UNDENIABLE

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

KHRG

Karen Human Rights Group

Documenting the voices of villagers in rural Burma

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December 2022

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The 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**. Printed copies of our reports may be obtained subject to approval and availability by sending a request to **khrg@khrg.org**.

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Executive Summary

Since the 2021 coup, the Burma military junta, calling itself the State Administration Council, has undertaken widespread violence and attacks against civilians throughout Burma in an effort to crush any dissent or opposition to its rule. This post-coup repression includes a return to a 'four cuts' approach that makes civilians the central target of military offensives. Post-coup military violence in Karen and other ethnic areas thus echoes patterns of violence and abuse prevalent during the earlier period of direct military rule from 1962 to 2011.

The Burma military has been waging counter-insurgency campaigns against the Karen National Union (KNU) and its armed wing, the Karen National Liberation Army (KNLA), for over 70 years. During the period of direct military rule these counter-insurgency operations involved direct attacks on civilians and grave human rights violations, such as extrajudicial killings, torture, arbitrary arrests, forced displacements, looting and extortion, sexual violence, and forced labour. Human rights advocacy about these abuses eventually led to investigations and reports by international stakeholders that provided clear evidence of war crimes and crimes against humanity, and called for immediate action. Despite an end to direct military rule in 2011 and the election of a civilian government in 2015, the military continued to hold heavy political power and has consistently benefited from complete impunity for its crimes.

Shortly after the 2021 coup, the military's disregard not simply for the rule of law but for the rights and freedoms entitled to all persons was once again brought to the world's attention, with renewed calls for immediate action. Yet, the conflict and violence continue, and the humanitarian crisis deepens with little end in sight.

For the past 30 years, KHRG has documented the experiences of rural villagers in Southeast Burma so as to ensure that their voices, priorities and perspectives influence decision-makers in responding to the human rights violations that have so heavily impacted their lives. The current report is no exception.

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.

Introduction

"I want to live in a country where I can live peacefully. Since I was born, I have grown up in the smoke of gunfire. I have had to flee for my life. I have suffered from malnourishment and starvation. Therefore, I don't want my children or new generations to face the same thing that I experienced. I want to live with my family peacefully and be able to work on our plantations peacefully. I want to live in a country where human rights are respected. Now, our rights are not respected; we are treated as animals. We can be killed at any time. I want to have a government that respects human rights and makes fair laws for everyone. If we have that kind of government, our country will be developed. That will be a country where we want to live." – Saw Aa--- from Daw Hpa Hkoh (Thandaunggyi) Township, Taw Oo (Toungoo) District (interviewed in 2022)

Military abuse, exploitation and conflict have marked villagers' lives in Southeast Burma[1] since the country's independence in 1948. Many villagers have suffered through repeated waves of intense violence and oppression as the Burma military[2], officially referred to as the Tatmadaw, 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. Their stories of oppression and struggle are presented in this report in order to draw attention to the longstanding history and persistence of human rights abuses by the Burma military, and the lasting impact of this abuse on people's lives.

International audiences have long ignored the human rights situation in rural Burma. In 2000, the founder of KHRG, Kevin Malseed, stated, "While the pro-democracy activists in the cities have managed to gain at least some attention in the outside world, the rural villagers who make up most of Burma's population and the poorer sectors of the townspeople have no such voice. Even now it is shocking to see how many people in the outside world have detailed knowledge of the SPDC's harassment of Daw Aung San Suu Kyi[3] and the National League for Democracy

[1] In 1989, the then-ruling military regime changed the name of the country from Burma to Myanmar without consultation from the people. Despite controversy over this name change, the use of Myanmar has become more common on an international level in recognition of the establishment of a civilian government in 2016. KHRG prefers the use of Burma because it is more typically used by villagers and since the name change to Myanmar is reflective of the military regime's longstanding abuse of power. In 2013, KHRG made a decision to use Myanmar in our reports and publications, recognising that it would be difficult to do advocacy directly with the Government if KHRG called them by a name they no longer recognise. Since this type of advocacy is no longer relevant, KHRG has decided to return to using the term Burma. Some of KHRG's past reports cited in this document do, however, still refer to Burma as Myanmar.

[2] The terms Burma military, Burma Army and Tatmadaw are used interchangeably throughout this report to describe Burma's armed forces. Villagers themselves commonly use Burma Army, Burmese soldiers, or alternatively the name adopted by the military regime at the time. The term Tatmadaw has been used by KHRG throughout much of its reporting history, and most consistently during periods of civilian government. Since the February 1st 2021 coup and the military's establishment of the State Administration Council (SAC) as the executive governing body of Burma, Burma's armed forces have also come to be referred to as the SAC military. KHRG uses the term SAC military in specific reference to the Burma military since the February 1st 2021 coup. During previous periods of military rule, KHRG also used the names adopted by the military government (i.e. SLORC [State Law and Order Restoration Council] between 1988 to 1997, and SPDC [State Peace and Development Council] from 1998 to 2011), because these were the terms commonly used by villagers in KHRG research areas in referring to Burma's armed forces.

[3] Daw Aung San Suu Kyi led the political party that governed Burma from 2016 to January 2021, after spending years under house arrest enforced by the military juntas. She was detained, along with other elected members of the National League of Democracy (NLD), following the February 2021 coup d'état. Daw Aung San Suu Kyi continues to be held under detention by the SAC, and holds the office of State Counsellor of the National Unity Government (NUG).

(NLD)[4], but no knowledge whatsoever of the forced labour, Army extortion, arbitrary detention, looting, rape, killings and other abuses which are the daily lot of the general population of Burma."[5]

Almost a decade later, in 2009, the International Human Rights Clinic at Harvard Law School made a similar statement regarding the focus of public attention, which had fallen on the 2007 political protests, known as the Saffron Revolution, and on Daw Aung San Suu Kyi and 'her' struggles for democracy: "But a lesser known story—one just as appalling in terms of human rights—has been occurring in Burma over the past decade and a half: epidemic levels of forced labor in the 1990s, the recruitment of tens of thousands of child soldiers, widespread sexual violence, extrajudicial killings and torture, and more than a million displaced persons. One statistic may stand out above all others, however: the destruction, displacement, or damage of over 3,000 ethnic nationality villages [in eastern Burma] over the past twelve years, many burned to the ground. This is comparable to the number of villages estimated to have been destroyed or damaged in Darfur."[6]

The Clinic went on to state: "We have been struck by the finding that for 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."[7]

The situation remains the same today. Despite widespread human rights violations that the Special Rapporteur on the situation of human rights in Myanmar, among others, has repeatedly labelled war crimes and crimes against humanity,[8] UN Security Council inaction continues. This has left villagers reliant on local strategies to protect themselves from abuse. And while the initial wave of violence against pro-democracy protesters, political leaders and human rights defenders following the 2021 military coup[9] was met with considerable attention on the international level, very little attention has been paid to the attacks on rural villagers. Some of the air strikes have made international headlines. Most have not. Ignored as well are countless

4 The National League for Democracy (NLD) is the political party that governed Burma from 2016 to January 2021. Led by Aung San Suu Kyi, the NLD won landslide victories in the 2015 and 2020 General Elections. The NLD government was deposed by the Burma Army in the February 2021 Burma coup d'état, after which elected President Win Myint and State Counsellor Aung San Suu Kyi were detained, along with ministers, their deputies and members of Parliament.

5 KHRG, "Suffering in Silence: The Human Rights Nightmare of the Karen People of Burma." Parkland: Universal Publishers, 2000.

6 International Human Rights Clinic at Harvard Law School, "Crimes in Burma," Cambridge, MA: International Human Rights Clinic at Harvard Law School, 2009, p. [iii]. Information provided in brackets was inserted by KHRG.

7 Idem.

8 UN News, "Myanmar spiralling 'from bad to worse, to horrific', Human Rights Council hears", 21 September 2022.

9 On February 1st 2021, the Burma Army deposed the democratically elected government led by the National League for Democracy (NLD). The military proclaimed a year-long state of emergency and transferred power to Min Aung Hlaing, the Commander-in-Chief of Myanmar's Armed Forces. Based on unproven fraud allegations, the Tatmadaw invalidated the landslide victory of the NLD in the November 2020 General Election and stated it would hold new elections at the end of the state of emergency. The coup d'état occurred the day before the Parliament of Myanmar was due to swear in the members elected during the 2020 election. Elected President Win Myint and State Counsellor Aung San Suu Kyi were detained, along with ministers, their deputies and members of Parliament.

other ongoing human rights violations that have forced villagers into hiding and are preventing them from accessing essential resources and lifesaving assistance.

One villager in Karen State[10], after being interrogated and tortured by State Administration Council (SAC)[11] soldiers in March 2022 simply because a National Unity Government (NUG)[12]-run school was opened in his village, told KHRG: *"Is the international community just going to stay and watch while civilians have to go through things like this? Is there no longer anything they can do to help us?"*

This report presents villagers' stories of oppression and abuse over the past several decades to highlight the gravity of the situation in rural Southeast Burma, where villagers have continually had to come up with their own solutions to mitigate the impacts of the Burma military's brutal attacks. In providing evidence of the brutality of the Burma military, this report also draws attention to the repeated failures of the international community to take concrete action in response to credible evidence of war crimes and crimes against humanity. The issue of accountability that this report raises therefore pertains not only to the Burma military, but to the international community as well.

Also critical to villagers' stories is the agency and resilience of villagers themselves and their persistence in trying not simply to develop solutions to mitigate the impacts of conflict and military abuse, but to engage political processes and challenge the power relations that underlie military oppression. The strategies that they have adopted range from striking deals with local troops in order to stop attacks, to hiding rice in secret locations in the forest in an effort to maintain rice supplies during displacement. We also find bold acts of resistance where villagers and local leaders assert their rights when confronted with endless demands for forced labour or the use of porters and navigators in areas heavily contaminated with landmines. These strategies, which also include bribery, evasion and false compliance, are reflective of villagers' determination to defend their rights and control their own destiny, despite the constant threat of violent retribution by the military.

Villagers' requests for action from the international community, like the one cited above, should not be read as passive calls for help. Rather, they point to villagers' understanding of the unbreakable cycles of oppression within their country's political framework, and of humanitarian and human rights obligations that are consistently ignored. What they seek in calling upon the

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10 Karen State, or Kaw Thoo Lei, as defined by the Karen National Union (KNU), covers Kayin State, Tanintharyi Region and parts of Mon State and Bago Region. The KNU uses different boundaries and location names for the areas under its control, dividing Karen State into seven districts. Karen State, located in Southeastern Burma, is primarily inhabited by ethnic Karen people. Most of the Karen population resides in the largely rural areas of Southeast Burma, living alongside other ethnic groups, including Bamar, Shan, Mon and Pa'Oh.

11 The State Administration Council (SAC) is the executive governing body created in the aftermath of the February 1st 2021 military coup. It was established by Senior General Min Aung Hlaing on February 2nd 2021, and is composed of eight military officers and eight civilians. The chairperson serves as the de facto head of government of Burma/Myanmar and leads the Military Cabinet of Myanmar, the executive branch of the government. Min Aung Hlaing assumed the role of SAC chairperson following the coup.

12 The National Unity Government (NUG) was formed by the acting cabinet of the Committee Representing Pyidaungsu Hluttaw (CRPH) on April 16th 2021, following the February 1st military coup. U Min Wyint was retained as President, and Daw Aung San Suu Kyi as State Counsellor, both still under detention by the State Administration Council (SAC) military. The NUG claims to be the legitimate government of Burma, and has sought international recognition as such. The NUG cabinet is composed primarily of lawmakers elected in the 2020 election, along with other key ethnic figures. As the military junta has declared the NUG illegal, it is operating as a government-in-exile. On May 5th 2021, the NUG announced the formation of a "People's Defence Force" to serve as its armed wing.

international community are the means for self-determination, whether deciding the future political direction of their country or devising and implementing solutions for protection and humanitarian support. KHRG has consistently stressed this point over the past 30 years, presenting villagers as political actors and agents of change, and urging greater recognition by international stakeholders of 'indigenous' support networks and infrastructure in the development and implementation of externally-funded interventions.

In presenting villagers' stories, this report focuses primarily on the period from the mid-1970s through the 2015 Nationwide Ceasefire Agreement (NCA),[13] as well as the period since the 2021 coup, highlighting parallels and continuity in patterns of abuse. The gross human rights violations that the Burma military committed in the past, for which the military has enjoyed total impunity, have re-emerged with new vigour in the present. This report, taken in conjunction with KHRG's 2017 report Foundation of Fear that covered abuses during the ceasefire period[14], 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.

A long history of abuse

Since Burma's independence from Britain on January 4th 1948, ethnic armed groups (EAGs) have been fighting for more autonomy throughout most of the country. In response to civilian support for insurgencies, the Burma military developed a counter-insurgency strategy called 'pyat lay pyat', or the 'four cuts'.[15] The 'four cuts' strategy was first used in the 1960s against the Karen National Union (KNU)[16] in the Ayeyarwady/Irrawaddy Region, the Communist Party of Burma (CPB), and the Kachin Independence Organisation (KIO) on Burma's northernmost border with China. The 'four cuts' strategy aimed to destroy the links between insurgents, their families, and local villagers, thereby removing four crucial pillars of support: food, funds, intelligence, and recruits. Under this strategy, entire townships were labelled 'black areas'[17] where anyone encountered was considered a member of an armed opposition group and shot on sight.

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13 On October 15th 2015, after a negotiation process marred with controversy over the non-inclusion of several ethnic armed groups, a Nationwide Ceasefire Agreement (NCA) was signed between the Burma government and eight of the fifteen ethnic armed groups originally invited to the negotiation table, including the Karen National Union (KNU). It was followed by the adoption of a Code of Conduct by the signatories in November 2015. In February 2018, two additional armed ethnic groups signed the NCA under pressure from the Burma government.

14 KHRG, "Foundation of Fear: 25 Years of Villagers' Voices from Southeast Myanmar", October 2017.

15 See Martin SMITH, "Burma: Insurgency and the Politics of Ethnicity," New York: St. Martin's Press, 1999 p. 258-262.

16 The Karen National Union (KNU) is the main Karen political organisation. It was established in 1947 and has been in conflict with the Burma government since 1949. The KNU wields power across large areas of Southeast Burma and has been calling for the creation of a democratic federal system since 1976. Although it signed the Nationwide Ceasefire Agreement in 2015, relations with the government remain tense.

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

'Four cuts' campaigns executed by the Burma military officially targeted anyone deemed to be supporting EAGs. In reality, however, the military targeted any civilian found in designated areas. Measures taken under 'four cuts' campaigns have included indiscriminate firing of weapons, burning down of villages, destruction of food, medical supplies and other property, and forced relocation of civilian populations to areas under military surveillance and control.[18] Soldiers employed a variety of intimidation tactics, including threats, arrests and torture, as well as heavy restrictions on movement and activity in order to bring civilians under military control. For decades, the 'four cuts' strategy led to the displacement and forced relocation of entire Karen communities.

The villagers interviewed for this report spoke of the 'four cuts' strategy arriving in their area (the area currently defined as Karen State) in the mid-1970s,[19] when the first reported forced relocations took place. Since then, the Burma military's 'clearance operations' spread throughout Karen State, impacting different areas at different times depending on the presence of troops and bases, accessibility and the landscape of the area (plains areas vs. hills and forest areas), and the type of opposition and resistance encountered in the area. Large-scale offensives took place repeatedly, particularly in those areas that proved more difficult to 'contain'. The last major military offensives prior to the preliminary ceasefire in 2012 took place in the mid-2000s in the hill regions of northern Karen State.

The Thailand Burma Border Consortium's partner agencies documented the destruction, forced relocation or abandonment of at least 1,260 civilian settlements in Karen State (3,700 in all of Southeast Burma) between 1996 and 2011.[20] In 2010, there were an estimated 192,160 internally displaced persons (IDPs) in Karen State, either in hiding sites, relocation sites or temporary IDP settlements in ceasefire areas.[21] Reporting in 1998, the Burma Ethnic Research Group estimated that approximately one third (480,000 people) of the rural population in Karen State, primarily the hill Karen population, had been displaced and had to flee from their home-places.[22]

KHRG has previously pointed out that the 'four cuts' campaigns are equally about the extraction of labour and other goods for military gain. In fact, attacks against civilians have primarily sought to extend state control over civilian populations so as to be able to establish a system of administration whereby resources can be efficiently extracted from local communities.[23] Thus a variety of abuses, including forced labour, extortion, forced relocations and land confiscations, combined under the military regime, and were tied both directly and indirectly to the conflict.

During the ceasefire period (2012-2021), villagers continued to face abuse and human rights violations, even if the nature of those violations had changed in some cases, as discussed in KHRG's report Foundation of Fear,[24] published in 2017. During that period, although heavy conflict had subsided in many (but not all) areas, villagers continued to face threats, violence

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18 See also Martin SMITH, "Burma: Insurgency and the Politics of Ethnicity", New York: St. Martin's Press, 1999.

19 According to Martin Smith, the forced relocation of Karen communities took place as early as the 1960s. However, that was primarily in the Ayeyarwady/Irawaddy region. See Martin SMITH, "Burma: Insurgency and the Politics of Ethnicity", New York: St. Martin's Press, 1999, p. 259.

20 Thailand Burma Border Consortium (TTBC), "DISPLACEMENT AND POVERTY in South East Burma/ Myanmar", 2011.

21 Ibid.

22 Burma Ethnic Research Group and Friedrich Naumann Foundation, "Forgotten victims of a hidden war: Internally displaced Karen in Burma", Chiang Mai, Thailand: Burma Ethnic Research Group and the Friedrich Naumann Foundation, April 1998.

23 KHRG, "Village Agency: Rural Rights and Resistance in a Militarized Karen State", November 2008.

24 KHRG, "Foundation of Fear: 25 Years of Villagers' Voices from Southeast Myanmar", October 2017.

and exploitation by soldiers and other issues due to ongoing militarisation in their areas. Military-backed development projects and land confiscations continued to impact villagers. Exploitation by private companies also increased.

A lack of rule of law and access to justice continued to dominate the ceasefire period, and thus was another critical issue for villagers. As one villager told KHRG in 2022: *"[T]he situation was the same after 2012 until 2020. There was no rule of law in the country. Many people including Burma government police were killed. But there was no investigation. Nobody takes action against perpetrators even now."*

Although the Burma military continued to implement 'four cuts' tactics during the ceasefire, since the 2021 coup, the Burma military has reinvigorated its 'four cuts' approach in an attempt to take control of the country. Once again, the military's offensives have largely targeted civilians. The Burma military has put in place heavy restrictions that prevent civilians from engaging in livelihood activities, and has deliberately impeded the transportation of food, medical supplies, and other essential items, often confiscating and destroying these items at checkpoints. The military has launched massive air strikes and engaged in heavy shelling in civilian areas, forcing villagers to flee for safety, while also deliberately denying access to lifesaving assistance for those in need. The military has imposed travel restrictions and attacked humanitarian workers and aid convoys, engaged in the destruction of non-military supplies, and implemented repeated shutdowns of telecommunications services. Troops have once again begun using civilians for forced labour and as human shields, and have imposed forced relocations.

Since the 2021 coup, the Burma military has conducted over 72 air strikes in Karen State (through the end of October 2022). Almost all of these attacks targeted civilian villages. At least 32 civilians have been killed by these air strikes. The estimated number of individuals displaced in Karen State since February 2021 is now close to 350,000.[25]

Failures of the international community

A Special Rapporteur was established by the UN in 1992 to monitor the human rights situation in Burma, with the Commission on Human Rights noting the "existence of important restrictions on the exercise of fundamental freedoms and the imposition of oppressive measures directed, in particular, at minority groups."[26] In 1998, the UN was made aware not just of the grave human rights violations taking place in Burma, but also the problem of impunity. Following a visit to the Thai-Burma border in 1997 by the Special Rapporteur, the Secretary General drafted an interim report in October to the UN General Assembly stating: "The Special Rapporteur observes that the absence of respect for the rights pertaining to democratic governance continues to be at the root of all the major violations of human rights in Myanmar. Such absence is inherent in a power structure that is autocratic and accountable only to itself, thus resting on the denial and repression of fundamental rights."[27]

In his September 1998 report, the Special Rapporteur made it clear that "serious human rights violations […] continue to be committed by the armed forces in the ethnic minority areas" and

[25] Karen Peace Support Network (KPSN), Border based Karen community groups lead aid response to post-coup humanitarian crisis in Kawthoolei", October 2022.

[26] Office of the High Commissioner for Human Rights (OHCHR), "Situation of human rights in Myanmar", Commission on Human rights resolution 1992/58, 3 March 1992.

[27] United Nations General Assembly, "Situation of human rights in Myanmar: Note transmitting interim report on the situation of human rights in Myanmar, prepared by Rajsoomer Lallah, Special Rapporteur of the Commission on Human Rights", A/52/484, 16 October 1997, ¶ 145.

are both widespread and the result of policy at the highest level: “The violations include extra judicial and arbitrary executions (not sparing women and children), rape, torture, inhuman treatment, forced labour and denial of freedom of movement. These violations have been so numerous and consistent over the past years as to suggest that they are not simply isolated acts of individual behaviour by middle or lower rank officers but are the result of policy at the highest level entailing political and legal responsibility.”[28]

Similar observations were made in subsequent years. Given the continued inaction of the UN, the International Human Rights Clinic at Harvard Law School [henceforth, Harvard Law Clinic] published a report in 2009 analysing the evidence within UN documents themselves of international crimes committed by the Burma military. It asserted that “despite the recognition of the existence of these violations by many UN organs, to date, the Security Council has failed to act to ensure accountability and justice.”[29] The report argued that there was a prima facie case of international criminal law violations, including both war crimes and crimes against humanity, in eastern Burma that demanded UN Security Council action and the establishment of a Commission of Inquiry to investigate these grave breaches.

Following that report and enquiries about whether actual criminal proceedings were possible, in 2014, the Harvard Law Clinic sought to determine whether sufficient evidence existed to build a criminal case against individual perpetrators for war crimes and crimes against humanity. The investigation covered offensives from 2005 to 2006 in just one Karen district (Taw Oo [Toungoo] District). Based on evidence gathered during its investigation, including evidence provided by KHRG, the Harvard Law Clinic concluded that: “In relation to three specific military commanders, the Clinic has collected evidence sufficient to satisfy the standard required for the issuance of an arrest warrant by the International Criminal Court as set forth in Article 58 of the Rome Statute.”[30] Even with the limited scope of the investigation, the Clinic found sufficient evidence of the following war crimes and crimes against humanity:

War crimes	***Crimes against humanity***
Attacking civilians	Forcible transfer of a population
Displacing civilians	Murder
Destroying or seizing the enemy’s property	Enslavement
Pillage	Torture
Murder	Other inhumane acts
Execution without due process	
Torture	
Outrages upon personal dignity	

It also found some evidence of the crimes of rape and persecution.

KHRG and other human rights organisations have thus long documented and drawn attention to the severity of the situation, providing evidence of atrocity crimes, and consistently calling

[28] UN General Assembly, “Situation of human rights in Myanmar: Note transmitting interim report on the situation of human rights in Myanmar, prepared by Rajsoomer Lallah, Special Rapporteur of the Commission on Human Rights”, A/53/364, 10 September 1998, ¶ 59.

[29] International Human Rights Clinic at Harvard Law School, “Crimes in Burma,” Cambridge, MA: International Human Rights Clinic at Harvard Law School, 2009.

[30] International Human Rights Clinic at Harvard Law School, “Legal Memorandum: War Crimes and Crimes against Humanity in Eastern Myanmar,” Cambridge, MA: International Human Rights Clinic at Harvard Law School, November 2014, p. 1.

upon international mechanisms and bodies to take action. And yet moving forward with criminal proceedings in Karen State has not taken place.

In 2005, a report was commissioned by Vaclav Havel, the former president of the Czech Republic, and Bishop Desmond Tutu, South Africa's pro-democracy and human rights leader, to assess the threat that the Burma government poses both to its own people and to regional peace and security. The report concluded: "Not only does the situation in Burma meet the determining factors the Council has cited in the past to ascertain that a 'threat to the peace' exists, but the failure of all past interventions makes clear that the Government of Burma now needs to be given a binding obligation to achieve national reconciliation. The Security Council has the authority to act and should exercise this authority in the case of Burma."[31] While pressure has been placed on the UN Security Council to make a determination that the situation in Burma constitutes a "threat to the peace" or "breach of the peace" – the necessary predicate for any non-forcible and forcible enforcement measures that could be taken under Chapter VII of the UN Charter – the Security Council has consistently failed to do so.

Although the past decade has seen some significant developments, for example the creation in 2017 of the UN Independent International Fact-Finding Mission on Myanmar (IIFFMM), the 2019 report of the Mission focused on human rights developments since September 2018. Investigation into the situation specifically in Karen State was limited, with the main conclusion being: "further investigations into allegations that the Tatmadaw continues to violate their rights in the context of long-standing armed hostilities that date back to 1949 are warranted."[32]

Its successor, the Independent Investigative Mechanism for Myanmar (IIMM), is currently mandated to collect evidence of serious international crimes and violations of international law committed in Burma since 2011. In its July 2022 annual report to the Human Rights Council, the IIMM released preliminary findings, including for Karen State, stating that, "[t]he available evidence suggests that the crimes against humanity of murder; torture; deportation and forcible transfer; rape and other forms of sexual violence; persecution; and imprisonment have been committed."[33] However, beyond post-coup crimes, most of the crimes committed against people in Karen State likely to be considered serious enough to warrant international criminal proceedings against the military took place before the IIMM's mandated period of investigation. This is in part due to a failure to recognise the ongoing patterns of abuse that persisted throughout the ceasefire period, as well as the already well-developed agency strategies used by villagers to limit and evade military abuse that can also render it less visible to external audiences. While the IIMM holds promise for justice for villagers who have experienced military abuse since the 2021 coup, the possibility of investigating earlier crimes remains limited.

Other monitoring mechanisms have been created over the years but have often been poorly implemented. For example, after years of trying to get the military junta to address the problem of forced labour, rampant throughout the country, the International Labour Organization (ILO) succeeded in establishing a monitoring mechanism to allow individuals to submit complaints of forced labour. However, several years later, in discussions held by the ILO Committee on the Application of Standards, it was noted that the "complainants continued to be harassed or jailed for utilizing this mechanism to denounce acts of forced labour, and lawyers representing victims

[31] DLA Piper Rudnick Gray Cary, "Threat to the Peace: A Call for the UN Security Council to Act in Burma", September 2005.

[32] UN General Assembly, "Report of the Independent International Fact-Finding Mission on Myanmar", A/HRC/42/50, 8 August 2019.

[33] UN General Assembly, "Report of the Independent Investigative Mechanism for Myanmar", A/HRC/51/4, 12 July 2022.

were disbarred."[34] In 2019, in light of plans to create a new government-operated mechanism, the Committee noted that "it remains to be seen whether this will be effective, given that the military itself perpetrates forced labour and that the Government has not demonstrated to date its ability or willingness to take effective measures to prevent forced labour, to hold perpetrators accountable with effective sanctions and to provide survivors with an adequate remedy."[35] The Committee of Experts highlighted that since 2007, only 377 soldiers, of which only 17 per cent were officers, have faced military discipline of any kind under the complaints mechanism. And that any punishment was likely limited to temporary suspension from duty or demotions in rank. Further, there has been only one person punished under the Penal Code and the report did not indicate exactly what that punishment was.

Although multiple international accountability proceedings are currently under way – namely, the genocide case brought before the International Court of Justice (ICJ), the forced deportation investigation before the International Criminal Court (ICC), and the more recent universal jurisdiction case in Argentina – they only address genocide and mass atrocities committed against the Rohingya people. While any action to prosecute the Burma military for its past crimes is a step forward for everyone, the continued lack of justice for other ethnic populations is unacceptable, particularly given the multiple opportunities that the international community has had to initiate investigations and proceedings into the situation in Karen State since the 1990s. Since accountability proceedings to investigate the Burma military's atrocities against other ethnic minorities have yet to be undertaken, the possibility for justice and ending ongoing violence for other ethnic minority groups in Burma currently hinges heavily on the outcome of the Rohingya proceedings.

The problem of impunity

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 and helping the country move toward democracy and sustainable peace. Investigators for the UN Independent International Fact-Finding Mission on Myanmar (IIFFMM) 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."[36]

Amidst repeated calls from the international community for the Burma military to renounce and reverse the longstanding policies that have resulted in attacks on civilians and violations of international humanitarian law, the military regime focused on drafting a new constitution that further undermines respect for human rights and entrenches military rule and impunity.

Article 445 of the 2008 Constitution effectively enables former junta officials to evade accountability for human rights violations: "No proceeding shall be instituted against the said Councils [the State Law and Order Restoration Council and the State Peace and Development Council, the former juntas that ruled Burma from 1988 to 2011] or any member thereof or any member of

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34 International Labour Organisation (ILO), "Record of the Discussion in the Committee on the Application of Standards", Individual Case Discussion, 2011.

35 International Labour Organisation, "Record of the Discussion in the Committee on the Application of Standards", Individual Case Discussion, 2019

36 Human Rights Council, "Statement by Mr. Marzuki DARUSMAN, Chairperson of the Independent International Fact-Finding Mission on Myanmar, at the 39th session of the Human Rights Council," 18 September 2018.

the Government, in respect of any act done in the execution of their respective duties." Any attempt to repeal Article 445 requires the support of more than 75% of lawmakers in Parliament to pass constitutional amendments, however 25% of parliamentary seats are allocated to the military, also stipulated in the 2008 Constitution. This gives the military veto power over any constitutional change.

