITY AND ACCOUNTABILITY, CESSATION OF ATTACKS

#### *To all international actors*

- Acknowledge that the military junta is the root cause of the current human rights and humanitarian crisis, and refrain from giving any legitimacy to the junta, including by signing agreements with them and presenting credentials to them.
- Acknowledge the longstanding and ongoing failures and complicity of the international community in fuelling the military's power, impunity, and ability to continue engaging in human rights violations, including war crimes and crimes against humanity; and implement reforms to prevent the recurrence of already identified systemic failures of the UN and international justice mechanisms.
- Support current investigations and proceedings by intervening in the genocide case at the International Court of Justice (ICJ), and pushing for an International Criminal Court (ICC) referral as well as acceptance of the National Unity Government's (NUG) declaration delegating jurisdiction of the court to investigate and prosecute mass atrocity crimes that occurred in Burma since 2002.
- Seek out all additional opportunities (through ad hoc tribunals and hybrid courts, universal jurisdiction and other available mechanisms) to hold the Burma military accountable for its vast array of crimes.
- Broaden the scope of accountability to include crimes committed against Karen peoples, as well as other ethnic and religious minorities not yet covered by current investigations and proceedings.
- Develop and support International Accountability Platforms that take into account local priorities and concerns, and that seek to address the root causes of abuse in ways that do not constrain villagers' options for claiming their human rights.
- Increase financial support for and collaboration with human rights organisations and actors operating on the ground to ensure that the widest representation of voices and experiences of oppressed peoples in Burma are considered, and that standards and systems for monitoring and reporting human rights abuses are effective and relevant to the populations of concern.
- Place increased pressure on the military junta to meet its obligations under international law, including ratified treaties and covenants.

#### *To ASEAN member states and leaders*

- Make policy reforms and amendments to the ASEAN Charter that prioritise human rights principles and justice and accountability since regional peace, security and stability cannot be maintained and enhanced without ensuring the protection of human rights. In particular, the principle of non-interference must be revised so as not to apply in matters concerning the protection and promotion of human rights.
- Support the efforts in Indonesia to initiate a universal jurisdiction case. Other member states could also consider similar initiatives, including revisions to their domestic laws to ensure consistency with international norms and standards.
- Revoke the military junta's position as chair of the ASEAN Air Chiefs Conference and co-chair of ASEAN Defense Ministers Meeting (ADMM)'s counter terrorism group. Such appointments to regional defense bodies aid and abet the junta's unlawful attacks against civilians and its commission of international crimes.

### PROTECTION

#### *To all international actors*

- Acknowledging the lengthy timeframe for investigations and proceedings, and the ongoing crimes and human rights violations, ensure adequate humanitarian assistance and protection for ethnic populations who are facing violence and atrocities at the hands of the Burma military, including

support for survivors of torture, sexual violence, landmine/UXO explosions and other human rights abuses.

- Make human rights a priority in humanitarian aid response by recognising that human rights violations are at the centre of the humanitarian crisis in Burma; and also that the junta has consistently taken action through directives, legal reform and direct attacks to deliberately deny ethnic areas access to humanitarian aid. Such action constitutes a crime under international law, and should be addressed as such.
- Consult and include local actors and communities in decision-making regarding humanitarian response and the resolution of the crisis; and prioritise and strengthen methods of service delivery and communication that rely on local CSO/CBOs and ethnic service providers. These local actors have been operating on the ground for decades and thus have the knowledge and networks for the best local implementation of support programmes.

#### *To ASEAN member states and leaders*

- Abandon the current Five-Point Consensus, and develop a new plan that addresses the critiques already outlined by numerous organisations and stakeholders, including the unrealistic focus on dialogue with the junta, and the assigning of responsibility for humanitarian response to the ill-equipped ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management (AHA Centre).

#### *To neighbouring countries*

- Support and facilitate emergency and protection efforts, including those undertaken by border-based organisations and other local actors.
- Respect international human rights and humanitarian obligations, including non-refoulement and other protection measures, and adopt and ratify other international conventions and treaties to show commitment to these standards and norms.

## **SANCTIONS**

#### *To all international actors*

- Support calls for the UN Security Council to adopt a binding resolution to impose a comprehensive global arms embargo on Burma, as well as coordinated and targeted sanctions on the supply of aviation fuel to the junta, and oil and gas revenues, as well as sanctions against junta officials suspected of responsibility for international crimes and other serious violations of international law.

#### *To individual states and companies*

- Suspend exports of aviation fuel, and take action to avoid contributing to these supply chains, whether directly or indirectly.
- Suspend all arms transfers to Burma including all weapons, munitions, surveillance technologies, and other military and security equipment, and the provision of training and other military and security assistance.



Karen Human Rights Group (KHRG) was founded in 1992 and documents the situation of villagers and townspeople in rural Southeast Burma through their direct testimonies, supported by photographic and other evidence. KHRG operates independently and is not affiliated with any political or other organisation. Examples of our work can be seen online at [www.khrg.org](http://www.khrg.org) or printed copies of our reports may be obtained subject to approval and availability by sending a request to [khrg@khrg.org](mailto:khrg@khrg.org)