Defence service personnel are also shielded from prosecution by civilian courts. Articles 293 (b) and 319 of the Constitution give courts-martial exclusive jurisdiction over military personnel; and Section 72 of the 1959 Defence Services Act stipulates that defence personnel on active service who commit serious crimes are subject to the jurisdiction of courts-martial. In a January 2018 report, the International Commission of Jurists noted that, due to the broad definition of active service provided by the law, military personal would in most instances be considered to be on active service.[37] In short, the military is only accountable to itself, which has enabled its members to escape prosecution for the gross human rights violations committed in Southeast Burma and throughout the country.

Article 343 (b) of the Constitution further stipulates that the decision of the Commander-in-Chief of the Defence Services is final and conclusive in the adjudication of military justice. As the Commander-in-Chief exercises both appellate power and ultimate authority, no other institution can appeal those decisions.

In January 2016, in the aftermath of the victory of the National League for Democracy in the 2015 general elections, Parliament adopted the Former Presidents' Security Law, essentially granting former presidents immunity from prosecution for undefined 'actions' committed during their time in office. Although the final version added the formula 'in accordance with the laws', Amnesty International pointed out that "the law could still be interpreted as granting immunity to former presidents; including for crimes against humanity, war crimes and other crimes under international law."[38]

Impunity for former heads of state, junta officials and soldiers potentially responsible for gross human rights violations is thus embedded in Burma's legal framework.

Even the mechanisms to promote peace and ensure transitional justice following the 2015 ceasefire have been considered largely ineffective. A Joint Ceasefire Monitoring Committee (JMC)[39] was set up to investigate alleged violations of the 2015 NCA; and the UN created a Support Platform Project (JMC-SPP) to provide it with technical assistance. However, in September 2019, the Final Independent Evaluation of the JMC-SPP labelled the JMC a "passive monitoring operation," and stated that "it is not a sufficient mechanism for upholding victims' rights and ensuring the protection of civilians, including victims of sexual and gender based violence, against violations committed by NCA signatories."[40]

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37 International Commission of Jurists (ICJ), "Achieving Justice for Gross Human Rights Violations in Myanmar - A Baseline Study", January 2018.

38 Amnesty International, "Myanmar: Scrap or amend new law that could grant immunity to former presidents", January 2016.

39 The Joint Monitoring Committee was established at the Burma state and regional level in late 2015 to monitor signatories' adherence to the October 2015 Nationwide Ceasefire Agreement. It considers the majority of its monitoring to be based on territorial disputes, but has been slow to respond to complaints over breaches of the NCA code of conduct and lacks a formal complaint mechanism, or any enforcement powers.

40 Guy Patrick BANIM and Tin Maung Maung OHN, "Final Independent Evaluation of the Joint Ceasefire Monitoring Committee (JMC) Support Platform Project (SPP), Myanmar", September 2019.

The Myanmar National Human Rights Commission (MNHRC), established in 2011 to address human rights violations, has repeatedly been criticised as lacking independence and failing to meet the international standards set forth in the Paris Principles. The MNHCR, composed of ex-military and retired senior civil servants, has consistently failed to investigate the gross human rights violations committed in conflict-affected areas.

Thus, even under the quasi-civilian government, a failure to address past and ongoing human rights violations and systematic impunity within the national framework was evident. Since the 2021 coup, the SAC has further undermined the rule of law and any possibility for justice and accountability. KHRG reported in November 2021: "The reforms that the SAC has undertaken since seizing power create a system of 'justice' that effectively undermines and stands in contradiction to rule of law, and thus is more clearly a system of inscribed injustice for civilians and impunity for the military. KHRG interviewees themselves have pointed to the complete arbitrariness of arrests, with no assurance of due process or fair trial rights, no possibility to report crimes and violations to any sort of justice system, and fear of further abuse and threat if they were to even attempt to seek out justice."[41]

Since the coup, villagers have repeatedly expressed to KHRG their concerns about any possibility for justice. After SAC security forces violently beat a group of young girls attending a pro-democracy protest in 2021, one villager remarked: *"Who can we report it to? We do not know where to report it. Even though we report it, who will take action for us? In the current situation, all authorities are their people."* [42]

Saw Aa--- from Taw Oo District, interviewed in 2022 for the current report, stressed: *"If the SAC continues to take the power, we will have to live in a country where there is no rule of law. We will have to live like prey being hunted."*

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.

41 KHRG, "Military Atrocities and Civilian Resilience: Testimonies of Injustice, Insecurity and Violence in Southeast Myanmar during the 2021 Coup", November 2021, p. 7.

42 Idem, p. 22.

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 is 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; as well as looting, extortion and land confiscations. It has destroyed schools, churches and medical facilities, and deliberately prevented villagers from accessing 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 villagers who are gauging, on a day-to-day basis, the way abuse compromises their priorities.

Effective implementation of civilian protection must recognise 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.

Structure of the report

Chapter 1: Clearance operations

The report begins with a discussion of the Burma military's clearance operations, which were implemented in locally-defined Karen State beginning in the 1970s, and intensified in many areas through 2010. The Burma military engaged in threats, looting, extortion, and property destruction, sometimes burning down entire villages, to force villagers out of their homes and undermine support for ethnic armed groups. Forced relocations and scorched earth tactics were key to the Burma Socialist Programme Party (BSPP), State Law and Order Restoration Council (SLORC),[43] and State Peace and Development Council (SPDC)[44] regimes' counter-insurgency efforts from the 1970s into the 2000s. Clearance operations, which intensified in the 1990s, brought widespread violence, restrictions on movement, food insecurity, and displacement. KHRG reports show the broad and substantial impact of these activities on villagers' lives, with many villagers reporting living in a constant state of fear and experiencing repeated and protracted displacement, as well as constant threats to life and demands for forced labour. Some villagers employed a variety of strategies to prevent the widespread violence and destruction, including negotiations, and internal and cross-border displacement. Since the 2021 coup, the current military junta has begun engaging in similar tactics of "burn all, destroy all".

This chapter serves as a focal point for the rest of the report, which explores in greater detail the different forms of violence and rights violations against civilians introduced in this chapter as part of the Burma military's clearance operations and tactical counter-insurgency strategies.

Chapter 2: Targeting civilians (killing, torture, arrest)

Unlawful killings, torture, and arbitrary arrests of civilians were widely undertaken as part of the 'four cuts' strategy. KHRG reports suggest that the Burma military considered these attacks against civilians as legitimate warfare, yet are in clear violation of the most fundamental tenets of international humanitarian law, and likely constitute war crimes and crimes against humanity. The Burma military's shoot-on-sight policy, execution squads from the 1990s, and brutal methods of violence reflect the military's blatant disrespect for the lives of civilians. The systematic use of mental and physical torture has been recorded by KHRG across its operational area, used most frequently as a tool for intimidation and punishment against civilians, and linked to accusations of association with ethnic armed resistance. Under the Burma military's 'four cuts' logic, all villagers were considered suspect. Even activities essential to villagers' livelihoods, such as working on their farms and transporting food or medical supplies, could lead to arrest, torture, and/or death. Since the 2021 coup, the SAC has reimplemented curfews and shoot-on-sight policies in many rural areas, and has been detaining and torturing civilians who they suspect of engagement in pro-democracy and opposition activities.

[43] State Law and Order Restoration Council, which replaced the Burma Socialist Programme Party (BSPP) following the September 18th 1988 coup d'état by then General Saw Maung (later Senior General). The SLORC was officially dissolved in 1997 by Senior General Than Shwe and was replaced by the State Peace and Development Council (SPDC).

[44] The State Peace and Development Council (SPDC) was created by the military junta ruling Burma in 1997. It followed the State Law and Order Restoration Council (SLORC) which ruled from 1988 until its dissolution in 1997. The SPDC was officially dissolved on March 30th 2011 by Senior General Than Shwe following the election of a quasi-civilian government in Burma in November 2010.

Chapter 3: Forced labour

KHRG reports have shown that forced labour was the most widespread human rights violation experienced by villagers in Karen State over the past several decades. Villagers were systematically subjected to forced labour as part of the military's operations, both to transport items for military offensives, and on a routine basis for camp construction and maintenance as well as 'development' projects. Forced labour contravenes the International Labour Organization's (ILO) Convention concerning Forced or Compulsory Labour, which the government of Burma ratified in 1955, and may constitute crimes against humanity and war crimes. Forced labour was tied to other forms of violence and abuse, including the deprivation of liberty, threats to life, and in some cases rape. The stories of forced portering shared with KHRG highlight the life-threatening and dehumanising conditions imposed by the Burma military, including threats, beatings, food deprivation or the provision of inedible food, deprivation of medical services, use as human shields, and the killing (or leaving to die) of injured porters. Given the Burma military's endless demands for forced labour and arbitrary arrests of villagers to obtain this labour, forced labour has been a key driver of displacement as an evasion strategy. Forced portering and the use of civilians as human shields by the SAC has been on the rise since the 2021 coup.

Chapter 4: Food insecurity and livelihood challenges

Over the past 30 years, broad and sustained human rights abuses and restrictions imposed primarily by the Burma military have prevented villagers from carrying out their livelihood activities, earning a steady income, and having consistent access to food sources. Food restrictions linked to clearance operations contributed to food insecurity, and were deliberate attempts to deprive villagers of access to resources indispensable to their survival, in clear violation of international law. Intentionally using starvation as a means of warfare is also considered a war crime. Displacement and forced relocations, land confiscations, as well as the persistent state of fear created by militarisation, armed conflict, and threats of arrest, further led to the inability of villagers to secure their livelihood. The economic actions and agricultural policies of the military juntas resulted in soaring food prices, increased debt for farmers, and widespread poverty. In particular, rice quotas and forced crop production for the military prevented villagers from engaging in livelihood activities to meet their own families' needs. Since the 2021 coup, 'four cuts' tactics, including military-imposed movement restrictions and efforts to cut off villagers' access to food and other basic necessities has once again led to food insecurity and rising malnutrition and starvation. Widespread displacements due to conflict and military activities are also contributing to livelihood challenges.

Chapter 5: Conflict-related sexual violence

Sexual violence is deeply embedded in the Burma military's tactics and is used at all levels of authority, possibly as a weapon of war. Sexual violence has been systematically utilised in combination with other forms of terror and intimidation and frequently took place, specifically against women and girls, during forced labour. Over the past 30 years, most commonly reported to KHRG was rape against women, but some instances of sexual violence against men have also been reported. Public humiliation and forced nudity were also used as tactics of intimidation. While no reports of conflict-related sexual violence have been reported to KHRG since the 2021 coup, villagers consistently express concern for the safety of women and girls in the presence of SAC soldiers. Survivors also report a lack of justice and accountability for the perpetrators of these violent acts.

Chapter 6: Children's rights

Over the past 30 years, children in Karen State have been subjected to numerous human rights abuses by the Burma Army, including killing and maiming; recruitment as soldiers; forced labour; sexual violence; deprivation of education; and denial of access to humanitarian aid. The Burma Army systematically recruits child soldiers, with children as young as 10 or 11 being abducted and tricked or threatened to join. Forced labour has also been common, requiring children to engage in activities in support of the military, and thus could be considered forced conscription. As noted in Chapter 5, children were often the target of sexual violence during these activities. Children have also frequently been the victims of the Burma Army's shoot-on-sight policy, and in some cases murdered in an excessively brutal manner. Efforts to deny humanitarian access to Karen areas have had significant impacts on the health of children, including deaths due to an inability to receive medicine or treatment. KHRG has also produced extensive evidence that children across Karen State have been systematically prevented from accessing education through unlawful attacks on schools, forced relocations and displacements. Barriers to accessing education have persisted, and remain a deep concern as serious rights violations in villagers' eyes due to the broad impacts. This chapter also highlights that international monitoring and reporting mechanisms regarding children's rights during conflict sometimes fail to take into account the ways in which violations occur in Southeast Burma and can contribute to the underreporting of violations.

Chapter 7: Landmines

Widespread landmine contamination poses a significant and sustained threat to the lives, livelihoods, and physical and psychosocial health of villagers in Southeast Burma. KHRG has received reports showing that in some cases landmines were deliberately planted to harm civilians and to prevent villagers from returning to their villages as part of clearance operations. In addition, throughout much of KHRG's history, the Burma Army has used villagers for forced mine clearance and as human minesweepers while transporting supplies and rations. Not only have armed groups failed to systematically clear landmines and provide landmine awareness training, they have also actively resumed planting landmines since the 2021 coup. KHRG has documented a rise in the number of civilian casualties since early 2021. Burma is not a signatory to international treaties banning the use of landmines, and is the only state whose security forces still actively use landmines.

Chapter 8: Village agency

Across KHRG's documentation, village agency tactics have been employed to reduce the impact of abuses on villagers' lives and livelihoods, confront the military and other armed groups, and prevent human rights violations. The resistance strategies include negotiating with perpetrators, evading the Burma military and its allied forces, refusing demands by armed groups, hiding belongings, and informing local authorities or media agencies of abuses and demands. Village heads have played a significant role in negotiating for the reduction of demands and temperance of abuse as the intermediaries between villagers and armed groups. Throughout the past 30 years, KHRG has received numerous reports of village heads frequently negotiating the release of arrested villagers, bargaining with flattery, using bribes, confronting military personnel, and partially complying with or refusing demands. In addition, female village heads often employed norms of respect for women to their favour in negotiations.

Chapter 9: Villagers' perspectives

In the final chapter, villagers interviewed by KHRG in 2022 describe the burden and impact of decades of conflict, displacement and military oppression and abuse that they have endured. The majority of villagers interviewed for this report express optimism for peace, while calling for ethnic unity, international support, and perpetrator accountability. Villagers express concern about problems of impunity and inaction by the international community, but nevertheless continue to urge world leaders, UN agencies, and the broader international community to work together to end the military dictatorship, impose sanctions, and engage in legal proceedings against the perpetrators of abuses. Many villagers also push for greater unity among Karen people and transparency from local leaders. Some villagers emphasise the importance of bringing an immediate end to the military regime, while others express the need for making incremental changes to build a sustainable state of peace.

Interspersed between these chapters are longer personal narratives of individual villagers that highlight lifelong efforts to mitigate the impacts of armed conflict and military abuse, and challenge that oppression where possible.

Recommendations

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 NUG's 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.

Methodology

In an effort to understand the long-term oppression and abuse that villagers have experienced and how that has impacted their lives, KHRG undertook interviews with villagers over the age of 40 (the oldest being 70) asking them to recount their life stories. In total, KHRG interviewed 17 villagers, six of whom were village leaders at some point, past or present. Six of the 17 interviews were with women. The interviews took place in July and August 2022, and consist of a total of 45 hours of recorded oral testimony (515 pages of transcript in English) gathered through semi-structured interview methods.

This report is based on those interviews in combination with 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 a number of 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. Primarily cited in this report are KHRG's larger reports that speak to broader trends and/or gather information from multiple raw data reports over a specific period of time. The rationale for this was two-fold. In citing past reports, often at length, the idea was to respect how particular issues and situations were described at the time of reporting, rather than trying to collapse all of that information into a single historical narrative. Additionally, given the vast amount of material produced by KHRG, the hope was to provide the reader with references to key reports that may be useful for further exploration.

The stories of violence and oppression that our 17 interviewees recounted heavily shaped the choices in deciding what to include in this report. Given the broad range of abuse and violence that villagers in KHRG's operational area have endured over the past 30 years, it was impossible to include and do justice to all of those issues. Some topics like development projects, land confiscations and impediments to peace were also already covered extensively in recent KHRG reports.[45] Another consideration in choosing issues to include in this report was whether the violations continue into the present, or were so thoroughly a part of the Burma military's operational strategies and protocol under the earlier junta regimes that there is a strong likelihood that they will soon re-emerge, if they haven't already. Finally, given the problems of impunity that make possible ongoing violence and oppression, it was important to us to select those issues that could be considered gross human rights violations and for which action should be taken on an international level.

KHRG's field research

In 1992, KHRG began to gather testimonies through a flexible and informal network of local volunteer researchers, the original 'group' based out of Manerplaw in Hpa-an District. Since that time, KHRG's methods of both recording and reporting data have evolved according to the documentation methods available, the changing security context and the training invested in

[45] See KHRG, "Foundation of Fear: 25 Years of Villagers' Voices from Southeast Myanmar", October 2017; KHRG, "Development or Destruction? The human rights impacts of hydropower development on villagers in Southeast Myanmar", July 2018; KHRG, "'Development without us': Village Agency and Land 'Development without us': Village Agency and Land Confiscations in Southeast Myanmar", August 2018; KHRG, "Dreaming of Home, Hoping for Peace:Protracted Displacement in Southeast Myanmar", May 2019; KHRG, "'Beyond the Horizon': Local Perspectives on Peace, Justice and Accountability in Southeast Myanmar", November 2019.

KHRG researchers in community areas. Whilst documentation methods have evolved, the purpose has remained the same: to document the voices of villagers and to allow the villagers to define the abuses and agency based on their perception and experience.

Over the years, KHRG has faced a variety of challenges in obtaining information, keeping as a top priority the security concerns faced by villagers and researchers, who in many cases face retaliation by local armed actors for engaging in reporting. In the 1990s, documentation included but was not limited to backpacks full of camera rolls smuggled across the Thai-Burma border to be printed with relative safety in Thailand; order letters received first-hand by village heads from armed groups demanding forced labour; and testimonies of displaced villagers in hiding who were experiencing multiple levels of human rights abuse. Since 2017, KHRG has attempted to standardise its reporting format, particularly regarding the documentation of individual incidents of abuse. In addition to incident reports, KHRG collects oral testimony, via audio-recorded interviews; written updates on the situation in areas with which researchers are familiar, including their perspectives on abuses and local dynamics; photographs and video footage; copies of complaint letters submitted by community members to local authorities; and other forms of evidence where available.

Throughout KHRG's history, an emphasis has been placed not only on a village-led conception of human rights, but also on 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, as well as villagers' own strategies and agency in the face of oppression and violence.

Research areas

The interviews conducted specifically for this report, and the information taken from previous KHRG reports, cover all seven districts within KHRG's operational area: Doo Tha Htoo (Thaton), Taw Oo (Toungoo), Kler Lwee Htoo (Nyaunglebin), Mergui-Tavoy, Mu Traw (Hpapun), Dooplaya and Hpa-an.[46] These areas are commonly referred to as 'districts' and are the names used by the KNU, as well as many local Karen organisations, both those affiliated and unaffiliated with the KNU. KHRG's use of the district designations in reference to our research areas represents no political affiliation; rather, it is rooted in the fact that many rural communities commonly use these designations.

KHRG currently uses the Karen names for locations, from the village level to the district level (with the exception of town names, which are in Burmese). In past KHRG reports, however, different naming practices applied. Thus, in citations from past reports, district and township names may appear in Burmese, rather than Karen.

When transliterating Karen village names, KHRG currently utilises a Karen language transliteration system that was developed in January 2012 in cooperation with 14 other local Karen community-based organisations (CBOs) and non-governmental organisations (NGOs) to ensure consistent spelling of place names. Variation in transliteration of both Karen and Burmese location names is apparent throughout this report due to different transliteration practices used by KHRG over the past 30 years.

[46] For clarity, the Burmese terms used for these districts are provided in brackets but do not correspond with the Myanmar government administrative divisions.

KHRG currently uses the term 'Burma' in its analysis. The country was officially named Burma until the military regime changed the name to Myanmar in 1989, without consultation from the people. In past reports, KHRG has used the term 'Myanmar' for advocacy reasons, considering it more productive to engage the government by the name it considers to be official. However, KHRG prefers the use of Burma because it is more typically used by villagers and since the name change to Myanmar is reflective of the military regime's longstanding abuse of power.

Sources and referencing

The information in this report is based directly upon testimonies offered by villagers and local leaders, as well as raw data collected within local communities. In order to make the data in this report transparent and verifiable, interviews used for this report are available for consultation upon written request. In addition to the data collected through interviews and reports from the field, KHRG consulted and analysed other external sources to gather policy and legal information, as well as statistical and contextual information, which have been referenced using standard citation format. Previously published KHRG reports were also used in the preparation of this report and have been referenced using standard citation format.

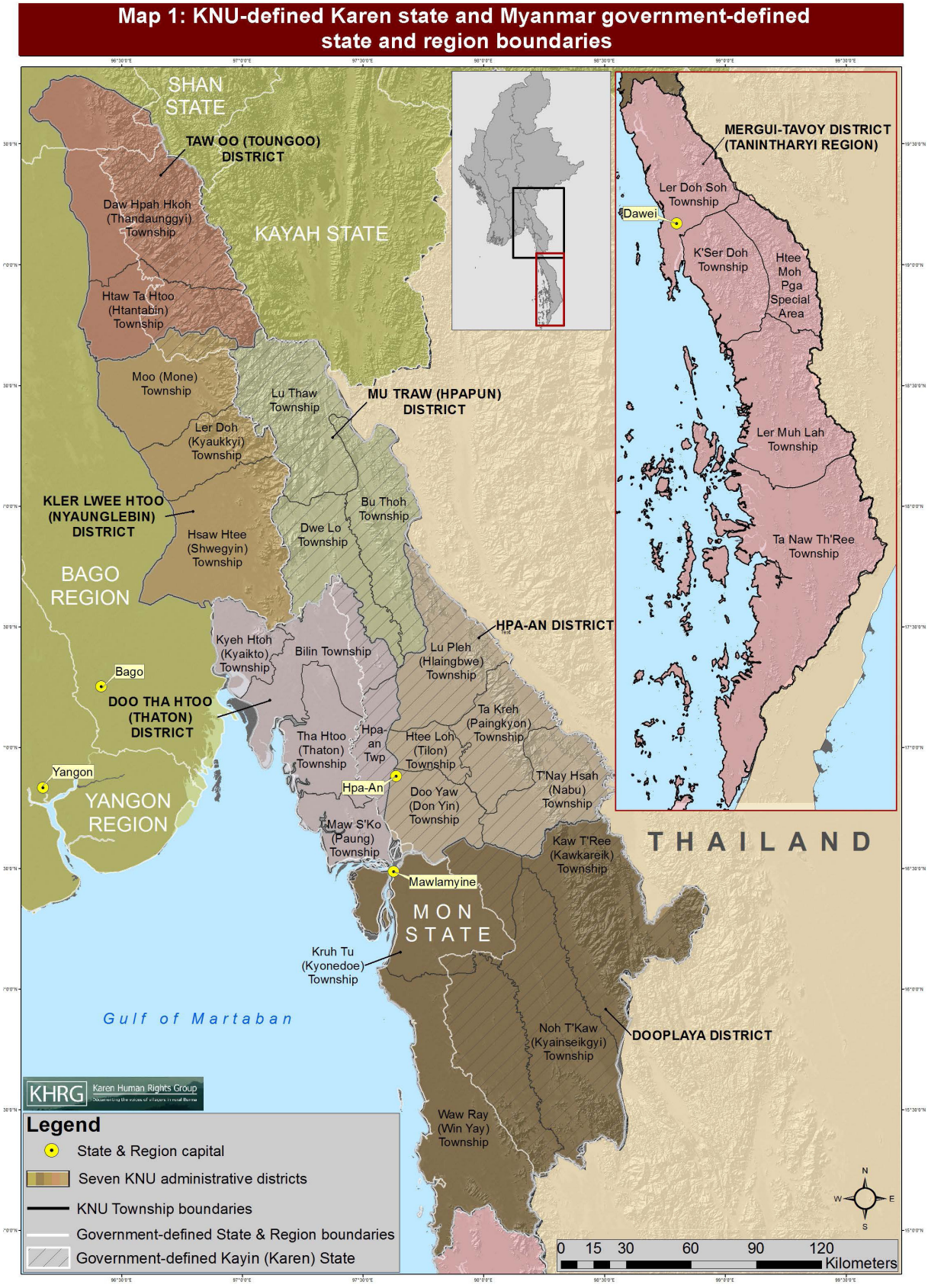
All participants, whether interviewed for this report or for earlier reports cited here, were informed of the purpose of the interviews and provided consent to be featured in KHRG's publications. Interviews for this report, as with other KHRG reports, were conducted in S'gaw Karen and Burmese, or other local languages, where necessary.

Censoring of names, locations, and other details

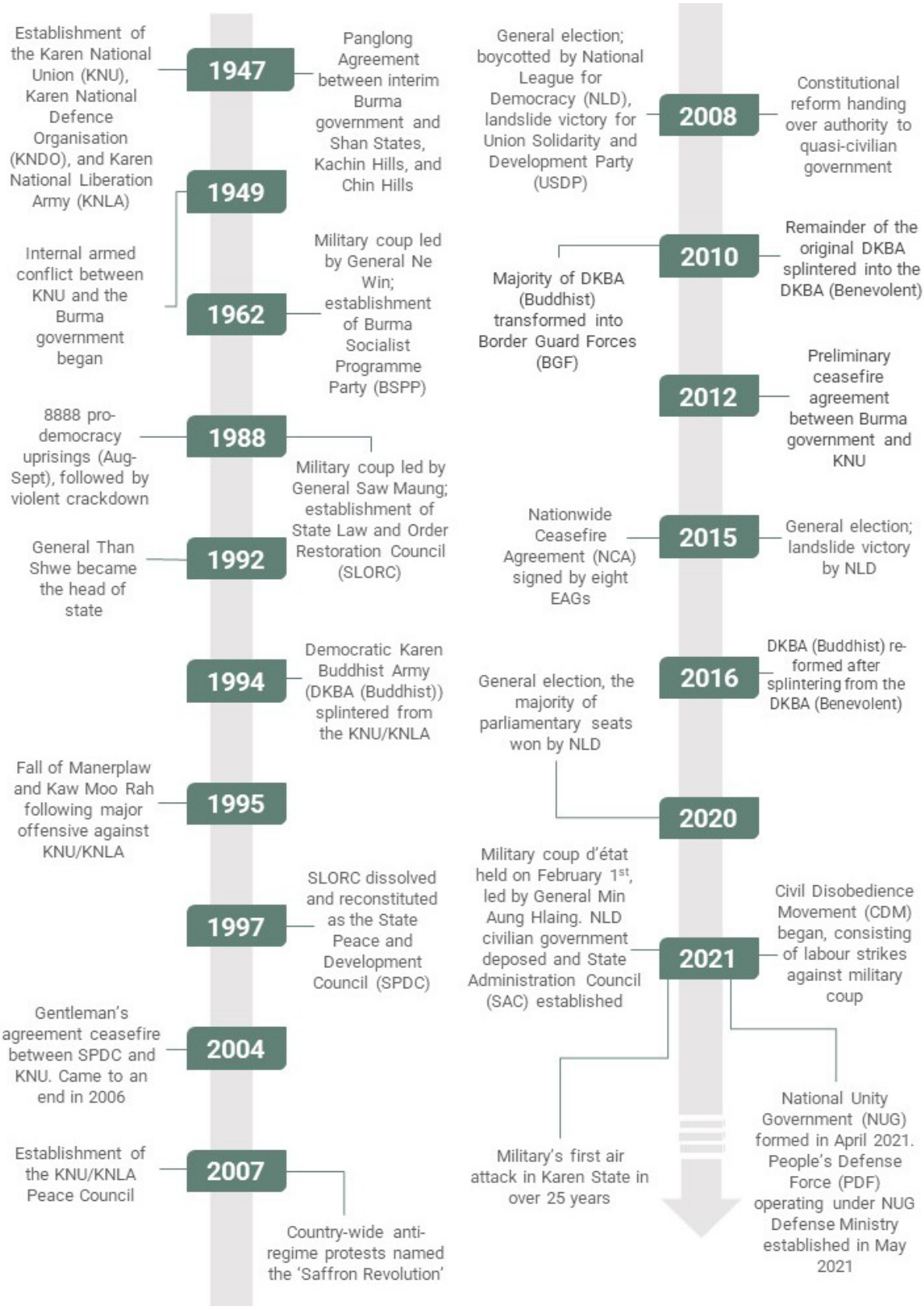
Where quotes or references used in this report include identifying information that KHRG has reason to believe could put villagers in danger or at risk, this information – notably, the names of individuals or villages – has been censored using an alphabetised system. Village and personal names have been censored using single- and double-digit letters beginning from A--- and running to Zz---. The censored code names do not correspond to the actual names in the relevant language or to coding used by KHRG in previous reports. All names and locations censored according to this system correspond to actual names and locations on file with KHRG. Thus, censoring should not be interpreted as the absence of information. In some cases, further details have been withheld for the security of villagers and KHRG researchers.

In citing past reports, no alterations were made to the original text, including censored information, unless otherwise noted. Due to the different reporting periods, some censoring codes from previously published material cited in this report are duplicated. However, the information gathered from the 17 interviews conducted specifically for this report all use unique censor codes, with the names of the 17 interviewees assigned codes Aa--- to Aq---.

Map: KHRG operational area



Timeline of history of Southeast Burma



Terms and abbreviations

BGF	Border Guard Force
BSPP	Burma Socialist Programme Party
DKBA	Democratic Karen Buddhist Army
DKBA (splinter)	Democratic Karen Buddhist Army (splinter)
EAO/EAG	Ethnic armed organisation/ethnic armed group
IB	Infantry Battalion of the Burma Army
ICC	International Criminal Court
ICJ	International Court of Justice
ICRC	International Committee of the Red Cross
IDP	Internally displaced person
IIFFMM	Independent International Fact-Finding Mission on Myanmar
IIMM	Independent Investigative Mechanism for Myanmar
ILO	International Labour Organization
KHRG	Karen Human Rights Group
KNDO	Karen National Defence Organisation
KNLA	Karen National Liberation Army
KNU	Karen National Union
KWO	Karen Women's Organisation
LIB	Light Infantry Battalion of the Burma Army
LID	Light Infantry Division of the Burma Army
MOC	Military Operations Command of the Burma Army
MRE	Mine risk education
NCA	Nationwide Ceasefire Agreement
NGO	Non-governmental organisation
NLD	National League for Democracy
NUG	National Unity Government
PDF	People's Defence Force
SAC	State Administration Council
SGBV	Sexual and gender-based violence
SLORC	State Law and Order Restoration Council
SPDC	State Peace and Development Council
UN	United Nations
UXO	Unexploded ordnance

Currency and measurements

kyat	Currency of Burma. Exact conversion estimates are not possible for all mentions of the kyat in this report. Conversion rates have varied considerably over the past 30 years, and no official currency conversion existed for the kyat prior to mid-2012 due to the Burma military junta's strict prohibition on foreign exchange and international banking. Black market rates prior to mid-2012 reached 1,000 kyats or higher per USD, whilst bank rates were often in the low hundreds. For reports covering 1992 to 2012, KHRG has used the black market figure of 1,000 kyats to USD 1.00. KHRG has not been able to establish an estimate for dates prior to 1992. All other conversion estimates for the kyat in this report are based on the November 7th 2022 mid-market exchange rate of 1,000 kyats to USD 0.48 (taken from https://wise.com/gb/currency-converter/).
basket	A basket is a unit of volume used to measure paddy, milled rice and seeds. One basket is equivalent to 20.9 kg or 46.08 lb of paddy, and 32 kg or 70.4 lb of milled rice.
big tin	A big tin is a unit of volume used to measure paddy, milled rice and seeds. One big tin is equivalent to 10.45 kg or 23.04 lb of paddy, and 16 kg or 35.2 lb of milled rice.

Burmese language terms

Bamar	The majority ethnic group in Burma, also known as ethnic Burmese or Burman.
Bo	Military title meaning 'officer.'
Daw/U	Female/male honorific title for a married woman/man or a woman/man of a higher social position.
Loh ah pay	Forced labour, traditionally referred to voluntary service.
Ma/Maung	Female/male honorific title used before a person's name.
Nga pway	'Ringworm'; derogatory name for KNU/KNLA soldiers often used by SLORC/SPDC soldiers.
Nyein Chan Yay	Roughly translated as 'peace.'
Pyat lay pyat	In Burma, the scorched earth policy of 'pyat lay pyat', literally 'cut the four cuts', was a counter-insurgency strategy employed by the Burma military as early as the 1950s, and officially adopted in the mid-1960s, aiming to destroy links between insurgents and sources of funding, supplies, intelligence, and recruits from local villages.

S'gaw Karen language terms

Kaw Thoo Lei	Karen State as demarcated by the Karen National Union (KNU). It is also used to refer to the KNU.
Naw/Saw	Female/male honorific title.
Tharamu/Thara	Female/male honorific title for a teacher, government employee, or any person to whom one wishes to show respect.

Chapter 1: Clearance operations

The Burma Army's counter-insurgency plan, first developed in the 1960s under the Burma Socialist Programme Party (BSPP), designated a territory as 'black', 'brown' or 'white' according to the extent of non-state armed group activity and control in that area. The military sought to transform areas under ethnic armed organisation (EAO) control (i.e., 'black areas') into contested 'brown areas' and then eventually into 'white areas' under Burma Army control, cleared of 'insurgent' activities and heavily militarized to exert control over the territory and population. To this end, the military regime 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. The military regime believed that if villagers stayed in those areas, they would help strengthen 'rebel' groups by providing information, recruits, food and other material support.

In many cases, villagers were expected to relocate to military-controlled villages or sites. In other cases, villagers were simply forced out of their homes to find refuge elsewhere. International humanitarian law only provides for the eviction of civilians from their homes temporarily in order to ensure their safety, or for imperative military reasons.[47] When those conditions are not met, as in the case of the Burma military's clearance operations, forced relocation and forced displacement can constitute war crimes and crimes against humanity.[48]

Forced relocations in KHRG's operational area began in the mid-1970s under the BSPP, led by General Ne Win, and primarily took place in areas that were more easily accessible to BSPP troops, namely plains areas and areas near towns. In many cases, these initial relocations were not sustainable, and most villagers gradually ended up back in their home villages.[49] Due to the ongoing failure to crush opposition groups, clearance operations involving forced relocations and scorched earth tactics continued to serve as a key component of the military's offensives under the State Law and Order Restoration Council (SLORC) and State Peace and Development Council (SPDC) regimes.

Throughout the 1990s and 2000s, SLORC/SPDC troops intensified their efforts by engaging in heavy campaigns across Southeast Burma to increase the area under their control, both in plains areas and the more 'difficult to contain' hill regions. The timeframe of these campaigns varied by region due to the challenges of taking control of different areas. Nevertheless, the activities associated with the clearance operations were ongoing since, not only were SLORC/SPDC troops continually trying to encroach into new areas, but the only way to maintain already occupied locations as 'white areas' was to actively monitor those areas.

While the Burma military made claims that these clearance operations were for the protection of civilians against enemy forces, that was clearly not the case. Aside from burning down villages, destroying villagers' houses, property and food supplies, the military engaged in threats and implemented a shoot-on-sight policy to force villagers to move. Between 1975 and 1978 alone, the KNU estimated that over 800 villages comprising at least 20,000 homes were burned down.

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47 See Article 17 of Protocol II Additional to the Four Geneva Conventions. Amnesty International has argued that although Burma has not ratified this Protocol, the rule applies, as a matter of customary international law, to both international and non-international armed conflict as well. See Amnesty International, "Myanmar: Crimes against humanity in eastern Myanmar", June 2008.

48 See International Human Rights Clinic at Harvard Law School, "Legal Memorandum: War Crimes and Crimes against Humanity in Eastern Myanmar", November 2014.

49 See KHRG, "Death Squads and Displacement", May 1999.

During that period more than 160 civilians were killed, 120 were injured, 40 women were raped and over 200,000 villagers were displaced.[50] The Thailand Burma Border Consortium (TBBC) estimated that in 2002, there were 127 relocation sites in Karen State, comprising 158,061 villagers, with 858 villages impacted, either destroyed or abandoned.[51] The number of villagers who fled elsewhere to avoid relocation or other military abuse was even greater. In 2000, the Committee for Internally Displaced Karen People (CIDKP) estimated that there were around 300,000 internally displaced people in Karen State, hiding in parts of the Irrawaddy Delta as well as in areas adjacent to the Burma-Thailand border in Southeast Burma.[52] Displacement figures, although difficult to obtain with any accuracy, have varied heavily depending on the intensity of offensives to clear out areas, as well as on the possibilities for villagers to return, even if just temporarily. In 2006, TBBC estimated that the average number of annual displacements in Karen State between 2002 and 2006 was 49,500.[53]

Due to limited land allocations for agriculture and few other income-generating opportunities for military troops in the area, these relocation sites also served as sites of exploitation and extraction. Some villagers compared the relocation sites to concentration camps due to the relentless demands for forced labour, deprivation of access to medical care, confiscation of food supplies, and heavy restrictions on movement.

Forced displacement, if not justified by the security of civilians or military necessity, may constitute a crime against humanity under Article 7(1)(d) of the Rome Statute and a war crime under Article 8(2)(e)(viii). The Irish Human Rights Center at the University of Galway argued in 2010, based on information on forced relocations and displacements specifically in eastern Burma that "it is evident that the displacement of civilian populations and their transfer to so-called 'relocation sites' does not comport with the requirements for the lawful removal of civilians as laid out in Article 17(1) of Additional Protocol II to the Geneva Conventions of 1949. It may thereby constitute war crimes as enumerated in Article 8(2)(e)(viii) of the Rome Statute, and presents a prima facie case for the commission of the crime against humanity of forcible transfer of populations."[54] The Harvard Law Clinic, in its 2014 report to determine whether sufficient evidence existed to build a criminal case against individual perpetrators for war crimes and crimes against humanity, argued that "[n]o information available to the Clinic suggests that relocation orders were issued in the interest of protecting the civilian population."[55]

The crimes committed by the Burma Army in undertaking its clearance operations were vast. In addition to forced displacement, we can add attacks on civilians, destruction or seizure of civilian property, pillage, starvation, murder, torture, enslavement, and destruction of schools, churches and clinics, all of which may also constitute atrocity crimes.

This chapter provides an overview of the Burma Army's clearance operations showing the widespread nature of the abuse, and how the military's activities tied to these operations pervaded

50 Karen National Union (KNU), "KNU Bulletin", September 1986, cited in Paul KEENAN, "Life in Burma's Relocation Sites," Ethnic Nationalities Council, January 2010.

51 Thailand Burma Border Consortium (TBBC), "Internally Displaced People and Relocation Sites in Eastern Burma", September 2002.

52 CIDKP Work Plan (2000-01), cited in Thailand Burma Border Consortium (TBBC), "Internally Displaced People and Relocation Sites in Eastern Burma", September 2002.

53 Thai-Burma Border Consortium (TBBC), "Internal Displacement in Eastern Burma 2006 Survey", November 2006.

54 Irish Centre for Human Rights, "Crimes against Humanity in Western Burma: The Situation of the Rohingyas", Galway: National University of Ireland, Galway, 2010, p. 90.

55 International Human Rights Clinic at Harvard Law School, "Legal Memorandum: War Crimes and Crimes against Humanity in Eastern Myanmar", November 2014.

villagers' lives on all levels. While subsequent chapters focus on individual abuses and crimes, this chapter highlights their interconnectedness.

A. Clearance orders

The Burma Army engaged primarily in two approaches for clearing out areas. One was to issue an order (written or verbal) requiring villagers to move out of their village to a location already under SLORC/SPDC control or set up specifically to restrict and monitor villagers. These could be SLORC/SPDC-controlled garrison villages, military camps, or SLORC/SPDC-controlled sites along vehicle roads.[56]

The order typically specified which villages must move, by which date they must move, where they must move, and the consequences for not moving. These orders were accompanied by varying levels of violence. In one letter addressed to a village head in Papun Township [western Mu Traw District] on December 29th 1992, local SLORC authorities stated: "[T]he undermentioned villages will transfer by 7 January to the specified villages. If they have not moved by this date, we will take severe action. Be sure to relay this message to the villagers." In a similar order issued in December 1992 in Pa'an [Hpa-an] Township, Doo Tha Htoo (Thaton) District, the village head was informed: "When they move they must also move their rice, cattle and houses. Any rice and cattle left behind will be confiscated if found by the military columns. If any villagers hide in the forest they will be shot and arrested."[57]

The other approach for clearing out areas, particularly hill areas and other areas that the SLORC/SPDC were finding difficult to bring under their control, involved no order letters whatsoever. Instead, these 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.

In "Wholesale Destruction", KHRG described the process by which troops cleared out villages in Mu Traw (Hpapun) and eastern Kler Lwee Htoo (Nyaunglebin) districts in 1997:

"Upon nearing a village, one group generally takes up a position on an adjacent hilltop and begins shelling the village with mortars without warning. After shelling the village, they then fire mortar shells along the streams flowing into and out of the village and at the low hilltops near the village, on the assumption that these are the routes the villagers will flee along and the places they will hide. […] On entering the village the troops fire their automatic rifles into the air and into the forests surrounding the village, then usually pass through to the other side and clear the entire outskirts of the village as though they were in a combat situation. Once the village is secured, they begin chasing and shooting the villagers' livestock and looting all the houses for valuables such as money, jewellery and clothing. In the houses they often also take the plates, pots and utensils, and any rice they find which they may need. When they find these things they load them into baskets on the backs of their porters, most of whom are townspeople and villagers they have rounded up […] and are using for forced labour. Anything in the houses which they don't want is destroyed, either by smashing it (for example, by poking holes in the pots and plates), or by the ensuing fire. Rice and paddy which the soldiers do not want is either dumped out on the ground and mixed with the dirt or burned together with the houses.

[56] See KHRG, "Wholesale Destruction: The SLORC/SPDC Campaign to Obliterate All Hill Villages in Papun and Eastern Nyaunglebin Districts", February 1998.

[57] KHRG, "The SLORC's New Forced Relocation Campaign", January 1993.

"After the looting the houses are set on fire. The policy is to burn every house and building, including livestock sheds. In many cases, elderly or handicapped people found left behind inside their houses have been deliberately burned to death inside the house. Village schools and churches are particularly targeted for burning. By the time the burning is done, most villages are nothing but a flat plain of black ash. Soldiers search through the forest and scrub around the village looking for the villagers' hidden rice barns, and these are systematically burned in order to destroy all food supplies so that the villagers will not be able to live in hiding near their villages. All livestock seen in the village is killed and eaten or killed and left to rot, and larger livestock such as cattle and buffaloes seen in the fields are shot on sight and usually just left to rot there."[58]

The 1997 offensives described in that report covered an estimated 10,000 square kilometres, impacting around 300 villages. Around 200 villages were burned and destroyed. Even after being destroyed, the villages continued to be unsafe due to ongoing clearance activities: "In most parts of the area, columns pass through at least once a month to destroy any remaining food supplies, crops or signs of habitation and to hunt villagers."[59]

The burned corpse of Saw Baw Wah, aged 32, from Mu Traw District. He was burned to death when SLORC troops burned down his house on June 27th 1997. His two children managed to escape together with their uncle. *[Photo: Independent Karen source]*

Naw Y---, age 60, from K--- village, Taw Oo District, who fled to live in the forest after her house was burned. On October 20th 1999, SPDC troops from Infantry Battalion (IB)[60] #59 set her house alight as part of their clearance operations. She was still inside it. She suffered severe burns to her back and wrist. *[Photo: KHRG]*

58 KHRG, "Wholesale Destruction: The SLORC/SPDC Campaign to Obliterate All Hill Villages in Papun and Eastern Nyaunglebin Districts", February 1998

59 Ibid.

60 An Infantry Battalion (IB) comprises 500 soldiers. However, most Infantry Battalions in the Burma military are under-strength with less than 200 soldiers. Yet up to date information regarding the size of battalions is hard to come by, particularly following the signing of the NCA. They are primarily used for garrison duty but are sometimes used in offensive operations.

Villagers from K--- village in Mu Traw District fleeing their village after receiving word that SPDC soldiers were coming their way in late 2001. *[Photo: KHRG]*

Villagers who fled into the hills of Moo (Mone) Township after their village in Kler Lwee Htoo District was ordered to relocate to an SPDC-controlled site in July 1999. Here they are discussing their future. *[Photo: KHRG]*

B. Initial forced relocations

Saw Ab---, a villager from a KNU-controlled area in Bilin Township, Doo Tha Htoo District and interviewed by KHRG in 2022, recalled being forced to relocate by soldiers when he was 8 years old (in 1975): *"[The Burma Army] forced all villagers to relocate from their villages to the designated place in western Ba--- village as under their control [to monitor villagers]. Then, they set up their army camp near Ba--- village and fenced the whole village."* He adds: *"The Burma Army forced us to relocate in order to cut the root of the KNU, to eradicate the KNU from the area."*

Two weeks prior to that, troops had entered the village and searched villagers' houses for evidence of association with the KNU or Karen National Liberation Army (KNLA)[61], beating his mother and grandmother after having found a piece of green camouflage. His father, who was "engaged in the political revolution" did not feel safe moving to the designated relocation site, so moved the family to Bc--- village which is just to the north of Bb--- village, between Lay Kay and Ta Paw army camps. Like Ba--- relocation site, it was also fenced in by order of BSPP soldiers, but was further from the army camp and so seemed to be a safer option. After one year however, due to increasing insecurity, the family moved to an IDP site in Meh Th'Waw, Lu Pleh (Hlaingbwe) Township, Hpa-an District, near the Thai border.

In describing the conditions at the Ba--- relocation site, Saw Ab--- highlights the heavy restrictions on villagers: *"They could not sneak out to flee from their village because they [Burma Army] ordered them to live in the village and forced people [villagers] to build fencing surrounding the whole village. [The fence had to be built] firmly. They opened only one door for entry and exit."*

Requiring villagers to build fences, often with only two gates for access, around the relocation sites and their own villages was commonly practiced well into the 1990s, even 2000s in some

[61] The Karen National Liberation Army is the armed wing of the Karen National Union.

areas.[62] An order letter issued in Thaton [Tha Htoo] Township, Doo Tha Htoo District in 1992 explained the necessity of this practice, citing security for the villagers themselves: "Within Thaton Township, in order to exterminate insurgents, due to security requirements, it is necessary that those villages in unsecured areas must move to safe areas. […] At each relocation site, the relocated villagers must build a double fence around the site with only 2 gates."[63] Villagers' safety, however, was not the motive for such restrictive measures; rather it was to prevent villagers from being able to support and/or join resistance groups. It was also to place villagers under military control in order to extract labour and other supplies from them.

Movement in and out of the relocation sites was heavily monitored. As Saw Ab--- explains: *"Villagers had to leave and enter [the designated site] at particular times set up [by the Burma Army]; for instance, we could leave the village at 6 am but had to return to the village by 6 pm. All villagers had to return to the village [at night], they could not sleep at their farm [to look after their livestock or paddy during the night]. […] Villagers could bring only a pack of cooked rice [for lunch, one meal only]. If we brought uncooked rice, they accused us of bringing rice for Kaw Thoo Lei [KNU or KNLA]* [64]*."*

These restrictions had a heavy impact on villagers' ability to secure their livelihood. As Saw Ab--- states: *"Whenever villagers needed to go to their farms, they had to obtain a permission letter from them [Burma Army]. There were a lot of cases where they [Burma Army troops] arrested, tortured and even killed any villagers they saw outside the village and the villagers who did not have a permission letter. If they saw villagers who had permission letters from them, they recognised those villagers as good people [who were not against the Burma Army] and they condemned villagers who did not have the permission letter as Kaw Thoo Lei people [who served the KNU or KNLA]. Therefore, villagers had to get a permission letter to travel [outside of the village] from them [Burma Army]."*

According to Saw Ab---, another reason for fencing the village was to exert greater control over rice supplies: *"[V]illagers from my village had to relocate to Ba--- village and their [Burma Army] camp was situated beside the village [where the villagers could be monitored]. They fenced the whole village and their army camp in order to restrict the rice supply, so villagers had to bring their rice to the place near their army camp and build our paddy storage buildings for storing our paddy. All villagers had to build their paddy storage buildings and stored their paddy beside the army camp. When villagers needed rice, we had to get the paddy from them [Burma Army] and it was like villagers got rations from them, with a limited amount of rice per week based on the number of family members. For instance, if villagers needed rice for five people, they would allow villagers to get rice from their paddy storage for only five people for one week only [then they could get more rice only after one week]. They imposed food restrictions upon villagers just in order to cut the food supplies to Kaw Thoo Lei."* Saw Ab--- adds that *"sometimes Burma Army soldiers stole villagers' paddy and they sold [the paddy for money] during the night because villagers did not feel secure to check their paddy at night."*

The villagers were also required to build the fences enclosing the relocation sites and the nearby army camp themselves. In speaking about Ba---, Saw Ab--- states: *"All villagers who relocated to Ba---, as well as Ba--- villagers [the ones who already lived there] had to do it; they divided*

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62 See KHRG, "Death Squads and Displacement", May 1999; KHRG, The SLORC's New Forced Relocation Campaign", January 1993; KHRG, Cycles of Displacement: Forced Relocation and Civilian Responses in Nyaunglebin District", January 2009.

63 KHRG, The SLORC's New Forced Relocation Campaign", January 1993.

64 In some cases, when villagers mention Kaw Thoo Lei, they may be referring to either the KNU or its armed wing the KNLA, or both.

villagers into teams and made it into a routine [rotation]. If they had 50 villagers per team, they had to make the fence one day per team. […] It took about one month because villagers could not finish it within one day, as they had to cut trees and bamboo [including collecting bamboo and logs as well]. Villagers had to fence [the designated site] nonstop so they did not have time to take a rest." Children aged 10 or older helped as well with the fencing in order to allow their parents to continue working on their farms for the family's livelihood. As Saw Ab--- was only around 8 years old at the time, he did not have to help.

He adds that smaller villages were typically forced to move to larger villages that would then become designated relocation sites and subsequently fenced in. If these sites were not already close to an army camp, a new army camp would be set up nearby. This practice took place throughout the district, and *"[a]ny villagers who did not want to stay in designated sites, they just had to flee to other places like villages where the Burma Army did not force them to relocate."*

The forced labour demands on villagers living in the relocation sites and other villages under military control were not limited to the building of fences. Villagers were required to engage in a wide range of unpaid labour to help build and maintain the army camps and support the soldiers. They were also required to serve as forced porters and work on larger construction and development projects for the military. Thus, the relocation sites served not simply as a form of control, but also a form of exploitation. [See chapter on Forced Labour]

In late February and early March 2002, a camp commander of Light Infantry Division (LID)[65] #66 in Mu Traw District ordered the villagers to fence their villages, allowing for only one or two exits. The fences are supposed to keep opposition groups out as well as make it easier for the soldiers to round up forced labourers. *[Photo: KHRG]*

People in southwestern Dwe Lo Township, Mu Traw District leave their fenced in village on March 27th 2001 for another stint of forced labour. They have been ordered to carry rations up from the roadhead to outlying army camps for LID #33. *[Photo: KHRG]*

[65] A Light Infantry Division (LID) of the Burma military is commanded by a brigadier general, and consists of ten light infantry battalions specially trained in counter-insurgency, jungle warfare, search and destroy operations against ethnic insurgents. They were first incorporated into the Burma military in 1966. LIDs are organised under three Tactical Operations Commands, commanded by a colonel, three battalions each and one reserve, one field artillery battalion, one armoured squadron and other support units. Each division is directly under the command of the Chief of Staff (Army).

C. Expansion of operations (1990s)

According to KHRG reports, clearance operations intensified in most areas during the 1990s under the SLORC and SPDC regimes. In 1993, KHRG reported that "in SLORC-controlled areas of Karen State, it [SLORC] has unleashed a major military offensive against Karen civilians, a campaign of terror and forced relocation which is now taking place out of sight of the world community", adding that "[e]ntire regions of western Karen State are being declared free-fire zones, while civilian populations are being driven into relocation camps and garrison villages, where they form a pool of slave labour and porters for future offensives."[66] KHRG also reported that "[t]he total number of people throughout the northern half of Karen State who are at this moment being forced to move into camps by the SLORC is not yet clear; it is certainly in the tens of thousands, possibly as high as 100,000."[67] KHRG reported heavy relocations taking place in Doo Tha Htoo, Kler Lwee Htoo, and Taw Oo districts at that time.[68]

The campaigns launched by the SLORC, and later by the SPDC, intensified in violence. Villagers who had fled from these areas spoke of "being ordered to move into fenced enclosures at SLORC Army camps under threat of being shot if they remain in their villages" and of "armed guards, beatings, misery, and imminent starvation".[69] A villager from Mu Traw District stated in 1993: *"They torture people in many ways. Sometimes they slash people's skin and put salt and chillies in the wounds - I saw them do this to 7 men one time. They make people go without food, and another time they took out a villager's eye. We often find the bodies of villagers the soldiers have killed. They never bury them, just strip them naked and leave them laying there. Usually they accuse people of being Karen soldiers before they kill them, and if the village headman tries to plead for them then they beat him too. We can barely survive in the village anymore."* [70]

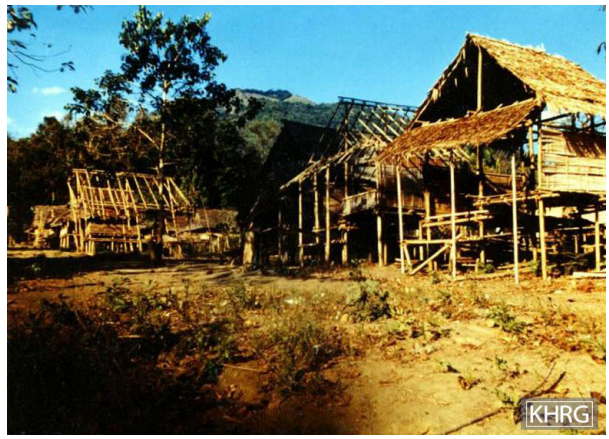
A villager from Kler Lwee Htoo District, also interviewed by KHRG in 1993, reported: *"In the past the Burmese army stayed in the plains and the Karen army controlled the hills, so when the Burmese harassed the people they could run to the hills, clear a field and plant a crop. But now the Burmese troops come into the hills at clearing time and harvest time. Often when villagers in the hills clear land to grow a crop, they cut the trees and leave it all to dry, but then SLORC soldiers come along and burn the place before it's ready to be burned, spoiling it. Other times, they deliberately wait until harvest time, then come and steal or destroy all the crops. They do this constantly. Villagers have nothing but their farms, and if they can't harvest it's very hard for them. Now we can't grow any fruit trees or orchards either, because every year we have to run and stay in another place. Sometimes we can't even stay in one place for a whole year - only a few months or even a few days in each place."* [71]

One of the largest campaigns took place in February 1997, when SLORC launched a mass offensive against Karen-held regions in Dooplaya District. They managed to capture almost all Karen-held territory in the area within only one to two weeks, leading at least 10,000 villagers

66 KHRG, "The SLORC's 1993 Offensive Against Karen Civilians", July 1993.
67 KHRG, "Forced Relocation in Thaton District", January 1993.
68 See KHRG, Forced Relocation of Villages in Htan Ta Bin Township, Toungoo District by SLORC", August 1992; KHRG, "Forced Relocation in Thaton District", January 1993; KHRG, "Forced Relocation in Kyauk Kyi Township", June 1993.
69 KHRG, "Forced Relocation in Thaton District", January 1993.
70 KHRG, "The SLORC's 1993 Offensive Against Karen Civilians", July 1993.
71 KHRG, "Incidents Reported from Karen Villages", November 1993.

to flee to the Thai border before SLORC troops occupied their villages. Many more, however, were trapped inside by the lightning speed of the offensive and many families were separated.[72]

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]*



The Karen village of Lay Po Hta in Dooplaya District, which also acted as a refugee camp though it is not in Thailand, after the last villagers had evacuated and passed through. Ten minutes after this photo was taken, the main SLORC attack force began shelling the western end of the village with mortars. The next day they occupied it, and then set up a main base there where captured villagers were seen doing forced labour as porters. *[Photo: KHRG]*

i. Livelihood challenges

The military continued to place restrictions on movement and livelihood needs by requiring villagers to obtain permission letters to leave the relocation site and by imposing stringent curfews. A villager from Tee Pa Doh Kee village, Bilin Township, Doo Tha Htoo District, who was forced to relocate but fled to Thailand instead, emphasized in 1993 the livelihood challenges that villagers were experiencing: *"Now that everyone has been forced into the camp, I'm sure many of the villagers will starve. The Army will never give them any food. Even now, the soldiers in the camp are eating the villagers' supply of food as if it were their own."* [73]

KHRG previously noted that the areas where villagers were forced to relocate were often in difficult farming locations, adding further challenges to villagers' ability to provide for themselves: "Conditions at the relocation sites are generally bad; they are often on low-lying land prone to flooding and there is usually no good water available. Nothing is provided for the villagers; they must bring along building materials they have stripped from their houses in their home villages, or find materials around the new site. They must also bring along whatever rice and other food they can, as none is ever supplied by the authorities."[74] The inability to farm at or near the relocation sites would then lead some villagers to try to return to their old villages, where soldiers had orders to shoot or arrest anyone found there. Landmines were also often planted at the old villages to prevent villagers from returning.

72 KHRG, "Refugees from the SLORC Occupation of Dooplaya District", May 1997.
73 KHRG, "Forced Relocation in Thaton District", January 1993.
74 KHRG, "Death Squads and Displacement", May 1999.

The barren landscape of Plaw Law Bler relocation site, Kler Lwee Htoo District where soldiers forcibly relocated villagers in April 2006. Villagers interned at Plaw Law Bler complained about the scarcity of water, lack of arable land and movement restrictions imposed on them which prevented them from returning to cultivate their former rice fields. *[Photo: KHRG]*

In August 2006, all of the villages and relocation sites under SPDC control in Moo Township, Kler Lwee Htoo District were ordered to fence their villages, as ordered by SPDC Light Infantry Battalion (LIB)[75] #599. In this photo, residents of Dta Koh Bpwa village are seen constructing two perimeter fences around their flooded village. All of the villagers, including children, worked to finish the fence as quickly as possible. *[Photo: KHRG]*

A villager from Ler Doh (Kyaukkyi) Township, Kler Lwee Htoo District described in 1993 the difficulty of even having access to their own rice at the relocation site: *"When we were first forced to move, the soldiers made us put all our rice in a fenced enclosure, each family's rice kept separate in our own baskets. Then the Burmese SLORC clerk in Thit Chat Seit would only ration it back out to us 3 days at a time. The ration was never enough, so we had to cheat; if he said we could take 3 milktins full, then when he wasn't looking we took 4 or 5. This year, they said we could keep our food in our own houses, but then after we'd finished the harvest in February or March, they ordered us to move all our rice to the SLORC camp at Au Law See village. We had to put it in a fenced enclosure guarded by SLORC troops. We didn't want to, so we took only some of our rice instead of all of it. When the SLORC realised their plan wasn't working, they announced that we could go and get all of our rice back - but then when we got there they made us pay 30 kyats [USD 0.03] per basket, to buy back our own rice!"* [76]

Many villagers referred to the sites as 'concentration camps', but moved to these sites in order to stay close to their land, as one villager stated in 1993: *"Even though it's so terrible in the camps, most of the people went there because they didn't know what else to do. All their sugarcane and rice fields are still there, at our village. The people love their farms and can't bear to leave them. After they ordered us to move, I even saw some farmers crying in their fields as they worked. Nobody wants to leave."* [77]

In areas where resistance remained strong, the SPDC sent in more troops to consolidate its control, which only worsened the abuses against civilians. KHRG reported that: "Since late 1999 the SPDC forces throughout Dooplaya district have begun a much more systematic campaign

[75] A Light Infantry Battalion (LIB) comprises 500 soldiers. However, most Light Infantry Battalions in the Burma military are under-strength with less than 200 soldiers. Yet up-to-date information regarding the size of battalions is hard to come by, particularly following the signing of the 2015 Nationwide Ceasefire Agreement (NCA). LIBs are primarily used for offensive operations, but they are sometimes used for garrison duties.

[76] KHRG, "Forced Relocation in Kyauk Kyi Township", June 1993.

[77] KHRG, "Forced Relocation in Thaton District", January 1993.

to bring the villagers under direct Army control in order to undermine the KNLA resistance. The incidences of arbitrary detention, torture and killings have suddenly risen, and the Army has been ordering village farmers to move into the centre of their villages and never to leave without permission. In Kya In township, the SPDC Army held a meeting in November 1999 at which they ordered all villages to hand over the entire year's rice harvest to the Army, so that it could be held in Army storage bins and handed back out to the villagers one meal at a time. The result has been widespread starvation, with villagers throughout much of central Dooplaya district living on foraged taro roots and jungle vegetables. Many have had no choice but to abandon their rice in the fields or in the hands of the Army and flee forced relocation to hide in the forest, where the SPDC officers have promised to shoot them if they are found. Some have made it across the border into Thailand, where a very uncertain reception awaits them."[78]

For villagers who stayed, the situation was dire: "Since December [1999], the villagers have been reduced to begging for the food they have grown themselves, and in some cases have been forced to buy back their own rice for 300 kyats [USD 0.30] per basket. However, most villagers are too intimidated by soldiers to approach them daily at the storage barns for fear of being taken for forced labour or detained for interrogation. This ultimately leaves the villagers with two choices: to starve or flee."[79]

ii. Restrictions on health care

In past reports, KHRG noted that there was typically no access to health care at the relocation sites. At one relocation site in Kler Lwee Htoo District, the SLORC had set up a clinic when the relocation site was first established in 1991, but it was only open for 10 days. After that, there was no access to medical services.[80] Medicine was not supplied either, and thus many villagers died of treatable diseases. In some cases, villagers were not allowed to leave the relocation site, even if they were sick. Even when villagers could get permission to travel, they often couldn't afford the costs of traveling to town in addition to the costs of treatment. Villagers were also not allowed to bring medicine from town to the relocation sites or villages because the Burma military wanted to ensure that no medicine could reach resistance forces. Villagers were warned by soldiers that anyone caught with medicine outside the towns would be executed.[81]

Saw Ab---, from Bilin Township, Doo Tha Htoo District speaks of the risks of being caught with medicine and any medical supplies: *"At that time, if any of our villagers were sick, they could get medicine or medical injections only from Kaw Thoo Lei [KNU health workers]. I remember that the Kaw Thoo Lei medical [person] in our area, in Bb--- village, was Thara Bd--- so we got medicine and injections [for treatment] from him. After the injection, we had to bury or burn all of the boxes [packaging of medical supplies]; including the bags and tubes for intravenous infusions. If they saw any covers or bottles of medical supplies in a house, they did extensive searches in the house and accused that house [family] of being Kaw Thoo Lei."* He added that if the Burma military found out that someone was a medic, they would come to the village and arrest the person.

A villager from Dooplaya District, interviewed in 1998, added that people with medicine were also at risk of being killed: *"In August a 20-year-old man named Maw Lu Po from the village was executed by SPDC troops for being caught in possession of medicine. He was bringing*

78 KHRG, "Starving Them Out: Forced Relocations, Killings and the Systematic Starvation of Villagers in Dooplaya District", March 2000.
79 Ibid.
80 KHRG, "Death Squads and Displacement", May 1999.
81 Ibid.

injection sets for the villagers, who have no doctor, but the troops accused him of possessing medicine to give to KNLA units." [82]

A woman arrives with her sick daughter to seek treatment from a KNLA mobile medical team in early April 2001. The young girl died a few days later. *[Photo: KHRG]*

KHRG previously reported on the particularly difficult healthcare situation for those who fled: "In central Dooplaya it is very difficult to remain hidden for internally displaced people, as the terrain of the central plain is easy for SPDC troops to move around, and in some areas there is not a lot of forest cover. The SPDC regularly issues orders for these people to return to their villages, but they dare not for fear of arrest. They stay in small groups of shelters in the forest, fleeing from one shelter to another every month or two when an SPDC patrol comes near their shelters. Each family has 4 or 5 shelters and 2 or 3 small ricefields, scattered in different places so that they can keep ahead of SPDC patrols. Because they always have to move, they have difficulty growing or obtaining enough food, and they have no access whatsoever to medicines. Many of these people have already died of disease, particularly children and the elderly."[83]

Many of the villagers interviewed for this report spoke of family members who died during displacement due to the inability to access medical care. Naw Ac---, from Bu Tho Township, Mu Traw District describes her experience: *"When I arrived at Ta Hkaw Hta village [Lu Thaw Township, Mu Traw District], I received the news that my father passed away at a place in the forest where he was hiding from Burma Army soldiers. I was told that he became sick but there was no medicine for him and therefore, he passed away. I was also told that the children of my older brother who was killed [by Burma Army soldiers] ran out of food and did not have anything to eat and everyone in my family was sick."* She added: *"One of my aunts lost four of her children from sickness in that place where we were hiding. My aunt said that she doesn't want to go to that place again because she misses her children when she goes to that place. One of my nieces/nephews [gender not mentioned] died in that place too. My father and my brother died in that place as well."*

Another villager interviewed by KHRG in 2022, Saw Ad--- from Mu Traw District adds that *"the healthcare workers were afraid to go among the IDPs. During that time [1994 and 1995], the fighting was intense and the Burma Army deployed its troops. If we [villagers] faced serious healthcare problems, we went to find healthcare workers. The healthcare workers are also based in the forest [but not near the IDPs]. […] It was difficult for the displaced villagers regarding the healthcare situation because there was no hospital. We [villagers] could not go to any hospital. The medicines that we had were not enough for all of us. Even one of my kids passed away during the displacement. We [villagers] were afraid to go anywhere. It was really difficult to get access to medicine as the Burma Army deployed their troops. My kid passed away during displacement. Some other displaced people have encountered the same situation. They lost their family members who passed away from illness because they were afraid to travel. Some villagers overcame their illness by curing through herbal medicines and medicines they had with them."*

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82 KHRG, "Dooplaya Under The SPDC: Further Developments in the SPDC Occupation of South-Central Karen State", November 1998.

83 Ibid.

KHRG also previously noted that medical facilities established and run by the local community were often targeted or destroyed by the Burma Army as part of the 'four cuts' strategy.[84]

Internally displaced villagers from all around gathered at this forest clearing in Lu Thaw Township, Mu Traw District on January 7th 2004 to receive treatment from Karen medics. This photo shows the 'intensive care unit', where those on intravenous drips lie on a bed of rice straw. *[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]*

The remains of a clinic built by the KNU near the Salween River in Mu Traw District. The clinic was built to provide medicine and some measure of health care to villagers in the area. The clinic was only temporary because of the possibility of SPDC troops moving into the area. The SPDC came and burned it in early May 2002. *[Photo: KHRG]*

iii. Burning of villages (including schools and churches)

"When we went back [to our village]. We didn't see any houses. We only saw the ashes." --A Karen villager, Saw Ao---, living in Moo Township, Kler Lwee Htoo District whose village was completely burned down by the Tatmadaw in 2000 (interviewed in 2022).

As earlier clearance operations failed, SLORC/SPDC troops turned to more scorched earth tactics of burning down and destroying entire villages. Saw Aa---, who served as a village tract leader in Daw Hpa Hkoh (Thandaunggyi) Township, Taw Oo District reported on the situation of village burning between 1992 and 1997 in his township, highlighting the widespread nature of these operations: *"They burned houses from 18 villages in the eastern areas of Thauk Yay Khat River because they said those areas were black areas. In addition to those 18 villages, they also burned houses from many other villages in Thandaunggyi Township. They burned*

[84] KHRG, "Foundation of Fear: 25 Years of Villagers' Voices from Southeast Myanmar", October 2017, p. 122.

many houses from villages located in the eastern area of Baw Ga Lee Town. They also burned many village churches. We had to displace from place to place in 1995, 1996 and 1997. In 1992 and 1993, a lot of villagers' houses in Thandaunggyi Township were burned down. There was no village where Tatmadaw did not burn houses in Thandaunggyi Township."

The ruins of Kaw Mu Bwa Der village near the Bilin River. All 27 houses were completely destroyed. The photo was taken in June 1997. *[Photo: KHRG]*

On February 28th 2002, LIB #416, LIB #83, and LID #88 came to K'Toh Hta village in Kawkareik Township, Dooplaya District. They accused the villagers of helping the KNLA and burned the entire village. *[Photo: KHRG]*

In some situations, due to the fear of potential house burning, local communities chose not to return to their villages and rebuild their houses. Instead, they preferred to stay in temporary shelters, as Saw Aa--- explains: *"Villagers from the eastern areas of Thauk Yay Khat River were afraid to return to their villages because the Tatmadaw burned down their houses. When I sometimes visited or traveled to villages [in the eastern areas of Thauk Yay Khat River], I saw nothing in their villages. Villagers did not want to rebuild their houses anymore. Even if they wanted to, they were afraid to rebuild their houses. Some villagers said, 'If we rebuild our houses, SLORC/SPDC soldiers will burn them down again. So, it is better not to rebuild our houses'. Villagers just stayed in the forests and moved from place to place."*

Destroyed houses in Ka Weh village, in Tenassarim Division [Mergui-Tavoy District] in 1997. Where SLORC troops did not burn the houses, the soldiers ordered the villagers to tear apart their own homes "or else we'll come and burn everything". *[Photo: KHRG]*

In a 1999 report on clearance operations, KHRG noted that when SPDC columns raided villages, schools and churches were usually the first buildings they burned.[85] Intentionally directing attacks against buildings dedicated to religion or education, as well as against hospitals and places where the sick and wounded are collected, provided they are not military objectives, is considered a war crime under Article 8(2)(e)(iv) of the Rome Statute. The UN Secretary-General released a report in April 2011 that included a confirmed report of Burma Army attacks on civilian settlements in Kler Lwee Htoo District in February 2010 that resulted in the closure of 13 schools

[85] See KHRG, "Death Squads and Displacement", May 1999.

and the destruction of one high school, a nursery and a clinic serving approximately 3,000 people.[86]

Naw Ae---, a villager from Htee Ghuh Thaw village tract, Kruh Tu (Kyonedoe) Township, Dooplaya District, interviewed in 2022, describes the burning down of the church in her village. In 1996, SLORC and Democratic Karen Buddhist Army (DKBA)[87] troops entered the village, raided the church and then burned it down: *"I did not hear them say anything. They just left after they burned it. We dared not say anything to them. They took villagers' oxen and bullock carts and they used it to carry the property that they took from the church. […] They burned down a pastor's house, a church, two schools and two other villagers' houses that were close to the church."* Naw Ae--- adds: *"Actually, when they came, they even brought gasoline with them and were well prepared. They burned them immediately when they arrived and left the same day. I think they might already be there at night, but not many people returned and stayed in the village that time. They burned them in the morning and left at noon."* Villagers heard that the order had been to burn down the Seventh-day Adventist Church, but mistakenly burned down the Baptist Church.

The church (on the left) and middle school (on the right) in Htee Ghuh Thaw village tract, Kruh Tu Township, Dooplaya District, burned and destroyed by SLORC troops of LIB #546 (under Major Tin Aye) and DKBA troops (under Pa Day) on November 22nd 1996 for no apparent reason other than to show the villagers who is in control. The troops also beat up the church pastor and burned down his house. *[Photos: KORD]*

In nearby Be--- village, another church was burned and the pastor was arrested because *"[t]hey [Burma Army] heard that the church was built by Kaw Thoo Lei. They accused him [the*

[86] UN General Assembly Security Council, "Children and armed conflict: Report of the Secretary-General", A/65/820 S/2011/250, General Assembly Sixty-fifth session, 23 April 2011; also cited in KHRG, "Attacks on Health and Education: Trends and Incidents from Eastern Burma, 2010-2011", December 2011.

[87] The Democratic Karen Buddhist Army (DKBA) was originally formed in 1994 as a breakaway group from the KNLA. Since its separation from the KNLA in 1994, it was known to frequently cooperate with and support the Burma military in its conflict with the KNLA. The original group underwent major change in 2010 as the majority of the original DKBA was transformed into the Border Guard Force (BGF), which is under the control of the Burma military. The remainder of the original DKBA formed a smaller splinter group in 2010 and then changed its name in 2012 from the Democratic Karen 'Buddhist' Army to the Democratic Karen 'Benevolent' Army. Following this major change in 2010, the original DKBA is considered to no longer exist as a distinct entity as it has now been submerged within the BGF. The Democratic Karen Buddhist Army was re-formed on January 16th 2016 as a splinter group (referred to in KHRG reports as DKBA splinter) from the Democratic Karen Benevolent Army (2010 – present). Importantly, the DKBA splinter did not sign the 2012 preliminary ceasefire agreement or the 2015 Nationwide Ceasefire Agreement (NCA) whereas the DKBA Benevolent signed both agreements.

pastor] of having a connection with Kaw Thoo Lei. They said that the church was built by Kaw Thoo Lei, so they burned the church. The Kaw Thoo Lei supported building this church, so they did not like it."

iv. Looting and theft

The Burma military also systematically looted villages as part of their clearance operations. The sense of entitlement to villagers' property and belongings is fully captured in one village head's (Naw Ae---) remarks about the looting that took place in her village in Dooplaya District: *"As our village area was marked as a black area, they [Burma Army] would do whatever they wanted. [...] when they came to our village [...] almost all villagers in Bf--- village displaced. Some fled and displaced in Bg--- village. At that time, I raised six ducks and they made a loud noise. They [Burma Army] could hear their sounds so they asked to eat them. I told them not to take and eat the ducks but they could have the eggs. They responded by saying that, 'we own the place where we stay'. They took three of my ducks and went back to their place."*

Under Article 8(2)(e)(v) of the Rome Statute, pillage, the appropriation of property for private or personal use with an intent to deprive the owner of the property without the owner's consent, is considered a war crime.

Troops consistently looted villages prior to burning them down, but also looted villages after villagers were forced to displace. A displaced villager from Ler Doh (Kyaukkyi) Township, Kler Lwee Htoo District who was interviewed by KHRG in 1993 stated: *"As soon as we heard they'd be passing near our villages, we just ran away quickly, and couldn't take hardly any of our possessions. We ran to the jungle, and when they came to our place they stayed there and destroyed all our paddy. They camped 4 days, took some of our belongings and destroyed the rest. They slaughtered our pigs, chickens and goats. There were 3 rice barns near the place. They ate all the paddy in 2 of the barns, and took the paddy left in the third barn and just scattered it; they couldn't eat it all so they destroyed it."* [88]

Rice stores, houses and other property belonging to villagers from Htee Moo Kee village, Ler Muh Plaw village tract, Mu Traw District. After villagers had fled their homes, SPDC soldiers from LIB #362 and #370 entered to burn and otherwise destroy whatever belongings villagers had left behind. The photo was taken on June 16th 2006. *[Photo: KHRG]*

Rice paddy scattered amid ransacked homes in Dteh Neh village in Saw Muh Plaw village tract, Mu Traw District. After firing mortars in the area on the morning of February 25th 2011, SPDC LIB #252 entered Dteh Neh village, poured out paddy stores and destroyed homes, rice barns, cooking and agricultural equipment, animal enclosures and personal possessions. *[Photo: KHRG]*

[88] KHRG, "Incidents Reported from Karen Villages", November 1993.

Orders to relocate, if actually issued, typically gave villagers only a few days to clear out of their villages, meaning that villagers were unable to bring all of their belongings and food supplies with them. KHRG reported in 2000: “In a few instances the SPDC has forced villagers to move because they identified them as a 'rebel village'. These villages faced particularly brutal treatment; for example in Plaw Hta village in Kawkareik township soldiers found a KNLA badge on a piece of clothing, immediately ordered the village to relocate, and burned it just hours later as terrified villagers fled to avoid being killed in the process. Similarly, the villages of Kyaw Plaw and Bo Kler Kee, in an area of the eastern 'hump' of Dooplaya where there had been significant KNLA activity, were entirely burned by SPDC troops in April 1999, driving all of their villagers to become internally displaced in the surrounding forests. Normally villagers are given 3 days to move to a designated site, and told that anyone remaining after the deadline will be shot. Across Dooplaya District villagers testified that their belongings were stolen, their paddy destroyed, their friends and relatives arrested and beaten, and their village burned after the military arrived with orders to relocate.”[89]

Even when villagers were given more time to relocate, fearing the accompanying threats, most villagers would abandon their villages and plantations early, as reported in Noh T’Kaw (Kyainseikgyi) Township, Dooplaya District: “All were warned that if any villagers were caught in their village after the relocation deadline had passed, they would be shot on sight. The large majority of villagers in the area left their paddy in their fields and fled before the deadline arrived.”[90] A local villager from Wah Lu village, explained in 1999 that villagers who tried to return to get their rice found it stolen or destroyed: *“They [the villagers] couldn't carry it all, so they left it in their houses. If they want to eat rice they have to go and take it from their house. Some people could not carry it all, so some rice was stolen because if the Burmese arrived there they took it all, since they had told the people to take it with them. After they arrived in their camp, if they couldn't eat it all, they sold it. But the villagers don't have enough food for themselves, so they have to borrow it from other people and then pay it back. The Burmese don't feed them; even if you work for them you have to bring your own food.”* [91]

According to a report from 2009 regarding the SPDC’s intensified campaign to clear out Kler Lwee Htoo District, villagers were only given one day to move their belongings and transfer them to the relocation site three miles away. One villager describes: *“There were a lot of problems and difficulties facing us [during the relocation process]. Those who had carts were in a better situation because they could carry their things on the carts. But those who didn’t have carts, like me, had to carry things on their shoulders in the rain. All our children had to carry things. If they could carry one bag, we asked them to carry one bag and if they could carry one small package, we gave them one. None of us or any of our children had time to take a rest. We had to carry things in the rain throughout the day. They asked us to take away all of our property within a single day and the next day they wouldn’t let us return to our village. So, on the second day, we had no houses in which to stay [at the relocation site] and we had to stay under other villagers’ houses on the ground and it was among the shit [sic] of pigs and chickens. Then our children became ill.”* [92]

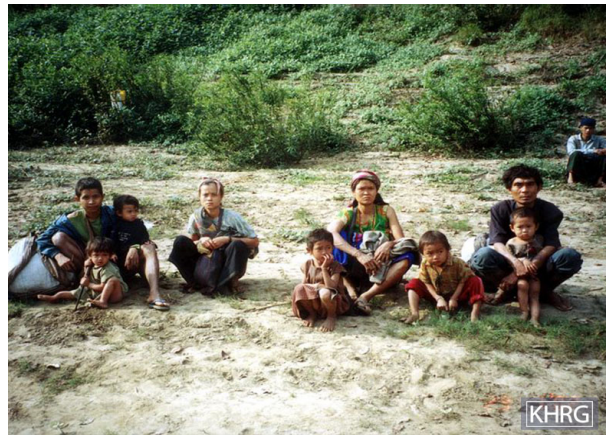
89 KHRG, “Starving Them Out: Forced Relocations, Killings and the Systematic Starvation of Villagers in Dooplaya District”, March 2000.

90 Ibid.

91 Ibid.

92 KHRG, “Cycles of Displacement: Forced Relocation and Civilian Responses in Nyaunglebin District”, January 2009, p. 14.

Villagers from Th'Dah Der village in Lu Thaw Township, Mu Traw District travelling on foot loaded up with personal possessions and food supplies. When SPDC LIB #501 attacked their village in March 2007, they took whatever belongings and food they could carry before fleeing into the forest to make their way to a more secure hiding site. *[Photo: KHRG]*



Villagers from T--- village in eastern Mu Traw District rest on their way to the xxxx River in January 2002. They no longer stay in their village since the SPDC burned down the village and the paddy barns and destroyed all of their belongings in December 2001. They have nothing left to eat. *[Photo: KHRG]*

Since most villagers were not given advance notice or were simply forced to flee, the vast majority of villagers were unable to take anything but a few items, and in many cases were forced to flee with only the clothes on their back. Villagers have pointed out (and continue to point out) the difficulty of displacing with all of their belongings, particularly since they often face repeated displacements. This is also why displaced villagers have typically counted on fleeing to nearby areas – so they can return to access their belongings, and look after their livestock and crops. In most cases, however, soldiers would take anything they found, and would destroy anything left that they did not want, or could not take with them.

Saw Aa--- from Taw Oo District recalls: *"At that time [2000], villagers already moved out of their villages and nobody lived in their villages. So those Tatmadaw soldiers entered into villages and they confiscated cows, buffalos and money owned by local villagers. In some villages, they even took female villagers' clothes for their wives. They ate food and fruit belonging to villagers."*

He also reported an incident where soldiers entered a village that had previously been cleared out and stole the food left for the two grandmothers who were too old to displace: *"Villagers were ordered to relocate to another place but they [those two grandmothers] could not relocate to another place because they could not walk for that long as they were very old. However, their children left some food for them and sometimes their children came back home to look after them. They could not walk to Thandaunggyi as it is very far. So they stayed in the village but their children left food for them as well as chicken and pigs. When Tatmadaw soldiers came to their house, they ate everything [food] that they saw. They [Tatmadaw] killed pigs and chicken for their foods. Nobody dared to talk about it but also nobody stayed in the village [except the two grandmothers]."*

Looting also occurred while villagers were present. KHRG reported in 2000: "As the occupation of Dooplaya District continues, extortion and looting by the SPDC soldiers grows more extensive and calculated. As in other districts, soldiers on patrol regularly steal villagers' livestock,

belongings, and food even if the owners are in the houses. Often troops wait until men are outside of the village tending their fields, then loot villagers' belongings when only women and children are in the houses."[93]

KHRG previously highlighted that although looting was a systematic part of Burma Army operations, it also often served as a means for soldiers to maintain their own survival in the face of corruption by their superiors: "Deserters from the SPDC Army have often testified to KHRG that a large portion of their salaries and rations are stolen by their officers, that their officers try to make as much money as they can before being rotated out while the regular troops have to loot villages for food to survive. In the villages of western Nyaunglebin District this appears to be the case, because troops are constantly looting food and livestock and demanding alcohol and clothing from people in the villages and relocation sites. At the same time, the officers are demanding cash and valuables to an extent where many people have fled their villages because they can no longer pay."[94]

Officers also ordered their soldiers to engage in looting. KHRG reported in 2000: "Although the private soldiers do much of their own looting of food, alcohol, utensils and valuables, most of the systematic looting and extortion is ordered by the officers, who either send the troops to collect loot and money or send written or spoken orders directly to the village elders."[95]

According to past reports, most villagers were too afraid to protest about looting or extortion because the usual response was to arrest and beat the complaining villagers and accuse them of being a 'rebel' or of keeping their food and valuables to give to Karen soldiers instead. Furthermore, in the SPDC Army, neither soldiers nor officers were ever punished for looting or extortion. However, in some cases villagers were able to devise strategies to limit this abuse, usually by hiding rice and chickens. One brave village head, Naw Ae---, in Dooplaya District convinced a commander to give back some of her ducks by telling him that the soldiers would be able to eat the eggs later if they let her keep her ducks: *"I told the commander that they could have the ducks' eggs for their guest officers and if they give me back my ducks when they come in the future, they could have the eggs. Then the commander ordered his soldiers to bring my ducks, and they soldiers brought all the three ducks but they already killed two ducks to cook and only one duck was alive. Since they already killed those two ducks so I told them that they could have the two ducks that were already killed, and to give me back the one that alive."* Such negotiations, however, were risky and could lead to punishment for contestation.

Due to widespread looting and theft, one villager, Naw An---, from Noh T'Kaw Township, Dooplaya District explained that villagers became reticent to continue raising livestock: *"The Bamar soldiers took villagers' livestock such as pigs and chicken, etc. During that time, villagers did not want to raise livestock [were afraid the Burma Army would take their livestock away and eat them]. It was really a hard time for the villagers back then."* She also spoke of repeated demands for cows and carriages in order for the troops to transport their rations and ammunition through the mountains.

[93] KHRG, "Starving Them Out: Forced Relocations, Killings and the Systematic Starvation of Villagers in Dooplaya District", March 2000.
[94] KHRG, "Death Squads and Displacement", May 1999.
[95] KHRG, "Starving Them Out: Forced Relocations, Killings and the Systematic Starvation of Villagers in Dooplaya District", March 2000.

On February 12th 2002, LIB #102, LID #44 entered Toh Nyo village in Mu Traw District and looted the villagers' belongings. The feathers under the tree are what remains of the chickens the soldiers killed and plucked to cook for their meal. The soldiers slept in the village for a night and the next day went back to Paw Hta where they also stole the villagers' belongings. These photos were taken the following day. *[Photo: KHRG]*

Villagers look through their chests for anything that remains after SPDC soldiers looted and burned possessions that they had hidden in a hut in Mu Traw District. This photo was taken in 2002. *[Photo: KHRG]*

Due to the presence of multiple armed groups in many areas, villagers were also subjected to theft and looting by other armed actors, in particular the DKBA, which was affiliated with the Burma military, and assisted the SLORC/SPDC in clearance operations. As explained by Naw Af--- from Doo Tha Htoo District, *"[t]he Burma Army looted food and the DKBA also looted food [of villagers] so the situation got worse. Whenever DKBA Bo Moe Kyo entered the village, they looted anything they want from villagers; if they wanted to eat pork, they shot villagers' pigs for meat, if they wanted to eat beef, they shot villagers' cows for meat, if they wanted to eat coconut, they just shot at the coconuts with guns because they could not climb the coconut tree. At that time, there were gross incidents [of human rights violations] in our area and we could not control the situation, but we just had to deal with the situation in our own capacity and overcome it as best we could."*

KHRG further noted in 2000 that SPDC soldiers in Dooplaya District had taken to selling their own rations and then stealing food from villagers: "Entire columns receive a fresh supply of rations, then immediately sell them in towns and big villages like Kya In Seik Gyi or Saw Hta. They send the profits back to their families in other parts of Burma and buy alcohol with the rest, then they enter villages and loot the villagers' good quality rice and livestock in order to procure food for themselves. Some Battalions have even implemented systems for this type of looting; for example, since December 1998 officers of Light Infantry Battalion #310 have forced villages in their area to take turns sending 'curry' (meat dishes to eat with rice) to their camp every day for the officers and soldiers. Villagers cannot possibly bear the burden of feeding hundreds of soldiers, and many are starving as they helplessly watch soldiers steal their food."[96]

[96] KHRG, "Starving Them Out: Forced Relocations, Killings and the Systematic Starvation of Villagers in Dooplaya District", March 2000.

v. Extortion and demands

Extortion of civilians was systematically practiced by the SLORC/SPDC as well as other armed groups. Villagers living in relocation sites or other villages near army camps were particularly vulnerable various forms of extortion, including demands for cash and supplies, in some cases on a daily basis. Such demands increased beginning in the 1990s due to the military regime's 'self-sufficiency policy'. Andrew Selth dates the 'self-sufficiency' policy to 1997, when Burma's War Office reportedly issued an order instructing the country's Regional Commanders "to meet their basic logistical needs locally, rather than rely on the central supply system."[97] KHRG noted that, "[s]ince troops are often unable to grow or purchase sufficient food and resources to subsidize their minimal rations, in practice this means that the Tatmadaw is logistically dependent on civilian labour to carry supplies and equipment, build army camps, maintain roads, and cultivate agricultural projects, as well as to provide material support, including the provision of rice, food, animals, and building materials. As a consequence, local Tatmadaw units and subordinate armed groups often support themselves via forced extraction of labour, money, food and supplies from local villagers in order to sustain frontline troops and ongoing military operations. As the military presence in eastern Burma has continued to expand, the burden placed on communities to support local army units has likewise increased."[98]

Villagers from Wah Tho Klah village in Dwe Lo Township of southwestern Mu Traw District manufacture, collect and deliver 3,000 shingles of roofing thatch along with 100,000 kyats [USD 100.00] of extortion money to DKBA K'Saw Wah Battalion Commander Htoo Lu on January 20th 2006. Htoo Lu told them the money was to buy chairs for the DKBA camp, and the shingles were for roofing their camp buildings - but the number of shingles was much higher than would be needed for the camp, so it is likely he sold many of them for personal profit. *[Photo: KHRG]*

KHRG has consistently reported forms of arbitrary 'taxation', which military authorities have used to try to both systematise and legitimise extortion. Such 'taxation' has included in-kind payments, such as paddy procurement, where villagers are required to sell a set amount of their harvest to the military, typically at half the market value. Villagers have also been required to pay a wide range of fees in the form of obligatory cash payments, generally under the pretence of funding infrastructure or services[99]: road tolls; fees for porters and other labourers; fees for

97 Andrew SELTH, "Burma's Armed Forces: Power Without Glory," Norwalk: Eastbridge, 2002 p. 136. See also, Mary CALLAHAN, "Of kyay-zu and kyet-zu: The military in 2006," pp. 36-53 in Monique SKIDMORE and Trevor WILSON (eds.), Myanmar: The State, Community and the Environment, Canberra: Asia Pacific Press, 2007 p. 46.

98 KHRG, "Civilian and Military Order Documents: August 2009 to August 2012", October 2012.

99 Few of the taxes imposed on the rural population in Southeast Burma could be considered legitimate, and the services and infrastructure they claimed to support typically did not benefit rural villagers.

the construction of schools, clinics, libraries or other buildings; fees for travel permission documents; fines for travelling without permission documents; 'taxes' on rice mills and agricultural equipment; food provisions for military personnel operating in or near a given village; fees for festivals; obligatory donations to monks, monasteries or pagodas; payment of soldiers' debts at village shops; and other incidental expenses. Villagers have also been forced to make cash payments in lieu of compliance with forced labour as well as to avoid forced conscription into the military.

Villagers were typically unable to refuse such demands. Naw Ag---, a villager from Noh Neh village tract, T'Nay Hsah (Nabu) Township, Hpa-an District stated: *"We are just afraid of them. […] We were afraid, so we had to give. If we did not give what they demanded, they came to the village and arrested villagers."*

One villager from Hpa-an District interviewed by KHRG in 2008 said his family was forced to displace in response to the extortion and demands: *"When I lived in our village, there were a lot of demands and taxes placed upon us. I have two young children and I have to look out for my family's livelihood. I didn't have the money to pay taxes or pay soldiers and if I went somewhere to find work, we had to pay money along the way [to clear the checkpoints]. I couldn't handle this kind of oppression and so came to live in L--- village."* [100]

vi. Hunting down villagers (flushing out hill areas)

"They said to us, 'People who won't come to our place must run away. People who don't want to run away must come to us. People who neither run away nor come to us must die.'" – A male villager from Hsaw Htee (Shwegyin) Township, Kler Lwee Htoo District (interviewed in 1997)[101]

Many villagers chose not to move to the relocation sites, and instead fled to other areas still under KNU control, or to nearby forests, and in some cases, eventually toward the Thai border. SLORC/SPDC relocation and destruction orders typically made it clear that soldiers would shoot any villagers who failed to comply, and/or who were caught in the area once the villages had been cleared.

In situations where troops have moved through areas clearing out villages without prior notice, which was generally the case in the hill areas, villagers often heard in advance that soldiers were in the area and so were able to flee prior to the arrival of soldiers at their village. KHRG reported in 1998: "The villagers generally hear up to a day in advance that a SLORC/SPDC column is coming, so they flee further into the hills and very few of them are sighted by the troops. Once the troops have destroyed their village and passed on, they survive in leaf shelters or small huts which they build in the forest and try to continue taking care of their fields. Those whose paddy storage barns have not been destroyed generally share out their rice with those who have no more food. Most are living on plain rice with some jungle leaf soup, and salt if they are lucky enough to have any."[102]

As such, the SLORC/SPDC also engaged in operations to flush villagers out of their hiding sites, and would regularly patrol cleared out villages in order to capture villagers who returned, for instance to retrieve supplies or work their land, and also to prevent resettlement. One villager from Mu Traw District explained to KHRG in 1997: *"The SLORC keep coming again and again,*

[100] KHRG, "Forced Labour and Extortion in Pa'an District", August 2008.
[101] KHRG, "Wholesale Destruction: The SLORC/SPDC Campaign to Obliterate All Hill Villages in Papun and Eastern Nyaunglebin Districts", February 1998, p. 26.
[102] Idem, p. 4.

so we have to live in the forest. This year they've come into our village 4 times, and they've come near our village many more times than that. We have to run very often. At least once a month they come near our village so we can't stay there. Now they've burned our houses, our rice barns and everything we had, so we have nothing. Every time they come they burn something. The first time they burned the houses and left 2 or 3 unburned, but they came and burned those the next time... After their fourth visit we'd lost everything, we didn't even have any paddy left.... [We had] 26 houses. They burned every house, field hut, and buffalo shed, and also our church and our school. We had a middle school in Kheh Pa Hta, up to 7th Standard." [103]

After multiple villages along the Bilin River were completely destroyed by SLORC, some of the villagers fled to this patch of forest and built small shelters. In June 1997, a SLORC patrol found the site and immediately burned it. Because of the rains, not all of the shelters would burn so they ripped down whatever was left. Fortunately, the villagers knew they were coming and escaped. They have now scattered further into the hills to build even simpler shelters at more remote places. *[Photo: KHRG]*

The remains of houses in Kho Kay village after SPDC soldiers burned it on May 8th 2002. The soldiers also burned the paddy barns and destroyed whatever possessions they found hidden in the forest around the village. The village was an IDP hiding site which had become like a village because the villagers had been able to live there with a degree of stability for some time. The soldiers went around and burned all of the small clusters of houses except for one small hut. *[Photo: KHRG]*

Troops would also seek to destroy hiding areas in the forests and any food that villagers had hidden in forest locations. KHRG reported in 1998: "Hidden rice barns and shelters where villagers have been hiding in the forest are systematically burned, forcing the villagers to flee again and again further into the hills. In the Bilin River valley and eastern Shwegyin township, this happens as often as two or three times per month."[104]

Naw Ac---, a villager from Mu Traw District, who, at the age of 16, fled with her family to the forest after the SLORC set up an army camp near her village, spoke of SLORC soldiers seeking them out in their hiding site in 1997: *"There was one time when Burma Army soldiers came to conduct military operations at the place where we were seeking refuge. They fired at the huts we built in the forest for our temporary stay and they killed many villagers, including my grandmother, my aunt, uncle, cousin, niece, and nephew. My female cousin was 8-months pregnant when she was shot dead. Villagers could not take her body with them when they fled to escape from that place. When villagers came back, they saw that my cousin's belly was cut open."* Her family lived in the forest for two years, between 1997 and 1998, during which time they displaced multiple times due to the insecurity.

[103] Idem, p. 15.
[104] Ibid.

Villagers from K--- in western Mu Traw District build a hut to rest in after fleeing SPDC soldiers. This photo was taken on November 18th 2001. The next day, November 19th 2001, they were forced to flee again to another place when SPDC troops caught up to them. *[Photo: KHRG]*

This elderly woman from M--- village in western Mu Traw District was sick and no longer able to walk well, but had to flee with her children and grandchildren. Villagers occasionally are forced to leave the elderly behind on the paths when their slowness becomes a danger for the rest of the villagers. *[Photo: KHRG]*

The ongoing challenges of taking control of the area led the SPDC to launch a heavier campaign to force villagers out of hiding. In eastern Taw Oo District in 1997, the SPDC began by burning the villages, and then continued by destroying villagers' fields in 1998, 1999 and 2000. KHRG previously noted: "This was to deny the villagers still hiding near their villages any means of growing food. […] The military wants to force the villagers to come down out of the mountains to the relocation sites in order to deny the KNU a support base, while also bringing the civilians under direct control and making them available for forced labour. However, most of the villagers have already lived in the relocation sites or have heard about conditions there, so they are determined to hold out in the hills."[105]

In areas that were proving difficult to force under their control, the SPDC also began designating villages already under direct control of the military as 'Peace' ('Nyein Chan Yay') villages, and everything else as 'Hiding' ('Ywa Bone') villages. In describing the situation in the hills of Taw Oo District, KHRG noted that any village which was not designated a 'Nyein Chan Yay' ('Peace') village was classified by the SPDC as a 'Ywa Bone' ('Hiding') village, with standing orders to destroy all such villages, the villagers who inhabit them, and their food supplies.[106]

Most of these areas were thus deemed 'free-fire' areas, meaning that any villager sighted could be shot with complete impunity according to SPDC operations command. One villager from Mu Traw District noted in 1997: *"Every one of us has come close to being killed by the Burmese. If they see us we must die."* [107]

Villagers living and hiding in these areas pointed out that they were at risk of all sorts of egregious abuse. A villager in Taw Oo District told KHRG in 1999: *"We are not soldiers, but when they see us they shoot to kill us. We don't carry guns, but they shoot to kill us. When they shoot people and they don't die [immediately], the soldiers cut off their ears and kill them. They kicked and*

[105] KHRG, "Peace Villages and Hiding Villages: Roads, Relocations, and the Campaign for Control in Toungoo District", October 2000.
[106] Ibid.
[107] KHRG, "Wholesale Destruction: The SLORC/SPDC Campaign to Obliterate All Hill Villages in Papun and Eastern Nyaunglebin Districts", February 1998, p. 22.

slapped the faces [of some people]. Their feet were broken. The soldiers searched in their bags and when they saw money, they took it." [108]

In 2000, KHRG published a report on displaced villagers in hiding sites in the hill areas of Taw Oo District, describing the ways in which villagers protect themselves from capture or being killed by the SPDC, noting, "[t]he villagers in the forest live in small groups of one to seven families. Smaller numbers of people in one place means it is easier for them to hide when SPDC troops come near. Villagers are shot on sight if they are seen by the soldiers, so the villagers run whenever Burmese patrols come near."[109]

On February 15th 2002, SPDC troops from LIB #361 came to this IDP hiding site perched on a hill in Kler Lwee Htoo District and burned down villagers' houses. *[Photo: KHRG]*

Residents of three villages in Kler Lwee Htoo District constructed the above shelter after fleeing a September 21st 2005 SPDC attack on their homes. This shelter, located about halfway between the abandoned village and a more distant IDP site to which the villagers fled, served as an outpost where a handful of villagers remained to monitor SPDC troop movements and inform their fellow villagers so they could return to harvest their crops. *[Photo: KHRG]*

D. Further intensification of operations (2000-2010)

Through the late 2000s, KHRG continued to receive reports of forced relocations by the SPDC, particularly in Kler Lwee Htoo District (through 2010), and in Taw Oo and Dooplaya districts (through 2008). SPDC clearance operations continued to intensify in these districts due not simply to the fact that some areas remained under KNU control, but also to ongoing resistance and rejection of SPDC oppression on the part of villagers.

In 2002, KHRG reported: "Many villagers have been forcibly relocated several times in the past 20 years and would rather live in the forest than go again. They know that they can expect to find no food or assistance of any kind, no paid labour, no land to work and plenty of forced labour in the relocation sites, and that the conditions will eventually force them to flee into the forest anyway. After a while the villagers reestablish their villages, only for them to be burned when they are ordered to relocate once more. In Papun and eastern Nyaunglebin districts the SPDC has not even bothered to issue relocation orders to many villages, but has shelled and

[108] KHRG, "Peace Villages and Hiding Villages: Roads, Relocations, and the Campaign for Control in Toungoo District", October 2000.
[109] Ibid.

burned without warning over 200 villages since 1997. Hundreds more have been destroyed in other regions, displacing at least one to two hundred thousand people. Many of them are still in hiding in the forests, where columns come to burn their shelters and destroy their food supplies."[110]

i. Dooplaya District

After intense offensives in Dooplaya District in the 1990s, villagers were allowed to return home in certain areas beginning in 2001 because the SPDC felt "that the area is pacified enough that it is setting up new administrative structures to govern the area".[111] However in 2002, KHRG reported that SPDC troops (LID #88) had launched a new offensive (Operation Than L'Yet) against villagers in the region.[112] KHRG researchers estimated that as many as 60 villages throughout Noh T'Kaw, Kaw T'Ree (Kawkareik) and Kruh Tu townships had been forcibly relocated, displacing at least ten thousand people at the time of reporting. Villages that were not forced to relocate were those already positioned along SPDC-controlled vehicle roads or adjacent to army camps. KHRG found that "[e]ven in these villages, residents have been forced to move their houses into a compressed area in the middle of the village where they can be fenced in and controlled by the Army."[113] Villages were looted and burned, and villagers were arrested, beaten and tortured.

KHRG reported that in Kwam Thi Hta village, Noh T'Kaw Township, an SPDC soldier "made the villagers gather at the football ground. They forced everyone to their hands and knees and to bow their heads, including women and children, and then soldiers went along the line beating them brutally. Four villagers suffered broken arms, two had their heads cut open including a 60 year old man, one 50 year old man was beaten almost to death, and the face of one 48 year old woman was beaten until it was so swollen she could not eat. At the same time, other soldiers looted the village and burned three houses."[114] Two weeks later, the soldiers returned and locked all of the villagers in the meeting hall with nothing to eat for three days. Afterward, the village was forced to relocate to Meh T'Kreh.

Similarly, SPDC soldiers entered Tee Tha Blu [Htee T'Bluh] in April 2002, looted and burned houses, then locked the villagers in the church for three days without food, except the children, who were fed once a day.[115] Saw Ah---, interviewed by KHRG in 2022, recalled the event: *"During that time, the villagers who were not able to escape and were captured, especially women and children, were forcefully asked to enter the church. Then, the men who were captured were tied up at the base of the church. They were interrogated and tortured. Also, two church leaders [one from each church in Kaw Kheh and Htee T'Bluh were all captured and tied up by the Burma Army. Both of them were interrogated by the Burma Army. A church leader from Htee T'Bluh even had a plastic bag put over his head when he was interrogated and he was tortured badly. For a church leader from Kaw Kheh, his hands were tied to the church post after he was captured and his leg [shin] bones were abraded with wood [small log] and also his watch was stolen."* Saw Ah--- added that *"they also were threatened at first that they would be set on fire along with the church. They threatened those [villagers] at first that if they [Burma Army] did not get special answers or the villagers did not provide them any information from their investigation,*

110 KHRG, "Attacks on Villages and Village Destruction", December 2002.
111 KHRG, "Dooplaya District: Consolidation of Control in Central Dooplaya", January 2002.
112 KHRG, "Operation Than L'Yet: Forced Displacement, Massacres and Forced Labour in Dooplaya District", September 2002.
113 Ibid.
114 Ibid.
115 Ibid.

they would set fire to the villagers inside the church for those who were captured." In the end, the villagers were allowed to exit the church before it was set on fire.

KHRG reported at that time that, due to the recent offensives in the area, 1,300 villagers crossed into Thailand, while another 4,700 were hiding near the border in the hope of being able to cross. KHRG added: "For those who choose to flee into hiding, Dooplaya has fewer places to hide than some other Karen regions. Apart from the easternmost regions adjacent to the Thai border, the three townships affected by the operation are dominated by wide open ricefields separated by stretches of forest, with winding rivers and low hills. Even so, many villagers are still trying to hide near their fields or among the higher hills."[116] In anticipation of villagers trying to flee to Thailand, the SPDC increased its presence along the border and laid new landmines along many pathways.

Because of the challenges of finding places to hide, many villagers moved to the relocation sites, and were forced to endure the appalling conditions. KHRG reported at the time: "Villagers are not allowed to return home to farm their own fields because the SPDC believes that they would then supply food to the Karen Army. Instead, most of them look for unused land near the relocation site which they can clear for a hill rice field. The SPDC provides nothing whatsoever to the relocated villagers, so most of them do not have enough food and many are presently surviving on thin rice gruel made from the remnants of the rice they could carry when forced out of the village, or on *klih dtee*, a root which must be very well boiled before eating or it causes stomach problems."[117] Heavy demands for forced labour were also imposed, as were forced recruitments into the SPDC militia.

ii. Taw Oo District

From 2005 to 2008, SPDC troops also renewed heavy offensives against villagers in northern Karen State. In one report from 2006, KHRG noted an increase in active military units in Taw Oo District, stating that "SPDC Army battalions are regularly launching patrols through various parts of the district to seek out internally displaced persons (IDPs) and villagers who refuse to move out of the hills and into SPDC controlled relocation sites."[118] In one attack on villagers in Hee Daw Khaw village in Htaw Ta Htoo (Htantabin) Township on November 26th 2005, the soldiers captured a number of villagers from Sho Ser, including a young mother and her baby who was still being breastfed, and demanded that they show them the way to Hee Daw Khaw village. When they came within range of Hee Daw Khaw at approximately 4 pm, the soldiers opened fire on the village with mortars and small arms without provocation or prior warning. KHRG reported that, "[s]tartled by the sudden hail of shells and bullets, the villagers immediately ran for their lives with little more than what they were wearing. The villagers did not have time to take any food or any of their possessions. So unexpected and sudden was the attack that some villagers had even forgotten their young children in the confusion. Soon realising their mistake, these villagers had to return to the village where they risked being shot to collect their children before continuing to flee along with the rest of the villagers."[119]

The soldiers stole anything of value and ate their fill from the rice and the livestock that the villagers were forced to leave behind. Many of the villagers had raised chickens, ducks, pigs, and goats; all of which were either eaten, carried away, or destroyed by the soldiers before they

[116] Ibid.
[117] Ibid.
[118] KHRG, "Recent Attacks on Villages in Southeastern Toungoo District Send Thousands Fleeing into the Forests and to Thailand", March 2006.
[119] Ibid.

departed. The soldiers left the village on November 28th. Prior to leaving, they set fire to most of the houses, marking the second time that Hee Daw Khaw village had been torched by the SPDC (the last time this had occurred was in 1997). At least 25 homes were destroyed.

A local villager stated: *"In December the villagers have had to eat rice soup with vegetables that they could find in the forest. They didn't have time to take their blankets with them, so they have had to sleep out in the cold and get chills at night. They did not dare to light fires to keep warm because they were afraid that the SPDC would see the smoke from the fires and fire shells at them."* [120] Due to the harsh conditions, many fell ill and died because they were unable to access medical care. The local clinic was forced to displace to evade SPDC operations.

Saw Ai---, from Khoo Hkee Koh village tract, Htaw Ta Htoo Township, Taw Oo District, who was interviewed by KHRG in 2022, recalled that time period. He stated that due to military offensives in his area, villagers were displaced and had to seek temporary refuge in the forest beginning in 1997, and more permanently from 2001 to 2014. SPDC soldiers first came and burned down houses in their village in November 1997. They then set up an army camp outside the village in 2003, and then inside the village in 2006. Villagers were only able to return to their village in 2015, thus long after the official end of the offensives.

The increased presence of troops during that time prevented the villagers from being able to return in any permanent manner. Saw Ai--- states: *"During the period between 1997 and 2003, we came back to our village sometimes. However, we did not dare to come back to our village during the period between 2003 [after SPDC soldiers came and stationed there] and 2009. […] SPDC soldiers were stationed in our village during that time so we were displaced into the forest and we had to live in fear. We were also not able to carry on our cultivation activities."* Saw Ai--- highlights the insecurity that they faced living in the forest: *"We were staying in the forest during that time and we sometimes encountered SPDC soldiers. […] A villager was shot when he encountered SPDC soldiers in the forest." It was also difficult to access food because they needed to get a recommendation letter to travel, or had to risk traveling "secretly when the situation was a little bit calm"*. Any travel however came with great risk. *"They planted landmines and they conducted military operations in the area so villagers had to live in fear. Villagers were afraid to travel on that road because SPDC soldiers used it to transport their rations and ammunition,"* explains Saw Ai---.

Saw Ai--- added that SPDC soldiers withdrew from the village in 2009, *"so the situation had become a little bit calmer after 2009. […] Villagers returned to the village sometimes to check on the things they had left behind in the village but they did not go back to live in the village like before."* Although the clearance operations may have ended by 2010, SPDC troops continued to pass through the area. *"After the 2012 preliminary ceasefire agreement was signed, they still came once. Villagers encountered them on the road when they were on their way back home from another place."* Due to the ongoing insecurity, villagers were afraid to return to live in the village until after the 2015 NCA.

iii. Kler Lwee Htoo District

In 2009, KHRG also reported a re-intensification in the SPDC's relocation campaign in Kler Lwee Htoo (Nyaunglebin) District between 2005 and 2008. Estimates from the Thailand Burma Border Consortium (TBBC) [cited by KHRG] showed 13,500 people in relocation sites and 3,300 people in hiding sites in Ler Doh (Kyaukkyi) and Hsaw Htee (Shwegyin) townships in 2004.

[120] Ibid.

Those figures increased to 20,800 in relocation sites and 21,000 in hiding sites by 2008. KHRG stated that, "Utilising its position at army camps and bases along the roadways of Nyaunglebin District, the Burma Army has dispatched patrols in the surrounding mountains in an attempt to flush out a civilian population that continues to evade the military."[121]

Although in some cases, the military targeted individual villages for relocation, in other cases multiple villages were targeted for mass relocation, like in Ler Doh Township in 2007, when the number of people in relocation sites jumped from 6,400 to 10,600. In some cases, the villagers were simply forcibly evicted. KHRG noted that "one of the soldiers heading the evictions reportedly told the villagers that 'you can go wherever you want. I don't want to see any of your faces.'"[122] Some of the residents were sheltering in their farm huts, and so the troops burned down 50 of the huts.

In addition to burning down or dismantling houses and huts to prevent villagers from returning, the soldiers also planted landmines in and around abandoned villages and farming areas. KHRG highlighted that villagers were often required to 'reimburse' the military for the detonated landmines: "On July 2nd 2007, for example, 29-year-old Saw Kyaw Kyaw form [sic] Bpeh Koo Yah village stepped on an SPDC landmine when he went to collect dogfruit at Hsa Leh, his former village. Instead of giving the victim medical treatment, however, SPDC LIB #599 deputy battalion commander Yan Naing fined him 150,000 kyats [USD 150.00] for revealing the location of the landmine on which he had stepped."[123]

The conditions that villagers experienced in relocation sites continued to oppress villagers. KHRG noted in 2009 that villagers who had been forced to relocate in earlier years were facing increasing livelihood challenges and hardships due to restrictions placed on them: "In September 1996, concurrent with an offensive against Karen National Liberation Army (KNLA, the armed wing of the KNU) positions in Tenasserim Division [Mergui-Tavoy District] and Dooplaya District, the SLORC forcibly relocated thousands of villagers to government controlled relocation sites. […] More than ten years later, villagers in these relocation sites as well as other villages in SPDC controlled parts of Tenasserim Division report exploitative abuse and movement restrictions that make meeting livelihood needs intensely difficult."[124] Although already under SPDC control, the relocation sites also offered little protection from the abuses of the soldiers: "Residents of relocation sites have also complained of exploitative abuses, which weigh especially heavy because villagers at these sites live under restricted conditions that drastically limit their ability to support themselves, let alone meet SPDC demands for forced labour and arbitrary 'taxation.' At the H--- relocation site in the Le Nya area, for instance, villagers describe restrictions on their ability to access farm fields as well as conduct outside trade, regular demands for forced labour and cash payments. It has been over a decade since more than 430 households from 6 villagers [sic] were relocated to the H--- site in an SPDC-controlled area, but villagers report that they are still sometimes accused and beaten as if they are KNLA supporters."[125]

[121] KHRG, Cycles of Displacement: Forced relocation and civilian responses in Nyaunglebin District", January 2009.
[122] Idem, p. 12.
[123] Idem, p. 22.
[124] KHRG, "Living Conditions for Displaced Villagers and Ongoing Abuses in Tenasserim Division", October 2009.
[125] Ibid.

E. Villagers' responses

i.Negotiation and 'peace villages'

In some areas, one response on the part of villagers to the widespread violence and destruction was to try to make deals with the local army commanders in order to be able to stay in or return to their village. KHRG previously found that this was common in Taw Oo District, where the SLORC/SPDC engaged in heavy offensives to crush resistance groups: "In order to deny support to the resistance, villages have been relocated to bigger villages which lie along the car road or adjacent to Army camps. The houses of the villagers are then burned and their crops destroyed. This happened in the Kler Lah area in 1991, 1997 and 1998, in the Klaw Mi Der area in 1991, 1996 and 1997, and in the Yay Shan area in 1992 and 1993. After years of enduring these conditions, it was in the hope of curbing some of the abuses that the elders of some villages came to an informal understanding with the military. These villagers have given promises to cut off all contact with opposition groups, to report on all movements and activities of the resistance forces, and to fully and completely comply with any demands or orders from the SPDC Army. In return, the military has given assurances that the villagers will not be arrested, tortured or executed, their villages will not be forced to move, and their homes will not be burned. The villages which have agreed to this arrangement have been dubbed 'Nyein Chan Yay' ('Peace') villages by the SPDC commanders. This scheme appears to have started with Kler Lah and the villages along the Toungoo-Kler Lah car road, but has now expanded to include villages south of the car road near Klaw Mi Der Army camp and west of the Day Loh River near Than Daung Gyi."[126]

These local level 'peace' agreements were, however, used by the SPDC to place further restrictions on the movements and activities of villagers and increase their demands for forced labour. Villagers quickly found themselves unable to meet the conditions, as KHRG noted in 1999: "In Toungoo District, some villages have tried to avoid forced relocation by making informal agreements with local SPDC Army commanders that they will comply with all Army demands quickly and completely, if only their villages are not burned or forced to move; these villages have now been dubbed 'Peace Villages'. However, most of them have found that they simply do not have the people or the resources to keep up with all of the SPDC demands for forced labour, food, and money. When they cannot comply the troops once again threaten them with forced relocation, arrest the elders or burn some houses. People in the 'Peace villages' and other SPDC-controlled villages in the plains of Nyaunglebin and Toungoo Districts are regularly forced to labour on the roads and as servants at Army camps, and they are also taken as porters by Army patrols heading eastward into the hills to 'mop up' the villagers there."[127]

In Mu Traw District as well, a recently interviewed villager, Saw Ad---, recalls coming to an arrangement with the local battalion commander after facing repeated displacements: *"Some of the displaced villagers returned to live in the village and made peace with the battalion commander Ye Lin Htun [in 1995]. The villagers were saying that they had been suffering a lot [from hunger and diseases] staying in the forest. We discussed that we could not stay in the forest anymore so we returned to live in the village after over a year. We knew that the Burma Army came to our areas very often. It was really difficult for us to displace over and over again. There had been a peace group formed and elected one village head from the Bamar side. The village head was asked to be representative of the villagers. Our village was marked as a*

[126] KHRG, "Peace Villages and Hiding Villages: Roads, Relocations, and the Campaign for Control in Toungoo District", October 2000.
[127] KHRG, "Commentary", May 1999.

peaceful region and collaboration had been made there. The village head was elected. The appointed village head had to collect the villagers to be porters."

Subsequent to the village 'peace agreement', an army camp was set up just outside the village. Although the villagers could return to their village, they were then subjected to heavy demands for porters and other labour from the nearby army camp. Saw Ad--- describes: *"During that time, we could not travel as we want. We [villagers] had to inform the Burma Army if we would like to go to the farmlands to work. They did not like it if villagers failed to inform them. Villagers had to obey their orders and instruction. The villagers had to send them information [sentry or messenger] about the situation in the village every day. Each day, one villager had to send the information. […] Sometimes, the Burma Army forced villagers to go and work for them at their army camp. We [villagers] were asked to fence and roof the army camp. Villagers also had to carry water for them. Villagers always had to do it for them."* Villagers were also regularly required to carry rations and ammunition to other army camps in the area. The labour demands and restrictions were so severe that villagers continued to face livelihood challenges: *"We faced food insecurity, travel restrictions, and were unable to travel when villagers were sick. It was difficult [for each one of us]."*

In previous KHRG reports, villagers facing similar challenges in other areas felt they had no other choice but to remain in hiding given the conditions of these agreements and the false promises made by the SLORC/SPDC.

"If they can't control us, they will kill all of us. They order us to go and live with them. How can we live together with them there? We must stay here. Our ancestors stayed here. But they tell us to go and live there, to make peace with them there. We can't live like them. People who make peace with them must carry heavy loads as porters. Then if they can't walk anymore the Burmese hack at their legs with their knives, kick them, kill them, so we dare not go to live with them.... Now we stay at Haw Kee, we dare not go to Papun. If we go they will capture us. They put us in jail and kill us after they capture us. Terrible! We dare not go." – A male villager from Mu Traw District (interviewed in 1997)[128]

"They said they will make peace with Karen people. They ask the Karen to go to their place, and when the Karen reach their place they force the Karen to do many things for them, to carry their heavy loads, they beat them and force them to carry things up here into the mountains. ... The Burmese come again to look for us, so we dare not stay and we run into the forest. This 3 or 4 months we have lived in the forest and we've run from place to place in the rain until now. So now we can't do anything anymore, our food is gone, we are tired of living in the wet of the rain. We don't know what to do. ... We've just come up here because they're coming for us again." – A male villager from Mu Traw District (interviewed in 1997)[129]

ii. Fleeing across the border

The other option (for some) was to try to flee across the border, however, this was usually only undertaken if it proved impossible to displace nearby, as it also meant abandoning their farmlands and means of livelihood. In the mid-1990s, KHRG reported on the difficulty of crossing into Thailand: "Since the beginning of 1994, it has been no secret that Thai authorities want to repatriate all Karen refugees as soon as possible as part of their 'constructive engagement' deal with SLORC. […] A few months ago, Thai officials visited the leaders of all Karen refugee

[128] KHRG, "Wholesale Destruction: The SLORC/SPDC Campaign to Obliterate All Hill Villages in Papun and Eastern Nyaunglebin Districts", February 1998, pp. 58-59.
[129] Idem, p. 59.

camps in Thailand and informed them that they are not allowed to accept any new arrivals. Technically, no new refugees are allowed to cross the border anywhere. However, thousands of new refugees continue to arrive at the Thai border, proving that the SLORC's gross human rights abuses inside Karen areas of Burma have not abated in the slightest, and in many areas are only getting worse. When they find that they are no longer allowed across to the safety of Thailand, many sneak in illegally and join the flood of economic refugees from Burmese towns heading for Thai cities, where most end up as virtual slaves in sweatshops or brothels, underpaid labour on construction sites or prisoners in Thai immigration prisons."[130]

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. About 6,000 new refugees were camped along the road. Thai authorities would not let them build shelters away from the dusty, heavily-trafficked road, and would not let them move into the new refugee camp at Nu Po until a month later. *[Photo: KHRG]*

Following the 1997 offensives in Dooplaya District, Karen refugees who fled to the Thai Karen village of Klaw Taw were then pushed back into this field by Thai authorities, just three kilometres from SLORC and DKBA forces in Dta Law Thaw. These refugees later moved to the new refugee camp at Nu Po. *[Photo: KHRG]*

In 2000, the situation had not improved, making villagers fearful of trying to cross the border: "Some have testified that those who remain are intimidated by reports of hostile Thai border guards, who they fear will refuse them entry to a refugee camp and instead hand them over to SPDC soldiers. For several years now Thai authorities have stated that they will only grant sanctuary to new refugees who are 'fleeing from fighting', and they say that there is 'no fighting' in Dooplaya, making it very difficult for new arrivals."[131] While some were indeed able to enter into refugee camps, almost half were forced back. KHRG added: "It is of grave concern that villagers who qualify for refugee status are denied the right to cross by the Thai military. Those who manage to enter camps can find relative safety and assistance from foreign NGOs (Non Governmental Organisations), but those without sanctuary are at constant risk of starvation, disease, and attack by SPDC forces."[132]

KHRG remarked in 2010, that while some efforts were being made to receive those seeking protection across the border, the situation still remained tense: "Thai authorities appear to be viewing threats to civilians in the narrowest manner possible: when fighting is audible or visible from Thailand, refugees report being able to enter Thailand. When individual clashes end -

[130] KHRG, "Refugees at Klay Muh Hta", June 1994.
[131] KHRG, "Starving Them Out: Forced Relocations, Killings and the Systematic Starvation of Villagers in Dooplaya District", March 2000.
[132] Ibid.

sometimes just hours after the sound of gunfire has subsided - refugees report being told it is safe for them to return, and that they must do so. […] This message is being communicated by soldiers carrying weapons; even in cases where an explicit demand to return to Burma is not made, refugees have reported being intimidated and interpreting the notification as an order that they must leave Thailand. If forced return is not the intent of these notifications, refugees report that they are not receiving clarifications that they have the option of remaining in Thailand."[133]

Villagers from Taw Oo District, having decided to relocate to a refugee camp in neighbouring Thailand, are shown here in June 2007 making their way to the border. *[Photo: KHRG]*

Villagers from K--- village in eastern Mu Traw District near the Salween River border with Thailand were forced to flee their village on May 8th 2002. This photo was taken after the villagers had crossed the river and built small temporary shelters for themselves on the Thai side of the border. Villagers are shown holding a meeting to discuss what to do next: try to return and rebuild the village or try to go to a refugee camp in Thailand. *[Photo: KHRG]*

F. UN awareness and inaction

UN reports confirmed that military campaigns in ethnic nationality areas in eastern Burma, including Karen State, targeted civilians and resulted in forced evictions, relocations, and resettlements as well as forced migration and internal displacement. The Special Rapporteur, Paulo Pinheiro, believed over 1 million people to have been displaced between 1996 and 2006, with the situation deteriorating from 2004 onwards as a "direct result of systematic human rights abuses and the conflict between the military authorities and non-State armed groups," specifically citing military offensives and attacks on villages in eastern Burma, including Karen State.[134]

Given the escalation in violence in the mid-2000s, six Special Rapporteurs released a public statement in May 2006 calling "on the Government of Myanmar to take urgent measures to end the counter-insurgency military operations targeting civilians in Northern Karen and Eastern Pegu areas, which have led to the forcible eviction and displacement of thousands of ethnic minority villagers. […] The military allegedly acted with excessive use of force and fire arms.

[133] KHRG, "Threats to Human Rights, Obstacles to Protection: Conditions for Civilians Seeking Refuge in Phop Phra District, Thailand", November 2010.

[134] UN Economic and Social Council, "Question of the Violation of Human Rights and Fundamental Freedoms in Any Part of the World, Situation of Human Rights in Myanmar, Report of the Special Rapporteur, Paulo Sérgio Pinheiro", E/CN.4/2006/34, 7 February 2006.

Homes were demolished and according to reports, residents have been offered neither alternative housing nor any form of compensation. Other reports from various sources corroborate very serious allegations of unlawful killings, torture, rape and forced labour. The state of destitution in which many of the displaced persons are forced to live is alarming. These difficulties are mainly linked to obstructed access to food, education, housing and health services. The continued insecurity both in the areas of origin as well as in those, to which the displaced persons have fled, is an additional source of concern."[135]

Harvard Law Clinic has pointed out that in similar cases (that of former Yugoslavia, Rwanda, and Darfur), the Security Council took a common approach: (1) the United Nations took note of the violations occurring, condemned them through resolutions and recognised that the situation constituted a 'threat to the peace', then (2) the Security Council established a Commission of Inquiry to look further into and verify the violations, and finally (3) the Security Council established an international judicial mechanism, or made an ICC referral, to address the violations.[136] According to the Clinic, information on the scale of the forced displacement already provided to the UN in 2006 by the Special Rapporteur (which included 3,077 separate incidents of destruction, relocation, or abandonment of villages in eastern Burma between 1996 and 2006)[137] should have justified the establishment of a Commission of Inquiry, but did not.

G. Since the 2021 coup

An estimated 347,000 villagers in Karen State have been forced to displace since the 2021 military coup as a result of armed conflict and the junta's military operations and attacks on villages. The Burma military has returned to 'four cuts' tactics of 'burn all, destroy all' to cut off support to opposition forces. Air strikes targeting civilian areas began shortly after the coup and have continued to take place on a wide scale in some regions, despite international condemnation of these attacks as possible war crimes and crimes against humanity.

This photo was taken in April 2021 following an air strike in Pay Kay village tract, Lu Thaw Township, Mu Traw District on March 27th 2021. It shows the casing of a bomb that was dropped by SAC aircraft and that landed in Day Buh Noh village destroying villagers' houses and property. *[Photo: KHRG]*

Following fighting on July 16th 2021 between the SAC and KNLA at 12:30 pm, SAC LIB #407 burned down four houses in Koo Seik village, Dwe Lo Township, Mu Traw District. There were around 50 houses in the village. Some villagers fled to nearby villages. *[Photo: KHRG]*

[135] United Nations Office of the High Commissioner for Human Rights (OHCHR), "UN rights experts call on Myanmar to halt counter-insurgency drive targeting civilians", 16 May 2006.

[136] International Human Rights Clinic at Harvard Law School, "Crimes in Burma," Cambridge, MA: International Human Rights Clinic at Harvard Law School, 2009.

[137] UN General Assembly, "Implementation of General Assembly Resolution 60/251 of 15 March 2006, Report of the Special Rapporteur on the Situation of Human Rights in Myanmar, Paulo Sérgio Pinheiro", A/HRC/4/14, 12 February 2007.

An SAC air strike on July 1st 2022 at 8:15 pm in Thay Baw Boh village, Kaw T'Ree Township, Dooplaya District resulted in heavy destruction and casualties. *[Photo: KHRG]*

The photo shows IDPs who fled from an air strike in Thay Baw Boh village on July 1st 2022. The IDPs sought shelter on the banks of the Moei River. *[Photo: KHRG]*

In addition to widespread air strikes, which have effectively cleared out and destroyed villages, the military has engaged in the burning down of villages. The first reports of soldiers burning down villagers' houses since the coup came in April 2021, from Mu Traw District.[138] Reports of house burning have steadily expanded to other districts. Initially, only a few houses in a village would be burned. More recently, troops have taken to burning down entire villages.

Taken on July 5th 2022 in Bl--- village, Ler Muh Per village tract, Ler Doh Township, Kler Lwee Htoo District, this photo shows the remains of houses that were burned down by SAC Military Operations Command (MOC)[139] #3, #8, #15 and IB #60. 12 houses were burned and soldiers looted the houses and shops, taking all of the rice. *[Photo: KHRG]*

After fighting broke out on July 28th 2022, SAC LIB #307 burned houses in Bm--- village, Daw Hpa Hko Township, Taw Oo District in retaliation. They also shot dead villagers' cows and buffalos. Villagers were forced to flee. *[Photo: KHRG]*

On June 25th 2022, the Burma military set fire to Hton Bo Lay village, Tha Htoo (Thaton) Township, Doo Tha Htoo District. At least 66 houses were completely burned to the ground, as

[138] KHRG, "Southeast Myanmar Field Report: Military Coup, Protests, Armed Conflict and Attacks, Human Rights Abuses, and COVID-19, January to June 2021", December 2021.

[139] Military Operations Command (MOC) is comprised of ten battalions for offensive operations. Most MOCs have three Tactical Operations Commands (TOCs) made up of three battalions each.

were over 30 thatch huts used for traditional practices and the storage of livestock. Most of the 180 houses in the village, along with the village rice granary, latrines, and other structures were damaged by the fire. Prior to burning down the village, SAC troops looted villagers' homes and took their livestock. The monastery and school were also looted and heavily damaged by mortar shelling. Due to six straight days of artillery firing into the larger village tract that had taken place earlier in the month, most of the villagers (over 3,000) had already displaced. The shelling was in direct response to the KNLA's capture of an SAC company commander and military medic. Intended as a warning and threat, it served as a form of retaliation or collective punishment against civilians for the actions of armed actors. Many similar incidents have been taking place across Karen State.

As KHRG reported earlier in a 2022 report "Denied and Deprived", the new military junta has also 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 to civilians, in an effort to destroy the support base of ethnic armed organisations.[140]

A villager from Bn--- village, Poh Pee Der village tract, Moo Township, Kler Lwee Htoo District spoke of the difficulty of accessing medicine in December 2021: *"There has been an increase in the price of medicine following the coup because there are difficulties in travelling and transportation. [SAC] authorities forbade people to transport and carry medicine so people have to transport it secretly. For instance, when we went to buy the most needed medicines from Mone Town, we had to transport them secretly back to our village."* [141] Villagers in many areas have already run out of medicine and medical supplies, and have no other option than turning to traditional herbal treatments.

Villagers have also had difficulty accessing basic food items like rice due to the heavy restrictions by the SAC. On September 10th 2022, three villagers from Bo--- village, Poh Pee Der village tract, Moo Township, Kler Lwee Htoo District, were going to Mone Town to buy rice and they were stopped by the SAC troops when they arrived at the checkpoint. The SAC troops found that the villagers were carrying three sacks of rice and proceeded to question them about it. The villagers told the soldiers that the rice was for themselves, however, the soldiers accused the villagers of buying rice for KNLA and People's Defence Force (PDF)[142] soldiers. The soldiers then covered the villagers' heads and beat them and threatened to kill them. The villagers were released after the village head travelled to the checkpoint and requested their release. Nevertheless, the SAC took the rice bags from the villagers and told them that they cannot transport rice without informing the village head.

Forced relocations have also recently been reported. Between September 3rd and 12th 2022, SAC troops [IB #60 and LIB #351] entered three village tracts in Moo Township, Kler Lwee Htoo District, and ordered villagers to evacuate their villages immediately.[143] Villagers had to flee and could bring only a few belongings with them. Villagers fled to nearby towns (like Kyaukkyi Town),

[140] KHRG, "Denied and Deprived: Local Communities Confronting the Humanitarian Crisis and Protection Challenges in Southeast Burma", June 2022.

[141] Idem, p. 33.

[142] The People's Defence Force (PDF) is an armed resistance established independently as local civilian militias operating across the country. Following the February 1st 2021 military coup and the ongoing brutal violence enacted by the junta, the majority of these groups began working with the National Unity Government (NUG), a body claiming to be the legitimate government of Burma, which then formalized the PDF on May 5th 2021 as a precursor to a federal army.

[143] Unpublished raw data from September 2022.

other neighbouring villages, or the forest. After the villagers left, SAC troops entered into villagers' houses and stole their property, taking food, livestock, clothes and pots. They threatened villagers that they would fire mortars into the village if the villagers did not leave.

On September 12th 2022, SAC troops temporarily based on Thay Kay Meh Bridge, Bp--- village, Noh Koo [Naung Kon] village tract, Moo Township, Kler Lwee Htoo District, forced Noh Koo villagers to leave their village and relocate to Ler Doh [Kyaukkyi Town] by threatening to kill any villagers they found in the village. They opened only one road from Noh Hkoo to Ler Doh Town for the villagers to travel to other locations and blocked the other roads. There are 167 households and 945 villagers in Noh Hkoo village. According to one displaced villager: *"They [SAC] troops entered the village and ran behind them, driving out the villagers from the village just like people chasing chickens for food [meat]."* Villagers do not know why the soldiers chose Ler Doh Town as the relocation site. Some villagers fled to other places where they feel safe or to their friends' and relatives' villages. After villagers left, the SAC troops looted villagers' houses and took the items back to their base.

Villagers are also once again systematically being prevented from seeking refuge across the border in Thailand. As KHRG reported in its 2022 report on the deepening humanitarian crisis, the Thai government has only offered minimal support, and mostly engaged in refoulement of those trying to seek refuge across the border. Despite the Thai government's insistence that it is committed to assisting and taking care of people from Burma fleeing unrest who have crossed the border into Thailand, those fleeing have typically been allowed to remain for only short periods, and Thai soldiers have insisted that they leave when the sound of gunfire and shelling subsides.[144] As such, the vast majority of displaced villagers in Southeast Burma remain internally displaced.

In comparing the present situation to the past, Naw Ac--- from Mu Traw District, interviewed for this report, states: *"There is no difference except we were not attacked by air strikes before. We have to see injury, blood and death both in the past and now. The fear that we had before and the fear that we have now because of the attack is the same."*

[144] KHRG, "Denied and Deprived: Local communities confronting the humanitarian crisis and protection challenges in Southeast Burma", June 2022.

Displacement as evasion: Naw Ac--- recounts a lifetime of flight

"I did not get to experience a time when we could live a peaceful life without having to live in fear and having to worry about anything."

Naw Ac---, a 40-year-old villager currently living in Bq--- IDP camp in Bu Tho Township, Mu Traw District, experienced frequent and prolonged displacement over the course of her life. Born in Br--- village, Lu Thaw Township, Mu Traw District in 1981, she recalls being forced to displace since she was around 10 years old.

"We sometimes had to flee for a few days and sometimes for a week. I remember that we had to flee since 1992 because the Burma military came and seized one place after another near our village and killed Karen people very cruelly," she recounts. Due to the repeated displacements, she was only able to complete her studies through Grade 7.

In 1996 when she was 14 or 15 years old, her family began fleeing more regularly, staying in the forest on a more permanent basis from 1997 to 1998, before displacing to other villages.

She says that at first, the KNLA offered some protection to villagers, but *"when the situation became more intense and we had to flee constantly, we no longer saw KNLA soldiers as well. It was villagers themselves who tried to protect each other". While hiding in the forest, villagers set up systems to warn each other of patrolling troops, but sometimes they were not able to flee in time: "There was one night when we were told to flee in a hurry. It was raining that night. We were about to sleep in our hut that we built in the forest when we were told that we had to flee because Burmese soldiers were coming. Burmese soldiers arrived at the place where we stayed just a few minutes after we left. Some people who had their huts close to the route that Burmese soldiers took were caught by Burmese soldiers before they could escape and were killed."*

One of her brothers was also shot and killed by Burma Army soldiers. Her brother went to monitor whether the troops were approaching their area when he encountered soldiers and was killed.

She adds: *"During that time, many villagers were killed because of fighting and by the Burmese military shelling. Burmese soldiers also came into villages and shot dead villagers. I was almost killed as well because Burmese soldiers fired mortars into our village. Villagers were frightened and scattered around the village when Burmese soldiers fired mortars and my nephews and nieces were among those who were hit by the fragments of the shelling."*

Burma Army soldiers also entered her home village, Br---, and killed villagers' livestock and burned their rice barns, leaving displaced individuals without a source of food. *"Everyone was struggling because of the shortage of food during that time." "In the beginning, villagers were thinking to start working on their farm but after Burmese soldiers came and burned down villagers' rice barns and killed their cows and buffaloes, villagers fled without being able to return to the village again. Since our rice barns were burned, we didn't have rice with us when we were hiding in the forest. We could not also get food from anywhere else when we were in the forest because it was not safe to go anywhere."* she explains.

Villagers shared food with each other and employed various strategies to combat the food scarcity. *"We could only have porridge for our meal. We collected vegetables [in the forest] and cooked them with the rice that we were given by others to make porridge,"* she details. Desperate

to get rice, her brother-in-law tried to travel to nearby villages but encountered Burmese soldiers and was shot dead. Her brother-in-law was 27-years-old when he was killed. *"It was not only my brothers who were killed by Burmese soldiers. There were also many other people from other families who were killed by Burmese soldiers when they went to other places to look for food. The body of some people who got killed were later found but some weren't. My brother's body was not found. The body of his friend who was killed together with him was not found as well,"* the interviewee explains.

She describes the situation in 1997, as insecurity mounted: *"[Burmese soldiers] followed us everywhere we went. There were times when we felt very tired and wanted to take a rest but could not and had to continue fleeing because we were told that they [Burmese soldiers] were after us. We fled from one place to another in the forest. It was very difficult for us, especially during the rainy season,"* expresses Naw Ac---. At one point, Burma military soldiers came to conduct military operations in the area where they were hiding. They fired at the villagers' temporary huts, killing many villagers, including several of her family members.

Naw Ac---'s family continued to displace, due both to increased insecurity at the hiding site and livelihood needs. In 1999, as they were cultivating crops at one displacement site in the forest, her 31-year-old sister stepped on a landmine and passed away before reaching a hospital. Later Naw Ac--- and her family decided to move to a different area as they were unable to grow crops in the soil. However, after finding a place near their village where they could grow crops, they faced problems with Burmese soldiers who would indiscriminately fire mortars towards them while they worked. *"They [the soldiers] fired mortars when we went to remove the weeds and they also fired mortars when we went to harvest our crops,"* the villager recounts.

Many of the displaced villagers fell ill at their displacement sites but had no access to medicine or essential health services. Thus, many villagers died without proper treatment, including her father. *"I was told that he became sick but there was no medicine for him and therefore, he passed away."* He was found dead by other villagers in his displacement site in the forest. In 1999, while trying to go to Meh Ra Moh refugee camp in Thailand to continue her studies, she heard that the children of her older brother who had been killed *"ran out of food and did not have anything to eat and that everyone in my family was sick."* This prompted her to abandon her studies. She decided to get married and move to Bs--- village to look after her nieces and nephews.

From 2001 to 2005, she and her family had to constantly flee, but could occasionally return to their village. However, *"[s]tarting from the end of 2006 and the beginning of 2007, we fled without being able to return to our village again because Burmese troops conducted their military operations in our area, seized one place after another, and set up their army camps in every place they seized. I was told that they also based their troops in the center of my village,"* Naw Ac--- explains.

In Bs--- village, Naw Ac--- was forced to porter for the Tatmadaw at the nearby army camp. In 2007, her husband was asked to serve as a navigator for the army. *"My husband was very afraid to go. Everyone was afraid. They [Burmese soldiers] were very scary and used threats to make villagers do labour for them. They also came inside the village and arrested villagers. We were very afraid,"* she explains. This prompted Naw Ac--- and her husband to discretely flee to an IDP camp. They left their 2-year-old daughter in the village to avoid suspicion that they were fleeing. *"We told one of the villagers there who had a motor boat to take us to another place. We told him to just float his boat down the river [without starting the engine because the sound of the boat's engine could be heard by Burmese soldiers who were based on the banks of the*

Salween River] for us and when we passed the place where Burmese soldiers were stationed, we would sleep there and find a way to continue our journey [to Bq--- camp]. We left Bs--- village very secretly and we were able to return to the village again only after the troops that threatened my husband to be a navigator had moved to another place," she recounts. Their daughter later joined them at the Bq--- IDP camp.

"We thought that we would feel safe after coming to stay in Bq--- camp but what we thought is wrong. We still have to live in fear even after we came to stay in Bq--- camp."

In March 2021, the SAC carried out an air strike near the IDP camp, causing villagers to seek refuge across the Salween River in Thailand. *"We could see the smoke from the explosion of the bombs that were dropped by the SAC military jets. […] When we reached the other side of the river, we were not welcomed by Thai authorities and were told to return to our place. They [Thai authorities] told us that we shouldn't cross the river and seek refuge in Thailand unless an air strike was conducted in Bq--- camp,"* says Naw Ac---. The villagers had to return to Burma and find a displacement site in the forest. *"We are oppressed both in Burma and Thailand. Why can't we get to stay in peace anywhere? We have to face difficulties everywhere we go,"* she expresses.

Naw Ac--- voiced her opinion on the cause of her repeated displacement and livelihood challenges. *"To be honest, I feel like every challenge that I have been facing was caused by the Burmese military. We still haven't been able to return and live in our village. We still have to live in the displacement site [camp for internally displaced people],"* she says. *"[W]e would flee to the forest as soon as we were informed that the route that Burmese soldiers took and their footsteps were found near us. The only way for us to solve the issue was by fleeing. We never stayed to face them and let ourselves suffer from their abuses."*

According to the villager, *"the biggest challenge for villagers was that the Burmese military came to seize the territory near our village and set up their military camps. If there was no Burmese military oppression, villagers would have been able to have a decent life by farming and cultivating. Since the Burmese 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."*

Chapter 2: Targeting civilians (killing, torture, arrest)

"During the 'four cuts' period, whenever the Burma Army troops entered villages, they arrested, killed or beat [tortured] any people they saw without asking any questions." – Saw Ab--- from Bilin Township, Doo Tha Htoo District (interviewed in 2022)

"[W]hen the Burma soldiers reached to each village, villagers had to be afraid and hurriedly flee. They killed, beat, and tortured the villagers from almost every village where they reached." – Saw Aj--- from T'Naw Th'Ree (Tanintharyi) Township, Mergui-Tavoy District (interviewed in 2022)

Unlawful killings, torture and arbitrary arrests of civilians have been a central part of the Burma Army's counter-insurgency offensives. These acts were undertaken on a wide scale as part of the 'four cuts' strategy, which in effect sanctioned the direct targeting of civilians. Under the logic of the 'four cuts', all villagers were seen as potential members of an armed resistance group (the KNU/KNLA), and thus were at risk of being suspected of engaging in armed resistance, of having some connection to an armed resistance group, or of providing assistance to them. As such, military troops considered the arrest, torture and killing of villagers as legitimate warfare.

Under international law, torture and other cruel, inhuman or degrading treatment are firmly prohibited under all circumstances.[145] Violence to life and person, in particular the murder of civilians not engaged in combat, is also a clear violation of international humanitarian law (both treaty law and customary law)[146], as well as the principle of distinction, which states that parties to an armed conflict must at all times distinguish between non-combatants (civilians, prisoners of war, the wounded and sick, and others) and combatants, and between civilian objects and military objectives (Rule 1 of customary international law and thus binding on all States). This core idea is reiterated in Article 13(2), Additional Protocol II, pertaining to non-international armed conflict: "The civilian population as such, as well as individual civilians, shall not be the object of attack." Under Article 8(2)(e)(1) of the Rome Statute, "intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities" also constitutes a war crime in non-international armed conflicts.

While "direct participation in hostilities", if carried out by a civilian, would suspend protection against the dangers arising from military operations, the Burma Army's consideration of all civilians as 'rebels' and possible 'rebels' is not permissible under international law. The International Committee of the Red Cross (ICRC) clarifies that, "[f]or the purposes of the principle of distinction in non-international armed conflict, all persons who are not members of State armed forces or organized armed groups of a party to the conflict are civilians."[147]

Torture, killing and arrests were also heavily used as a form of intimidation by the Burma Army to terrorise and control local communities, and enforce compliance to the military's excessive demands. Article 13(2) of Additional Protocol II (Geneva Conventions) however further emphasises: "Acts or threats of violence the primary purpose of which is to spread terror among

[145] Torture is forbidden under Rule 90 of international customary law, but is also jus cogens, thus supersedes all treaties and customary laws.

[146] Murder is prohibited under Common Article 3 of the Geneva Conventions, as well as Rule 89 of international customary law. Unlawful killings are also prohibited, whether resulting from a direct attack against a civilian (see Rule 1), from an indiscriminate attack (see Rule 11) or from an attack against military objectives causing excessive loss of civilian life (see Rule 14).

[147] International Committee of the Red Cross (ICRC), "Interpretative Guidance on the Notion of Direct Participation in Hostilities", International Review of the Red Cross, vol. 90, no. 872, December 2008, p. 995.

the civilian population are prohibited." This is reiterated in Rule 2 of international customary law, and thus is binding on all States.

Reports from rural villagers show that all three violations were heavily interlinked, in large part because during the period of direct military rule, arrests rarely led to any formal lawful arrest procedures; rather villagers were typically captured by soldiers and tortured on the spot, and/or killed directly. They may have also been brought back to the army camp where they endured further torture and, in some cases, eventually died as a result of the abuse, malnutrition, illness and untreated injuries.

This chapter highlights both the widespread and systematic use of murder, torture and arbitrary arrest by the Burma military, as well as the profound impacts on villagers' lives. The Harvard Law Clinic previously concluded that sufficient evidence exists to make a case of war crimes and crimes against humanity, including murder and torture, based on the evidence that they reviewed from 2005 and 2006 regarding offensives in Karen State.[148] This chapter provides further evidence of such crimes over the past 30 years, as well as since the 2021 coup.

A. Murder/unlawful killing

"For local villagers who are still alive today, we can say that we are very lucky. We are very lucky that we were not killed by Tatmadaw soldiers. We can say that we are the survivors [of the 'four cuts'] because many people were killed at the time." – Saw Aa--- from Daw Hpa Hko Township, Taw Oo District (interviewed in 2022)

"They [Burma Army] shot at people, and some were killed and some were not. Beside the village, they threw the bodies into the canal. Some cattle herders saw that some of them [people who were shot and thrown into the canal] were still alive among the dead people." – Saw Ak---, from Noh T'Kaw Township, Dooplaya District (interviewed in 2022)

International humanitarian law strictly prohibits "violence to life and person, in particular murder of all kinds" of civilians and persons hors de combat, as does international customary law. 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.

Although it can be difficult to assess how widespread the killings were from statistics alone, testimonies from villagers point to its systematic use as part of the military's 'four cuts' strategy. Under this strategy, soldiers had orders to shoot-on-sight in 'black', and in some cases 'brown' areas. In its 2014 report to determine whether there is sufficient evidence of war crimes and crimes against humanity to initiate a criminal case against the Burma Army, Harvard Law Clinic determined that the military's shoot-on-sight policy in areas under EAO control violated the principle of distinction: "The central feature of military conduct in black areas has been the categorical rejection of the principle of distinction, a key tenet of international humanitarian law that requires soldiers to distinguish between civilian and military targets and refrain from attacking the former. In black areas, soldiers have been instructed that individuals present within those areas who are not Myanmar military personnel are 'the enemy' and can therefore be targeted regardless of other factors such as age, gender, proximity to opposition forces, and whether they are carrying weapons."[149] The Clinic further argued that sufficient evidence of murder as

[148] International Human Rights Clinic at Harvard Law School, "Legal Memorandum: War Crimes and Crimes against Humanity in Eastern Myanmar", November 2014.
[149] Idem, p. 26-27.

both a war crime and crime against humanity existed, even for the limited scope of their investigation.

i. Shoot-on-sight policy

The threat of being killed was an everyday fear for villagers, whether living in areas of heavy conflict or not. As previously highlighted in the discussion of clearance operations, 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. Saw Aa---, from Daw Hpa Hkoh Township in Taw Oo District, and interviewed by KHRG in 2022, states: *"They burned villages because they claimed that the eastern area of Thauk Yay Khat River is a black area. They could shoot dead anyone in that area if they saw people. Villagers fled from their villages [out of fear]."*

Naw Ac---, from Mu Traw District, whose family was repeatedly forced to displace, describes villagers being shot during their desperate attempts to return to their rice barns: "*Some villagers whose rice barns were not found and burned down by Burma Army soldiers went back to get their rice during the night. They did not dare to use any light when they went because they were worried that they would be seen by Burma Army soldiers. However, some villagers were still caught and killed when they tried to go back to get the rice from their rice barn. Some of them who were shot but did not die went to hide under their rice barn and when they were found later, there were already maggots in their wounds. However, there was no medicine to treat these injured villagers' wounds and some of them passed away later.*"

On March 21st 2007, around 3:30 p.m., the villagers in the Kabul Dayadar area, Mu Traw District, were shot dead by SPDC 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]*

Displaced villagers from Taw Oo District on October 20th 2007 before attempting to cross the Baw Leh Der car road. Crossing roads places villagers at high risk of being shot on sight due to the necessity of leaving the protective shelter of the trees and coming out onto the open road, where they risk being seen by SPDC patrols. *[Photo: KHRG]*

Shooting on sight was clearly most prevalent in 'black' areas and contested 'brown' areas, especially hill areas and other areas that the SLORC/SPDC was trying to bring under its control. However, colour designations of areas were also in flux so areas already under SLORC/SPDC control ('white' areas) could quickly change to 'black' or 'brown' areas. In most areas, heavy movement restrictions were placed on villagers, limiting their ability to leave their village. Villagers were required to obtain permission letters to exit and travel outside of the village, even to go to work in their nearby farms. If they did not have a letter, they were suspected of being a 'rebel'

or of providing assistance or support to the 'insurgency'. However, villagers found in their farms were often shot directly without being asked whether they had a permission letter.

In a case described by Saw Aa---, from Taw Oo District, *"a villager worked on his cardamom plantation close to the Tatmadaw army camp, and then he went to work [in a part of the plantation] next to the army camp. Tatmadaw soldiers shot him dead and claimed that the villager trespassed on the land of their army camp. Later, Tatmadaw soldiers told us that they killed a KNLA soldier and asked us to see the dead soldier. When we looked at him, he was not a KNLA soldier. He was just a villager who worked on his cardamom plantation."*

In describing the years 1997 to 1999, Saw Ak---, a pastor from Noh T'Kaw Township, Dooplaya District, stated that even being in the village was not safe: *"During those years, they did not treat people as human. They treated people like animals and slaves. They tortured people whenever they saw them. They shot people whenever they [villagers] ran in order to avoid torture by the Burma Army. […] I was shot once as well. They shot at me, but it did not hit me. […] I was in a friend's house. They called us, but we did not go because we were afraid that they would torture us. They shot at us when three of us ran away from them. Fortunately, none of us were injured. They shot at us in the village; it was not in the forest. They [the Burma Army] lived at the football ground, and we lived in the house beside the football ground. Just think about it; if they shot people in the village, they would definitely shoot people when they saw them in the forest."*

Saw Aa--- also related the story of how his uncle, a hill plantation farmer, died in 1986: *"After working in his plantation, he went to the forest to hunt animals in the late afternoon and brought a hammer gun. He thought that he would get some wild animals for dinner. However, he came back home before it was dark. On that day, Tatmadaw soldiers entered the village and then some of them were assigned to duty for security outside of the village. My uncle did not know about it. When he was coming back home on the way, they [Tatmadaw soldiers] shot my uncle. After my uncle died, they claimed that they mistakenly shot the wrong person."* Although the captain provided some money for the funeral costs, no further action was taken, and the villagers were scared to seek justice. Thus, even though villagers were well aware of the unjust and unlawful nature of the shoot-on-sight policy, the larger climate of fear created by the military often prevented them from being able to demand justice. Saw Aa--- added: *"In our village [Ce---], not only my uncle but also other villagers were killed. In 1992 or 1993, they also shot dead another villager from our village. That villager had children. […] They shot him dead when he came back home from his plantation. This time, they also claimed that they mistakenly shot dead the wrong person. What can they do? The villager already died."*

KHRG previously stated: "The attitude of many SPDC officers towards the villagers can clearly be summed up by the statement made by an officer after his soldiers accidentally shot and wounded a villager in Bilin township. He was quoted by a villager to have said, 'Let him die. It doesn't matter. He is not our nationality [ethnicity]'."[150]

Villagers have frequently talked about the Burma military's disrespect for the life of civilians, making killing them all too easy. Saw Aa--- from Taw Oo District states: *"Tatmadaw thought that Karen people are Nga Pway ['ringworm'; derogatory slang for KNU and KNLA]. They never think that Karen people are good people. They just do whatever they want to do to Karen people."* He adds that Tatmadaw soldiers viewed villagers as pigs and thus meant to be killed: *"One*

[150] KHRG, "Surviving in Shadow: Widespread Militarization and the Systematic Use of Forced Labour in the Campaign for Control of Thaton District", January 2006. Information in brackets added in the current report for clarification.

Tatmadaw soldier said that they would kill a pig tonight. He [the soldier] told other soldiers to let the pig eat food until he was full tonight. They would kill it in the next morning. […] Then, they killed Saw Ba Way beside the small stream. Villagers could not find his body until now. Saw Ba Way had a wife and a few months old baby. His wife and the village head went to LIB #124. Then, Battalion Commander Myo Aung just gave her a bag of rice and some cans of milk. LIB #124 killed villagers and nobody dared to do anything about it [for justice]. After they killed Saw Ba Way, they said they would kill another pig later."

When villagers returned to Paw Hta village in eastern Mu Traw District after SPDC troops had left the area, they found this graffiti written on the beams of an unburned house. The words written by SPDC soldiers of IB #2, LID #44 read: "'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" The message on the beam behind reads: "Exchange arms for peace, brothers." *[Photo: KHRG]*

On December 20th 2003, soldiers of SPDC IB #264 Column 1 led by officer Chit Hlaing encountered a group of four villagers from Taw Oo District along their way. They detained all four men, looted their belongings, then tied the heads of the four men with cloth and beat all four of them to death with a stick. They then buried all four men together along with the cloth and the stick used to kill them. A KHRG researcher found and partially exhumed the grave in February 2004. *[Photo: KHRG]*

ii. Sa Thon Lon execution squads

In the late 1990s, a special armed force was created by the SPDC, 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".[151] They first appeared in Kler Lwee Htoo District in September 1998, and later expanded their operational area to Taw Oo District in 1999. While not present in all areas, the establishment of these squads provide clear insight into the military's approach to resistance and how far it was willing to step outside the bounds of lawful warfare.

According to Saw Aa--- from Daw Hpa Hkoh Township, Taw Oo District, they arrived in his area in 2000. Local villagers referred to them as Baw Bee Hto [Short Pants] group due to the clothes that they wore. *"They [Baw Bee Hto] are also Tatmadaw. Its battalion consists of bad people. Tatmadaw recruited criminal people as their soldiers and they formed Baw Bee Hto with those people. You probably know them. That group was formed by Thura Maung Ni as a special armed force. Thura Maung Ni is Karen. […] He was headquarters commander. The armed force he formed was very fierce. They killed many people and they raped many women. They also ordered villagers to provide them chicken and pork for their food. They were very bad."*

[151] KHRG, "Death Squads and Displacement", May 1999.

KHRG previously noted that some of the Sa Thon Lon troops were recruited from among former KNLA soldiers who had surrendered to the SPDC,[152] highlighting that "former KNLA soldiers would be able to point out many people who had helped the KNLA in the past".[153] They were said to have lists of people who they were hunting down to assassinate.

According to earlier KHRG reports: "Their methods are deliberately brutal; they usually kill with knives, often by cutting the throat, and then mutilate the bodies by beheading them, gutting them or cutting off ears or tongues. They leave the bodies where they lay or dump them in the river, and in several cases they have hung villagers' heads along the pathways as a warning to others."[154] SPDC battalion commanders and strategic commanders in the area had told villagers directly that they have no control over the guerrilla retaliation troops, and there were reports that regular SPDC troops in the region showed some enmity and fear towards them. The guerrilla retaliation troops were specially selected from among the non-commissioned officers (corporals and sergeants) of the regular SPDC Battalions already operating in Kler Lwee Htoo District.

Based on their behaviour, KHRG noted that they seemed to have been selected based on their capacity for brutality.[155] KHRG further reported: "Their secretiveness, their brutal methods of killing and beheading their victims, in short everything about the way they operate, is intended to terrify the villagers. The overall purpose of this is very clearly to deliver a message to the villagers that even the slightest contact with the KNLA, even involuntary contact such as when KNLA units demand food from village elders, will be punished with a brutal death, if not immediately then whenever this contact is discovered, even 5, 10, or 20 years in the future."[156]

KHRG has previously referred to them as death or execution squads because they were not set up in any way as combat units. In fact, the force only consisted of an estimated 200 troops but they were handpicked and specially trained. Operating in small sections of 5 to 10 soldiers, they "are very secretive, moving by night from village to village".[157] Villagers believed that in addition to lists of who to kill, they had quotas of people to kill in each township. One villager described the brutality of their activities: *"People said that they don't ask any questions [they kill without interrogation] and they are going to 'cut off the tops of all the plants'. The second group, Sweeper, will come to sweep up the people and then the third group will come to scorch the earth and 'dig out the roots'. They will kill all the relatives of the forest people [the KNLA]. The Sa Thon Lon don't look like they will go and fight [go into battle], they are just going around killing members of the general public."* [158]

Saw Al--- from Htaw Ta Htoo Township, Taw Oo District, interviewed in 2022, recalls Sa Thon Lon arriving in Ber Htee Area in 2001 or 2002. He noted: *"They didn't arrive to the upland. They were only active in Ber Htee Area. […] they killed many villagers. If you travelled late or early, they tortured you. The person was called Bo Sweet. They killed many villagers. […] They wanted to find the Karen [KNU] mistake [find them guilty of something] and they killed them."* He says that they killed about three or four villagers, including the Lay Ti village head. *"They just wanted to put them at fault [find them guilty of something] and accused them of having affiliation with the Karen [KNU]."* Although the Sa Thon Lon did not reach his area in the uplands, he added:

[152] At that time, the information was drawn from KNLA sources as none of the villagers interviewed by KHRG had confirmed this.
[153] KHRG, "Death Squads and Displacement", May 1999.
[154] KHRG, Commentary", May 1999.
[155] KHRG, "Death Squads and Displacement", May 1999.
[156] Ibid.
[157] Ibid.
[158] Ibid.

"We just experienced the IB [SPDC infantry battalions]. So many villagers were killed during that time. […] They [SPDC] always killed and shot at the villagers."

In the late 1990s, other new armies emerged out of KNLA splinter groups, and joined the SPDC in terrorising villagers. Saw Aa--- from Taw Oo District, who served as a village tract leader for over 10 years, states: *"In 1997, the situation got worse after Nyein Chan Yay groups ['peace' groups]*[159] *were formed in the area. As I told you before, they confiscated villagers' lands. They oppressed villagers. They committed unlawful acts. I mean they beat villagers if they think they should. […] SPDC gave them lands for their operations. […] They [Nyein Chan Yay] killed many villagers. If villagers were against them, they shot dead villagers who were against them."*

Saw Aa--- adds: *"After 1997, military activities increased in our area. Many army camps were built in many villages. They brought a lot of soldiers and ammunition. DKBA also came to our area after 1997. The Nyein Chan Yay group knew some villagers had a connection with the KNU because they used to be the KNU before they became Nyein Chan Yay. So, they told SPDC about those villagers. Many villagers were arrested and put in prison because of them. Villagers faced many barriers as the situation was complex. Villagers could not do what they wanted to do as before. They could not travel freely."*

B. Torture and arrest ("Everyone's a rebel")

Villagers were also subjected to a wide range of abuse. Both mental and physical torture have been used systematically by all armed groups in KHRG's operational area, however, the main perpetrator of torture during the 'four cuts' period was the Burma military. As part of its wider operations to target civilians in an effort to crush the opposition, torture was used as a tool for both intimidation and punishment. Over the years, KHRG has received and published testimonials from villagers, with the most common forms of extreme torture being waterboarding, burning, cutting off body parts, hangings, and burying underground.[160] In our recent interviews with villagers, some of them shared, in vivid detail, what they endured. Their accounts describe not just the pain that they endured at the time, but the ongoing suffering that still torments them today.

Torture and other cruel, inhuman or degrading treatment or punishment are prohibited under international law (Common Article 3 of the Geneva Conventions, as well as Additional Protocols I and II; along with Rule 90 of international customary law). Considered jus cogens, the prohibition of torture supersedes all treaties and customary laws, and thus is both binding on all States and non-derogable. Torture is also both a war crime and a crime against humanity, under Article 8(2)(e)(xi) and Article 7(1)(f), respectively, of the Rome Statute. 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 as well as during forced labour, particularly forced portering [see section on Forced Labour]. Villagers were often tortured outside the context of any formal arrest, and either tortured on-site or brought back to the army camp and detained under deplorable conditions while also being tortured and interrogated.

[159] This is a reference to Karen Peace Force (KPF), sometimes known as the Karen Peace Army (KPA). Karen Peace Force (KPF) was formed in February 1997 after splitting from the KNU/KNLA and surrendering to and signing a ceasefire with the Burmese military government.

[160] Some previously published examples can be found here: KHRG, "Torture of Karen Women By SLORC", February 1993; KHRG, "Incidents Reported From Karen Villages", November 1993; KHRG, "Reports From Nyaunglebin District", January 1995.

In some cases, the military invoked the 1908 Unlawful Associations Act, using it as a quasi-legal basis for the arbitrary detention and interrogation of civilians. Article 17 stipulates that anyone who is a member, takes part in, contributes to, promotes an unlawful association will be punished with imprisonment.[161] Considering ethnic armed resistance groups as 'unlawful associations' the military used the Act to detain civilians on the grounds of assisting in the operations of these associations. KHRG previously noted however that any legality concerning these arrests "is made irrelevant as SPDC and DKBA soldiers do not refer to the Act as the legal basis for the arrest and, furthermore, typically lack any grounds for accusing villagers of in any way aiding KNU or KNLA personnel.[162] In fact, most torture and interrogations were undertaken outside the context of any formal arrest. In rural areas, trials are not held; villagers are simply tied up and taken to army camps where they are held in mediaeval-style leg stocks or pits in the ground, tortured and interrogated until the Burma Army officer decides what to do with them.[163]

During the period of direct military rule, the reason for torture and arrest always came back to accusations of some sort of association with 'rebel' groups. Although in some cases those that Burma military troops captured, tortured and arrested were indeed KNU or KNLA members, often little distinction was made in how they were treated.

KHRG reported in 2006 that "[a]nyone who is known for a fact to be working with the KNU/KNLA is shown no leniency whatsoever. Wounded KNLA prisoners are horribly tortured before being killed."[164] However, anyone suspected of being a member of the KNU or KNLA was also at risk of being either killed on the spot, tortured first and then killed, or arrested and tortured, and then killed.

Naw Ac---, a villager from Mu Traw District, described to KHRG the torture of two villagers [date not specified], one of whom was a KNLA soldier. The known KNLA soldier was killed; the other villager was brutally tortured prior to escaping [it is unclear whether the soldier was also tortured prior to being killed, or whether he was killed directly]: *"One of the uncles [villagers often refer to older men in the community as uncles] in my village who was a KNU soldier was arrested and killed. The other villager who was arrested together with him was able to escape. Before he escaped, he said that he was tortured very badly by Burma Army soldiers. He said that he was put inside a rice sack and was put under water. When he almost ran out of breath and died, he was taken out of the water. The soldiers then asked him questions and took off all of his clothes. After that, they poured water on his back and beat his back. They also burned plastic bags and let the melted hot plastic drop on his head. Since it was too hot and painful for him, he shouted in pain. Then, he heard the soldiers talking amongst themselves that they were going to kill him at night. The soldiers also let water droplets fall on his head. In the beginning, he could hear the sound of water 'chet chet chet' like the normal sound of water dripping. However, after water was dripped on his head for many hours, the droplets of water sounded like the explosion of mortar shells to him. He was also tied naked. He tried to move his hands that were tied, and eventually he was able to take one of his hands out. Then, he said that he took one of the soldiers' guns and ran. They [soldiers] then fired guns but he was able to escape."*

[161] Government of Burma, "The Unlawful Associations Act [India Act XIV, 1908 - The Code of Civil Procedure]", 11 December 1908.
[162] KHRG, "Oppressed Twice Over: SPDC and DKBA Exploitation and Violence Against Villagers in Thaton District", March 2008.
[163] KHRG, "Human Rights Trends in Rural Eastern Burma", June 1999.
[164] KHRG, "Surviving in Shadow: Widespread Militarization and the Systematic Use of Forced Labour in the Campaign for Control of Thaton District", January 2006.

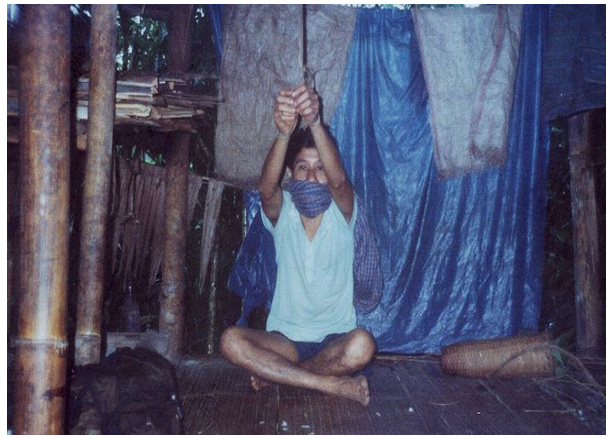
The Burma military's tactics for dealing with members of 'rebel' groups typically meant that once someone was believed to be an 'insurgent', they were subjected to torture, arrest and/or killing, and any refusal to confess led to further abuse.

According to Saw Aa---, who served as a village tract leader in Taw Oo District from 2002 to 2012, *"many people were arrested and sentenced to prison because they had been accused of having a communication with rebels".* While in prison, many were severely tortured, and some even died in prison as a result. Saw Aa--- states that four of his friends from Daw Hpa Hkoh Township were arrested [no date specified but sometime between 1992-1997] on charges of Section 17(1) and 17(2) of the Unlawful Associations Act (1908).

After one of the four villagers was released, he described to Saw Aa--- what he experienced: *"He was put in detention because he had been accused of having a communication with rebels. When he was in detention, he had to confess that he had communication with Karen soldiers. He could not confess it because he did not do anything with the rebels. As he refused to admit it, he was beaten and hit. He was tortured with electric shock. His head was injured. Some of his teeth even got knocked out. He was beaten and tortured until he had to admit it."*

Saw Aa--- further explains that the released villager continued to suffer from the torture he endured while in prison until his death in 2020: *"Even though he received medical treatment [after his release], he did not fully recover because he was injured inside his body [the injuries were so severe that they caused internal damage]. It was like a chronic condition. Due to this, he could not work well to earn money."*

In 2000, a villager demonstrates one of the positions the SPDC soldiers tied him in while they beat him. Note the cloth placed over his head so he could not see the blows coming. *[Photo: KHRG]*



A villager from southern Mu Traw District showing how he was tied and gagged by the SPDC officer who beat him. After seven days of forced portering he was ordered to produce a gun. When he could not, he was tied up, gagged and beaten. He was kept tied up for three hours until the battalion commander arrived and ordered him released. The photo was taken in 2000. *[Photo: KHRG]*

The use of torture and arrest to force admission of connection to resistance activity was widespread, and is highlighted in the following testimony.

Saw Am---, from Hpa-an District recounts the torture that he endured after being arrested by Burma Army soldiers and brought to their army camp along with his younger brother and another friend [the date of the arrest was unclear but likely sometime in the 1980s].

While in custody at the army camp, he was interrogated and told to confirm what his friend, Saw Bu---, had said. The Burma Army soldiers told him that when Saw Bu--- was interrogated, he confessed to possessing three guns. As with many incidents of torture, because Saw Am--- said that he could not confirm the information that he was asked about, he was brutally beaten: *"They asked me to speak only Burmese but I could not speak Burmese. However, they had a translator. I told the translator, 'I do not see that he has guns. If they tell you that he has guns, just ask them to find the guns. As for me, I cannot say that he has guns because I did not see that he had guns. If I say that he has guns, you will ask me to find guns. How can I find guns that do not exist?' After I explained that, they kicked me while they tied my hands and legs. Then, somebody else was taken outside. They beat him. I could not see it because they blindfolded me but I heard the sound of the beating."* The soldiers later told Saw Am--- that he was right [likely to trick him] and told him to try to escape. He didn't trust them so he refused: *"I told them, 'I don't need to escape. I am just a villager. You can ask other people anytime you want. They all know about me.' I knew all the other [arrested] people there because I used to stay with them in the past. I could not speak Burmese very well so I was not very comfortable talking to them. I told them, 'Just kill me if you want to.'"* Afterward, they beat and kicked him and poured water into his nose [waterboarded him] while we was blindfolded.They tied his hands and feet as well and sat on his chest.

He adds that his friend Saw Bu--- was beaten and thrown in a well. *"P'Yaw [Tatmadaw] threw him in the well and they dropped a kind of sugar in the well [to attract ants]. Then, ants came to bite him. I think he was kept in the well for a couple days."* He says that his friend almost died from that.

Saw Am--- experienced this type of arrest and torture twice. He continues to suffer from the torture that he endured: *"It is painful on my body. Now, if I am just a little sick, I cannot even move my hands and legs. I was beaten very hard. They kicked and beat me. At the time, I was young and strong so I could endure the pain. I can still feel the pain. Sometimes when I look at my body, it turns green. I think it might be the result of being beaten very hard. A normal person's body will not turn the colour green, right? I think it is because of the torture I experienced."*

KHRG has previously pointed out that the suspicion of association with armed resistance is often just a means of instilling widespread fear and compliance, or of extracting information and money: "Though the interrogators usually accuse the villagers of being KNLA soldiers and ask about the activities of resistance forces, it is clear that they are often aware that their prisoner is innocent and knows very little – yet the torture and detention continues. In some cases the main purpose appears to be extracting ransom from the village, but more often the detentions, interrogations and torture have the main purpose of creating a climate of fear and subservience in the village. After SPDC or DKBA units have brutally tortured a villager for days and repeatedly decreed that he is a KNLA soldier, it would seem illogical for them to release him back to his village – yet this is what happens in most cases. This is probably to ensure that all the villagers in the area get the message that any failure to comply with orders and demands will be punished

brutally. Thus detentions, interrogations and torture which appear on the surface to be aimed at extracting intelligence about enemy operations are actually carried out as part of the campaign to bring the civilian population under control and make them subservient to military orders and demands."[165]

C. Reasons for suspicion

Villagers were likely to be accused of having an association with a 'rebel' group for a variety of reasons, including 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. Even though villagers heavily limited these activities, most had no choice but to seek ways of continuing, but at the constant risk of arrest, torture, or being killed. Villagers were also at risk of abuse for having family members in the KNU or KNLA, or any connection or involvement, past or present.

While villagers did, in some cases, assist the KNU and KNLA, by providing information, food, supplies, and other forms of assistance, either voluntarily or by force, such acts would not constitute justification for threats to life, person, and personal dignity under international law. Despite the lack of a clear definition in international humanitarian law regarding participation in hostilities, the ICRC specifies that 'direct participation in hostilities' refers to "continuous combat function".[166] The ICRC also distinguishes between "fighting forces and supportive segments of the civilian population, such as political and humanitarian wings" clarifying that "[t]he term organized armed group, however, refers exclusively to the armed or military wing of a non-State party." Thus, even KNU members not part of the Karen army (KNLA and Karen National Defence Organisation [KNDO][167]), and not engaged in continuous combat should be protected by the principle of distinction. The ICRC adds: "For the practical purposes of the principle of distinction, […] membership in such groups cannot depend on abstract affiliation, family ties, or other criteria prone to error, arbitrariness or abuse."[168] As such, villagers who supply rice or information, whether by force or voluntarily, to the KNLA or KNDO, would not be considered members of that group within the meaning of international humanitarian law.

i. Working on farmlands or traveling

Villagers working or sleeping on their farms, or traveling without permission or in the evening or after curfew were likely to be questioned, beaten or tortured, arrested and/or killed because suspected of providing support or information to the KNU or KNLA.

Saw Ab---, a villager from Bilin Township, Doo Tha Htoo District, but who had also fled to Hpa-an District where he lived from the mid-1970s to early 1990s, spoke of the violence that villagers were likely to endure if Burma Army soldiers encountered them while traveling or found them working on their farms. He recalled that this started from the beginning of the 'four cuts' period.

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[165] KHRG, "Surviving in Shadow : Widespread Militarization and the Systematic Use of Forced Labour in the Campaign for Control of Thaton District", January 2006.

[166] International Committee of the Red Cross (ICRC), "Interpretative Guidance on the Notion of Direct Participation in Hostilities", International Review of the Red Cross, vol. 90, no. 872, December 2008.

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

[168] Idem, p. 1007.

Once the soldiers entered an area and set up bases, *"[Burma Amy troops] started committing killing, torture and searching for Kaw Thoo Lei [members]. If they encountered any people on the way or at farm huts, they arrested, tortured and questioned villagers about the Kaw Thoo Lei's location and bases."*

Naw An---, from Noh T'Kaw Township, Dooplaya District described a similar problem in her area: *"They tied up the villagers they arrested and put them in custody. During that time, villagers did not dare to sleep at the hut where their farmlands are. The villagers had to come back home after working at their farmlands. Even if they [Burma Army] met villagers in the daytime at their [farm] hut, they arrested them."*

KHRG previously reported a brutal case where a 13-year-old child was tortured while tending his cattle. A villager explains: *"At the beginning of March, my nephew was away from the village driving cattle. He was 13 years old, and that was his job. I waited for him to come home but he never came, so we knew the SLORC must have captured him on the way, tortured him and killed him. We went looking for his body but we didn't find it, so then we held a funeral ceremony for him. Then after 4 or 5 days some villagers went to cut firewood in the forest far from the village and they found his body. They couldn't bring it back because it was already decomposed, but they could see that the SLORC had badly burned the back of his neck and tortured him. Then the SLORC had sharpened a bamboo stick, shoved it through his anus and up through his body, like they would skewer a fish. He was only 13 years old."* [169]

Along with travel restrictions and military-imposed curfews, villagers were forbidden to stay on their farms overnight. Saw Ab---, from Bilin Township, Doo Tha Htoo District stated: *"Villagers had to leave and enter at the times set up [by the Burma Army]; for instance, we could leave the village only after 6 am and had to return to the village by 6 pm. All villagers had to return to the village, they could not sleep at their farm [to look after their livestock or paddy during the night]."* Those who did were even more likely to be arrested or shot. Permission letters were typically for one day only, and did not allow the villager to stay outside of the village at night. Many villagers however needed to stay on their farms, particularly during harvest time, or if their farms were located at a distance from their village. Thus, villagers often stayed at their farms with no authorisation.

Saw Aa---, from Daw Hpa Hkoh Township, Taw Oo District, says that during harvest time, a villager had stayed to work on his plantation, which was also near the forest, *"so the Tatmadaw thought that he provided support such as rice to the KNU. That is why they killed him."*

Many similar incidents can be found in KHRG's earlier reports. Saw Bv---, a villager from Lu Pleh (Hlaing Bwe) Township, Hpa-an District, who was interviewed by KHRG in 1994, described a similar incident, pointing to the ruthlessness of the soldiers: *"I knew a villager named Kya Nay Pawt, and they shot him. That was 2 or 3 years ago. He was from Da Greh village but he usually stayed in a hut at his farm. One evening his friends asked him to stay in the village but he said, 'I left my animals loose to feed so I have to go back'. He went back to sleep in his hut, then in the middle of the night the SLORC came into his hut and woke him up. Some villagers who they'd already captured were there and saw the whole thing. Kya Nay Pawt woke up and saw the SLORC, and they shot him in the leg. He tried to get up and run, but he couldn't and fell down, and then the soldier just walked up to him, pointed a gun at him and killed him. They shot him in the back of the head where he had fallen. We heard the gunshot from the village."* [170]

[169] KHRG, "More SLORC Abuses: Thaton & Pa'an Districts", April 1994.
[170] Ibid.

On October 11th 2001 at 3 pm, Saw P---, a local village head and hill farmer, was in his field hut with his 15-year old son, Saw K---, when SPDC soldiers opened fire on them. Saw K--- was injured by a piece of shrapnel in the waist. No one else was injured and everyone was able to escape. In this photo, Saw K--- is holding the tail sections of the rocket propelled grenades that the soldiers shot at them. *[Photo: KHRG]*

SPDC soldiers shot dead this villager from Kher Der Bpee Koh village, Taw Oo District when he broke movement restrictions to sneak back to his home village from the Taw Gkoo forced relocation site to cultivate his cardamom and betel nut plantation. He was shot by soldiers under the command of LIB #541, Column #2 commander Yeh Aung on September 20th 2007 while working in his plantation. The other villagers were unable to bury his body straight away as the soldiers lay in wait hoping to ambush further villagers coming to find him. *[Photo: KHRG]*

ii. Running away

Burma Army soldiers systematically shot at any villagers who seemed to be running away. However, due to the high likelihood that they would be interrogated, beaten and arrested, or captured and taken as a forced porter, villagers typically ran when they encountered soldiers from the Burma Army. According to villagers, if they were captured by soldiers, they were certain to be abused, whereas running afforded some the chance to escape, even if it meant risk of being shot.

Saw Ao--- recounted an incident that took place in Kler Lwee Htoo District where villagers from Htee Ler Baw Hta village were shot while harvesting their crop: *"[I]t was the time for harvesting. So the villagers went to their fields to harvest their crops. The Burma Army saw the villagers while they were harvesting. Many people were killed, including women, men, young people, and the elderly."* There were 13 or 14 people on their farms. Some of them managed to escape, but five were killed. Those who escaped reported that they *"ran away when they saw the Burma Army. The Burma Army shot them without calling them. […] They saw each other, then the Burma Army shot them when they ran. […] They died on the farm where they were shot."*

iii. Transporting food or supplies

Concerned that villagers would supply the armed resistance with food and other materials, villagers were prevented from carrying or transporting particular types of items, like rice, batteries, and medicine. Rather than simply confiscating the items to prevent them from being passed on to resistance groups, Burma Army soldiers systematically tortured, arrested or killed villagers found with these items while traveling outside of their village. Saw Aa--- from Taw Oo District states: *"People were not allowed to carry or transport flashlights, batteries and medicine. They*

would kill anyone if they saw people carrying those things. […] No one was allowed to bring or transport medicine, oil, rice, salt, batteries and fish paste. You would be dead if they found that you carried those things. It was a part of their clearance operations."

While in most cases villagers were allowed to transport a small tin of rice, in some situations villagers could only carry cooked rice to limit the possibility of the rice being provided to 'rebel' groups. Saw Ab---, from Bilin Township, Doo Tha Htoo District states that anytime they went out of the village, even to work on their farms, *"[v]illagers could bring only a pack of cooked rice [for lunch, one meal only]. If we brought uncooked rice, they accused us of bringing rice for Kaw Thoo Lei."*

One villager from Mu Traw District, interviewed in 2022, described a brutal incident of torture that may have been tied to the transporting of salt. In 1994 or 1995, Naw Ac---'s uncle was arrested while on his way to buy salt in another village: *"Although my uncle was not a KNU soldier, Burma Army soldiers claimed that he was a KNU soldier when they arrested him and asked him questions. Since my uncle told them that he was not a KNU soldier, they cut off his lips, nose, ears, fingers, and toes. They wanted my uncle to say that he was a KNU soldier but since my uncle did not say it, they tortured my uncle in many ways until my uncle died. I can never forget what Burma Army soldiers did to my uncle."*

Being caught with any sort of medicine or medical supplies typically resulted in the harshest of punishments, as the following testimony indicates.

Saw Ao---, originally from Lu Thaw Township, Mu Traw District, displaced to Moo Township, Kler Lwee Htoo District as a child with his family. When he was around 20 years old [in 1975], he and two friends were arrested and tortured by BSPP soldiers after encountering the soldiers on patrol in the forest. The three young men were on their way to Bn--- village to meet Saw Ao---'s brother who was collecting T'La Aw leaves (large leaves from teak-like trees used for thatching roofs). One of the young men happened to have two doses of penicillin and three doses of Moo Hkoh Htee [drip for intravenous injection] in his bag. The soldiers accused them of taking medicine to a KNLA soldier, and charged them under Section 17(1) of the 1908 Unlawful Associations Act.

Saw Ao--- describes being subjected to multiple forms of torture over two days. There were about 80 soldiers, all in full uniform, with one of them showing a three-star rank [possibly a captain], and from [Operations Command] #60 led by Bo Hay Ko, Bo Min Thein and Bo Tin Hlaing [who operated in the area]. After being detained, their hands and legs were bound while the soldiers questioned them and repeatedly beat them. The three men were detained separately, so Saw Ao--- was only able to describe his own experience: *"Groups of five [including the captain] tortured me in rounds; one of them pulled on my head [to keep it from moving], one was at my back, one in front of me, one on my left side and another one on my right side." "They punched every part of my body; my face, my chest at my heart, my back, my left and right side [of my body], my head and the whole body. It was so painful I could not hear anything." "They punched me many different times; they punched me and then they took a rest for five minutes, and then they punched me [many times] again. They did it like this rapidly and asked me the same questions, but I could not provide any answers to them [he gave them the same answers but they did not believe him]. They also slapped my face during the punching." "They kicked me in the chest. They also punched me in the chest. I thought they were going to kill me."*

They also rolled a log up and down his shins. *"It was not too big, but two soldiers were on the log; left and right side of the log when they were rolling the log on my shinbone so weeee! [interjection meaning very painful]. [...] they put their whole body [weight] on the log; one was*

on the left side of the log and another one was on the right side of the log rolling [on my shinbone].” He says that they would roll the log on his shins in intervals of 10 minutes. That lasted for about one hour (so about five or six times), and then he was thrown in a river, where he was kept for about two hours.

He states that they threw him into the water [only him, not his two friends] because he refused to answer their questions: *“They asked [threatened] us, ‘Do I have to shoot you dead? Do I have to cut you to death? Do I have to beat you to death? Do I have to throw you into the river?’ As these [questions] were too much [brutal], I did not reply them anything. Then, they threw me into the river.”* The water was about waist deep, but his hands and feet were still bound. *“[O]ne of them held my legs and another one held my head throwing me into the deeper water level. They purposefully did it in order to kill me, but I did not die. [...] I could get one breath before the water entered into my mouth and I drank [swallowed] that water.”* He adds that they repeatedly ordered him to raise his hands before pushing him back underwater: *“’Raise your hand up! Raise your hand up! If you do not do, you will die!’ At first, I did not raise my hands up because I thought that I might not be able to do it. Then I drank water that fell in my mouth once and I still heard the sound telling me, ‘Raise your hands up! If you do not, you will die!’ Then I raised my hands up and I could make it. After then one soldier would come and forcibly push me in the water.” “It was about four times; he pushed me into the water under him then I tried to raise my head between his legs. Then pushed me another time and then I moved to another side [to breathe]. He did it like this about four times and then they tied me tighter. Then they set up a piece of small log in the river, tied me beside that log and then left me in the river like that. Oh, there were a lot of leeches.” “[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. At that time, I could not feel the cold or freeze anymore.”*

The three young men were also left next to an ant hill (colony) for about an hour: “*[T]he ants heavily bit us so I thought I would die [from the pain].”*

He was then brought back [forced to walk 30 minutes] to the army camp where he and the other two young men were placed in (three hole) wooden stocks until about 8 pm. They were held overnight at the camp and only provided a bowl of water while locked in the wooden stocks. They were released in the morning after being required to have three witnesses each (nine total) come provide testimony for them. They were also ordered to stay at home, and told if they were caught fleeing or traveling, the three witnesses would be arrested.

No medical treatment was provided by the soldiers. As there was no health worker in the village, the three men had to use traditional remedies: *“We ate turmeric, drank the boiled water of turmeric and then we pounded the turmeric and applied [it on our injured or bruised body]. We just did it like that.”* Saw Ao--- sustained the worst injuries of the three. He states that it took months for his wounds to heal and that the torture left ulcers all over his body. He added that he continues to experience a number of health issues: *“They lay us [on the ground] and punched at every part of our body including the throat and the bladder [lower belly]; sometimes they punched from top [head] to bottom [legs] and sometimes, they punched from bottom [legs] to top [head]. But my bladder area [lower belly] was seriously damaged; I have been suffering this pain as the symptoms of inguinal hernia but it is not, and maybe it [torture] damaged the oxygen [blood] circulatory [system]. I have been feeling it until now.” “All of my teeth, both sides [upper and lower] of my teeth fell out; they did not fall out at the same time because some of the teeth turned to the side of my mouth. All of my molars fell out. I cannot forget this incident, but I did not realise that I would note [be able to describe] all of the details. I cannot forget it.”*

iv. Villagers caught helping rebel groups

If villagers were caught helping to supply food and other materials to resistance groups, they also were severely tortured.

Saw Aa--- recalls from the time when he was a village tract leader in Taw Oo District the torture of a villager who was arrested for allegedly providing uniforms to the KNLA. *"In 1999, at the time that LIB #124 was setting up new army camps in Thandaunggyi [Daw Hpa Hko] Township, they began arresting villagers because they thought the villagers were providing support to the KNU. […] Among the arrested villagers, there was a villager [who was tortured by Tatmadaw soldiers]. His name is Saw Bw---. Someone informed Tatmadaw soldiers that Saw Bw--- delivered military uniforms to KNLA soldiers. I don't know who informed Tatmadaw soldiers. However, Tatmadaw soldiers accused Saw Bw--- of supporting the KNU. Therefore, they interrogated Saw Bw---. During the interrogation, Tatmadaw soldiers put a plastic bag over Saw Bw---'s head and they poured water into the plastic bag. After that, they poured hot water into the plastic bag. Then, they burned his body with candle wax. However, he is still alive."*

Saw Aa--- recounts the details of the torture and interrogation as described to him by the victim: *"Tatmadaw soldiers tied him up with a rope and hung him upside down in the community hall. He was hung upside down for hours. He was bleeding on his head. [...] He was beaten and hit before he was tied up with a rope and hung upside down. As he was bleeding on his head upside down, he felt dizzy. They [Tatmadaw soldiers] acted like they intended to kill Saw Bw--- but other villagers tried to persuade the Tatmadaw soldiers not to kill him."*

Saw Ab---, who served as a frontline medic for the KNLA for three years (1985-1988), witnessed the brutal killing of villagers who had helped the KNLA transport food and ammunition from Htee Hpa Doh Hta army camp after it was captured by the KNLA. After the KNLA raided the SLORC camp, later that night they were attacked by SLORC troops. After the attack by SLORC troops, a SLORC soldier who had earlier been captured by the KNLA, and who had witnessed the raiding of their camp, reported which villagers had helped the KNLA. Saw Ab--- says that *"they tortured villagers before killing them; stabbed the villagers' body, cutting the body of villagers piece by piece and cutting into bigger pieces with knives and axes and as well as beating and punching them".*

v. Possession of suspicious items

Soldiers would also come to villages in search of items like hidden weapons, or other material they considered suspicious, like letters, documents, camouflage material.

Saw Ab---, from Bilin Township, Doo Tha Htoo District, describes witnessing the torture of his grandmother and mother after BSPP soldiers searched their house and found a piece of green material resembling military camouflage: *"After I finished Standard [Grade] 2 in my village, the 'four cuts' strategy started and a large number of Burma Army troops came to our area. Before we fled [from the village], Burma Army troops entered into [villagers'] houses and searched [for KNU]. When they entered my mother's house, they saw a piece of soldier green waterproof plastic in the house so they brutally tortured my grandmother and my mother; they severely beat my grandmother until the skin of her legs and arms were broken [split open] and slapped my mother's face repeatedly. They asked [where] Kaw Thoo Lei [members] were, because they saw a small piece of soldier green waterproof plastic in the house and they accused them that Kaw Thoo Lei returned to here [Bb--- village]. It was when I was a child so I did not know about much. We were in deep fear and hid in the corner of the incident place watching them [be*

beaten]. They repeatedly slapped my mother's face and beat my grandmother, but we could not do anything [to help] so we just had to stay like that [and watch]." He also said that *"if they saw books [any letters or documents] regarding Kaw Thoo Lei, they punished villagers through torture and nonstop questioning."*

vi. Family members

Family members of the KNU and KNLA were also at risk of arrest and other forms of violence. This increased as defectors and splinter groups from the KNLA joined the SLORC/SPDC because they were often able to point out KNU and KNLA members and their families. KHRG previously noted, however, that "[m]any ordinary villagers are also arrested, detained and tortured on suspicion of being in contact with the KNLA or related to KNLA or KNU members. These suspicions are often unfounded and based on any random accusation by another villager or by a DKBA or SPDC soldier who is eager to impress his officer."[171]

Saw Ab--- from Doo Tha Htoo District recalls: *"The Burma Army troops looked for Kaw Thoo Lei family members and arrested all [Kaw Thoo Lei family members] they saw. As my father engaged in the political revolution [freedom fighter] so my family also did not feel secure living in the village anymore so my family also had to flee."*

Naw Ag---, from T'Nay Hsah Township in Hpa-an District, said that her family experienced threats of violence: *"The [Tatmadaw] abusively told us that 'you are the relative of Nga Pway [derogatory term for KNLA]; you asked your children to shoot us. So we are coming after you and we will eat all your things [food and livestock].' They killed our pigs, chicken and cows."*

It was also common to burn down the houses of suspected KNU and KNLA members and their families. Saw Aa--- from Doo Tha Htoo District states: *"After the incidents in Htar Tho Poe Li, the SAC soldiers went to Thauk Yay Khat village. They burned a villager's house because they thought that it is a KNU member or KNU family house."*

KHRG has also highlighted that SPDC and DKBA troops often accuse women of being the wives or daughters of KNU and KNLA members if male family members are absent. They may be detained and tortured for the purpose of extracting information about the involvement and whereabouts of male family members.[172]

A former KNLA solder, interviewed by KHRG in 1999, who fled his village in Dooplaya District, explained that the Burma military would threaten KNLA family members to try to capture KNLA soldiers: *"[W]hen we went to a meeting at Da Nu, they said they would kill all the people who had been soldiers but quit less than 15 years ago. If it was over 15 years ago, they must go to sign with them [register with the SPDC]. … They said they will capture one person [in the family of a soldier]. For example, if your nephew or sibling is a soldier, they will arrest one person from your house and force him to go and bring back the one who went to become a soldier, and ask him to surrender. If the person can't find him, they will kill the one who went to find him."* [173]

[171] KHRG, "Uncertainty, Fear and Flight: The Current Human Rights Situation in Eastern Pa'an District", November 1998.

[172] KHRG, "Dignity in the Shadow of Oppression: The Abuse and Agency of Karen Women Under Militarisation", November 2006.

[173] KHRG, "Starving Them Out: Forced Relocations, Killings and the Systematic Starvation of Villagers in Dooplaya District", March 2000.

KHRG previously pointed out that this attack on family members "puts a great 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."[174]

D. Demands for information

Villagers were constantly at risk of being questioned by Burma Army troops to obtain information about the KNU/KNLA. Providing information was usually not an option for evading torture, because it was taken as confirmation that the villager had contact with the resistance groups. Thus, even if they did have information, most villagers would deny knowing anything, which typically resulted in beatings and torture.

Saw Ab---, a former village leader from Bilin Township, Doo Tha Htoo explains: *"Some people knew [the locations], but they did not tell them [Burma Army] and they tortured the villagers by brutally beating them. Some villagers got chronic diseases [as a result of the beatings] and some of them died [because unable to receive treatment]."* Knowing that abuse was the result, regardless of the response, he instead tried to appease them with food: *"They would hit and beat every man whom they captured. They would ask people whom they captured about the KNU and its location. If people did not tell them, they would hit, beat, or punch them. However, I myself did not experience that. When they caught me, I tried to talk with them as politely and softly as possible and gave them one or two chickens because they tended to behave better when you gave them food to eat."*

Not speaking Burmese could also lead to being tortured or killed during questioning. Saw Aj---, a villager from Mergui-Tavoy District describes an incident where villagers were shot dead because they did not understand what the soldiers were asking: *"In my family, they [Burma Army soldiers] shot dead five members of a family in one household, including the father, his sons and step son. All the victim's sons were young people and single. The mother was not shot dead. […] Kaw Thoo Lei soldiers were there [in the area]. They [Burma Army soldiers] looked for the base of Kaw Thoo Lei soldiers but none of the people in the family were able to speak Burmese […]. The family only nodded their heads [in response to] whatever the Burma soldiers asked so the soldiers shot them dead."* Saw Aj--- adds that villagers in his area *"were told that for those who could not speak Burmese, their tongue and lips would be cut and sliced off."*

A similar situation was described by Naw Ap---, a villager in living in Hpa-an District: *"For those who live at the bottom of the mountain [rural], if any of them got caught by the Tatmadaw, they were stabbed with a knife or their stomach was cut open. We have witnessed those things but we could not do anything. […] One villager was stabbed with a knife many times as he was questioned [by the Tatmadaw]. He was questioned whether he is a Tha Pon [rebel/KNLA]. He replied no. People at the bottom of the mountain could not speak Burmese. He was stabbed with a knife many times."*

E. Village heads

Village heads were particularly susceptible to torture and other abuse, as well as arrest and being killed. In fact, one interviewee, Naw Af---, who has served as a village head in Doo Tha Htoo District since 1977, refers to it as being a sort of death sentence: *"[A]nyone who was selected as village head, it was just like he/she was selected to be killed by the people [armed*

[174] Ibid.

actors]. […] Therefore, people who dare [are not afraid] to die are the people who dare to be a village head because the day that a village head signs a contract [to be a village head] is the day [they sign] their death date."

Beginning in the 'four cuts' period, village heads became the intermediary between the military and villagers, having not only to ensure compliance on the part of villagers to the numerous restrictions being placed on them, but to fulfil the ever increasing demands for food, supplies, labour, and information. This made them a key target of violence. KHRG previously explained: "Some of the violence is random, but much of it is directed against village heads for not complying with the regular demands. The village heads are easier targets than the other villagers because they have to go to the Army camp when summoned by the officers and liaison with the soldiers whenever they come to the village, and because they are held responsible whenever demands are not met. The torture of village heads is often used by the SPDC to set an example to the other villagers of what could happen if their demands continue to be ignored."[175]

The position of village head was so likely to result in abuse and/or death that in most areas nobody wanted to hold the position. In the past, it was most common for men to serve as village heads, but after the 'four cuts' strategy was implemented, the abuse that male village heads endured, combined with demands for forced labour, led men to flee their villages, or refuse to be appointed as local leaders. Instead, believing that Burma Army soldiers would be less likely to inflict that sort of violence on women, most villages turned to appointing women as village heads.

Village heads were subjected to a variety of abuses, from being threatened and slapped or punched, to being tortured and killed. Naw Ae---, a former village head from Kruh Tu Township, Dooplaya District described the brutal torture and killing of the local male village head along with two other villagers: *"At that time the village head was trying to be closer to [build a relationship with] the Bamar administration but it was not easy. Starting from then, he was travelling back and forth between two different administrations. Then the Burma Army arrested him in 1997. The Burma Army also arrested three villagers along with village head. So, they arrested four of them in total. They brought them along. […] The Burma Army then killed them in Meh Traw Place. They killed the village head and two of the villagers. But they released one villager."* The villager who was released, reported the incident to Naw Ae---: *"They beat them to death. They stuffed cloth in their mouth. It was so terrible."* The villagers waited until the Burma Army left and then they went to the location where the villagers were tortured and found their corpses. It was unclear why the village head and the two other villagers were arrested and killed. It is likely however that the release of the one villager was specifically to ensure that the incident would be reported back to the other villagers and instil fear.

Longtime village tract leader, Saw Aa--- from Taw Oo District, recounts an incident of violence that he witnessed: *"In 2009, Military Operations Command (MOC) #7 entered our area. Their operations commander was very bad. He was Major General Soe Win. He punched villagers. Just in front of my eyes, he punched a village head from Bx--- village and he beat the village head with a big wooden stick. […] The village head could not even cry out loud. […] [T]he operations commander beat the village head, just in front of my eyes."*

Another villager, Saw Al--- from Doo Tha Htoo District, adds: *"In 1995, they arrested a village head in Ber Lo. They tied her up and set her on fire. Then, they burned everything."*

[175] KHRG, "Surviving in Shadow : Widespread Militarization and the Systematic Use of Forced Labour in the Campaign for Control of Thaton District", January 2006.

The reasons for the abuse were vast. Village heads were expected to provide regular information as well as any information on demand. If the village heads failed to provide information, or were unable to answer the questions asked by the Burma Army, they were tortured or beaten.

Saw Ah--- from Dooplaya District explains: *"In that period, the local authorities or village head who was responsible for the area also experienced a lot of problems because the Burma Army asked them to guide them to the base of their enemies [KNLA] and the hiding place of weapons. They had to do it but some were not able to since they did not know the location of the enemy [KNLA army base]. If they [local authorities] said that they did not know the place, they were beaten. Then, they [soldiers] would dig a hole and detain them inside the hole. They [the local authority or village head] would be taken up from the hole and interrogated again and again."*

If any incidents happened, like bomb explosions, fighting, injury or death to soldiers, the village head was expected to provide information, and was often held responsible for the incident. Saw Aa--- from Taw Oo District states: *"[A] bomb exploded near Bx--- village. Therefore, the village head was called to go and meet the operation commander but the operation commander was waiting for him half way. He beat, punched and hit the village head until the village head could not eat rice."*

Village heads were consistently required to supply labourers and other supplies to any Burma Army troops. Naw An---, a villager from Dooplaya District interviewed in 2022 spoke of abuse for not fulfilling the troops' relentless demands: *"The Burma Army […] slapped the female village heads named Naw By--- and Naw Bz--- in the face. The Burma Army slapped them in the face because they were not able to find villagers to be porters for them. The village heads were asked to go even though they were afraid to. […] No men in the village dared to be village heads. It was really difficult to be a village head during that time. That was the reason women had to be village head. […] It was back in the years between 1988, 1989 and 1990. I was a teenager back then. The Burma Army asked for cows and carriages from the [female] village head to climb up the Ka Lee Hkee mountain. Then, the Burma Army physically assaulted her when she could not provide them [with what they asked]."*

Village heads often went to the army base to request the release of one of their villagers, and in doing so could be subjected to some form of violence as well. Naw An--- adds: *"During that time, Naw By--- was a village head. She had to recommend for the release of villagers who had been arrested. The Burma Army [officer] slapped her in the face when she went to get the villagers."*

Many of the stories of abuse show that it was a systematic part of interactions between Burma Army officers and village heads. Because village heads were increasingly women, it was largely women who suffered this kind of abuse. Even though they were less likely to be killed than male village heads, they still endured a wide range of abuses.

Naw Ag---, a villager from Hpa-an District interviewed in 2022 spoke of the impact of the abuse inflicted upon village heads, and the deep trauma that persists: *"One woman there [on the other side of the river] has gone crazy now because she was once put in detention. During that time, she was threatened with a knife and cleaver. […] She was a village head on the other side of the river in Ca---. […] She was threatened so she must be so fearful. There was no such brutal physical abuse in our area."*

Despite the constant threats and high risks of punishment and death, Naw Af---, a village head from Doo Tha Htoo District, says that she continued to serve as village head because of a sense

of duty to the other villagers: *"[Burma Army] ordered me to go [meet with them and fulfill their orders], my villagers were also displacing [to different places] and some of my villagers were killed [by the Burma Army]. Some village heads also fled and some of them were killed as well. At that time, I could not do anything [out of my control]. […] I did not flee. I just lived firmly [in the village] and I had to deal with the Burma Army for my villagers when they [arrested or tortured] my villagers. I always had to follow the villagers [to rescue them from the Burma Army]."*

F. Intimidation tactics

Torture is commonly defined as the infliction of severe pain or suffering. Torturers often avoid creating visible scars or wounds on the victim's body in order to make it harder for the individual to prove their suffering. This ensures that torture remains difficult to prove, reducing the credibility of the tortured to mere accusations. Since torture is also typically used as a form of punishment or to persuade another person to do something or provide something, it can also constitute a form of intimidation. When used for intimidation purposes, acts of torture may also be purposefully undertaken in a public manner so as to instil fear and compliance in a larger number of people.

As the stories already presented suggest, the Burma Army sought to intimidate entire communities. The sheer number of villagers who have been able to describe incidents of torture to KHRG is due not simply to the fact that the Burma Army was committing acts of torture on a wide scale, but because such acts were so often undertaken overtly, as public displays, so that other villagers would see.

Naw Af--- from Doo Tha Htoo District, and who has served as a village head since 1977, spoke of a KNU member who was arrested and tortured in her village. The killing of the KNU member was clearly done as a form of intimidation as he was executed in front of villagers. She states that: *"They tied him beside a tree in front of the monastery and gathered all villagers from [Cb---] village in the village monastery and they shot him dead in front of villagers."* Afterward, as the village head, she reprimanded the commander: *"The way you killed the KNU member in front of villagers, do you think villagers will tell their children not to join the KNU because the Burma Army will kill them like this? [...] You do not have to kill him [KNU members] in front of villagers like that."* Concerned about the trauma that her villagers might experience witnessing such an act, she told the commander: *"You did it like this, but if any villagers die due to deep fear [trauma] and shock [from witnessing this murder], that will make me the murderer for another case."* She adds that *"They could not answer me when I asked them [regarding the public killing]. They just replied to me that he [KNU member] was their enemy so they did it."* The commander also told her, *"I saw him and could capture him so I will do whatever I want".*

Saw Ao---, living in Kler Lwee Htoo District, described an incident of public shaming involving his father that could constitute a form of torture. According to Saw Ao---, someone from the city had come to Cc--- village and, after returning home [to the city], claimed that people [local villagers] had tried to arrest him. *"Afterward, Burma Army soldiers came to Cc--- village, gathered villagers, and beat them up. My father did not do anything but they [Burma Army soldiers] arrested him by claiming that my father was among those people [who planned to arrest that person]. After my father was arrested, he was hung under a tree."* Although Saw Ao--- said that his father was not beaten, they hung him in front of the village as a form of public humiliation. His longyi had fallen down, and thus he was left to hang there naked. Saw Ao--- states: *"They hanged my father, and they released him when they were satisfied. They did not do anything to my father, but they hanged him on a tree and his longyi fell down. He was shamed in front of other people."*

G. Concealment

The Burma military also sought to conceal the killing and torture of villagers. For instance, Naw Af--- described an incident where the company commander tried to cover up the brutal torture and murder of one of her villagers by telling her and his own battalion commander that the villager was shot trying to escape while serving as a navigator. However, Naw Af--- knew that he was tortured for three days while in detention because she had received a phone call about him and was trying to make arrangements to get him to a hospital. When she went to request his release, she was told that he had been shot: *"They [troops] buried the corpse of the villager [U Ka Kyi] in the water channel beside the farm. They just covered him with some soil they took from the water channel bank so the soil did not cover the corpse well. They did not untie the villager [U Ka Kyi]. Then when I arrived at the village [where the Burma Army was based], the Battalion Commander also just arrived at the village, so I asked him, 'Bo Moo San Aung, where is U Ka Kyi? Where do you keep him?'"* The battalion commander told her: *"[T]he company commander requested to use him as navigator so I let him to do it. But he told me that, that villager was running [to escape] so he shot him dead [on the way]."* Naw Af--- however knew the story to be a cover up: *"We saw the beating [torture] wounds all over his body and his body was even broken into pieces. They [Burma Army] stabbed his whole body with a knife (on his back and the front of his body), beat him with a log, and kicked him [with boots] so his whole body was broken into pieces, his eyes had also popped out. […] I did not see any bullet wounds on his body [meaning he had not been shot as the company commander claimed]."*

In some cases where troops tried to conceal the killing and torture of villagers, it also served as a form of intimidation. For instance, villagers were sometimes threatened in order to prevent them from going to a location where villagers had been killed. Saw Aa--- from Taw Oo District explains: *"On the same night [that the village head was killed], seven Maung Nwe Kalay Ywar Haw villagers were also killed when they came back to their village from their plantations in the forest. Tatmadaw shot dead those seven villagers on the way. Other villagers found their dead bodies where they were killed but nobody found the dead body of the village head. LID #66 shot dead those seven villagers. I don't know their operation commander. […] One or two days later, after the village head was disappeared, Tatmadaw soldiers announced that nobody was allowed to go to the place [where the village head was arrested]. They said that they planted landmines around that place and it was very dangerous to go there. They said that they would not take any responsibility for what would happen to villagers if villagers went to that place. So we assumed that the village head might be killed and buried in that place. Even today, villagers are still afraid to go to that place. So nobody knows how he was killed or whether he was buried there."*

H. Since the 2021 coup

i. Murder and shoot-on-sight policies

The SAC has once again implemented a widespread shoot-on-sight policy, and has been threatening villagers to keep them from leaving their homes at night. In August 2021, SAC soldiers in Bilin Township, Doo Tha Htoo District threatened to shoot any villager they encountered outside of the village at night, arguing that anyone found outside the village at night must be

the enemy, and that *"good people [those who do not pose a threat to the Border Guard Forces (BGF)*[176] *and SAC] have to sleep in the village"*.[177]

Since the coup, the military junta 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. KHRG has received multiple reports of killing cases where the breaking of curfew was used as justification to kill. For example, on March 16th 2021 at 7:45 pm, a soldier in the SAC militia based in A--- village, T'Naw Th'Ree Township, Mergui-Tavoy District, shot dead a student named Maung B---, aged 17 years old. He was shot in the chest with an MA-1 assault rifle, and died immediately. The reason provided by the militia for shooting Maung B--- was because he went out at night after curfew, however, the curfew had been set at 9 pm.[178]

After the SAC imposed a curfew, villagers faced difficulties getting sufficient food. Therefore, some villagers from A--- village, Aee Weh village tract, Paw (Paung, also known as Maw S'Ko) Township, Doo Tha Htoo District snuck out of their houses during curfew to fish. On the evening of September 4th 2021, one of the families in A--- village left their house to go to the stream near their house to fish. After fishing, the family encountered an SAC patrol. After questioning them, the soldiers then shot at them. Naw E---, who was five months pregnant, was shot approximately 12 times, and died on the spot. Her husband was shot twice in the head, and now suffers from memory loss. He was carrying their 4-year-old daughter in his arms at the time.[179]

Beginning on April 28th 2022, a night curfew was imposed in Five Mile and Six Mile villages, Lay Nya Boh Byay (Lenyabokebyin) Special Area, Mergui-Tavoy District. Curfew hours are from 6 pm to 6 am, and villagers were explicitly told by SAC troops that they would be shot if they broke curfew hours.[180]

The SAC has also been shooting villagers on sight who they find working on their farms. On May 28th 2021, in H--- village, Hsaw Mee Loo village tract, Moo Township, Kler Lwee Htoo District, a patrol of SAC soldiers opened fire on two local villagers, 36-year-old Saw A--- and 27-year-old Saw B--- who were in a hut on their farm. They were waiting to pick durian when the soldiers fired at them, injuring at least one of them. Saw A--- was injured by a bullet to his kneecap, and was unable to run away. Saw B--- was never found, and local villagers believe that he was either killed or taken away. Saw A--- was brought to the hospital for treatment by the father of the other victim, but was later taken from the hospital by SAC soldiers under the pretext of providing further treatment. He has not been heard from since that time.[181]

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[176] Border Guard Force (BGF) battalions of the Burma military 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 government and agreed to transform into battalions within the Burma military.

[177] KHRG, "Doo Tha Htoo District Short Update: Forced Labour, Looting and Skirmishes Between the SAC and the KNLA, August 2021", December 2021.

[178] KHRG, "Mergui-Tavoy District Situation Update: SAC Militia Shoots Teenage Villager, CDM and Protester Protection, SAC Troop Movement, Arbitrary Taxation and Livelihood, Healthcare and Education Challenges, March 2021", January 2022.

[179] KHRG, "Doo Tha Htoo District Incident Report: SAC Shot on Sight a Pregnant Woman and Her Husband in Paw Township, September 2021," December 2021.

[180] Unpublished raw data.

[181] KHRG, "Kler Lwee Htoo District Incident Report: One Villager Injured, Another One Missing After Being Shot at by the Tatmadaw in Moo Township, May 2021", June 2021.

Saw Aa---, interviewed for this report, also stated that he was shot at while working in his plantation in Taw Oo District: *"People are afraid of SAC soldiers when they see soldiers as they have guns. Anyway, I went to my plantation. Then, SAC solders shot at me when I was in plantation. It happened just recently. It happened on June 7th 2022. It was not easy. I had to flee very fast. However, I did not get shot but I was injured and bruised as I ran because I fell down as I ran fast. They just shoot at villagers as they want."*

On September 12th 2022, at 5:30 pm, a 60-year-old villager from Cd--- village, T'Hkaw Pwar village tract, Moo Township, Kler Lwee Htoo District was shot dead by SAC soldiers from LIB #599, #590 and a local militia, based in Aung Laung Sein army camp, when they found Saw Raw Bay Htoo feeding his cats at his farm hut. The soldiers shot at him from behind. The villager initially tried to run away after he was shot but collapsed shortly afterward. Another villager who witnessed the incident phoned the victim's son and other villagers to notify them about the incident. Later that evening, the villagers went to the incident place and found Saw Raw Bay Htoo's dead body, with a bullet wound across his neck. This photo shows the memorial that other villagers have set up for the victim. *[Photo: KHRG]*

The SAC has also deliberately tried to cover up the murder of villagers. On March 8th 2022, at around 12 pm in B--- village in Daw Hpa Hkoh Township, Taw Oo District, local villagers witnessed a soldier from SAC LIB #604 go to the house of Saw Aung Aung and shoot him five times, killing him. Villagers heard that the order to shoot and kill Saw Aung Aung came from Battalion Commander Hain San Tun. Villagers also later saw SAC soldiers dragging Saw Aung Aung's dead body along the road from B--- village to the place of that day's earlier armed clash [most likely to make it appear as though he was killed in the fighting]. On March 13th 2022, local villagers found the dead body of Saw Aung Aung there. His body was already rotting and sticky [decomposing]. Villagers do not know why Saw Aung Aung was killed.[182]

This photo was taken on March 13th 2022 in a place near B--- village, Kweh P'Loh village tract, Daw Hpa Hkoh Township, Taw Oo District. It shows the dead body of Saw Aung Aung. A soldier from SAC LIB #604 killed him at his house on March 8th 2022 and dragged his body to another location where fighting had occurred earlier in the day. His dead body was found on March 13th 2022. *[Photo: Local villager]*

[182] KHRG, "Taw Oo District Short Update: Killing, Shelling, Displacement, and the Destruction of a COVID-19 Screening Checkpoint and Villagers' Belongings by SAC soldiers, March 2022", March 2022.

ii. Torture

KHRG has also received increasing reports of torture. On April 29th 2021, soldiers from SAC LIB #407, who were stationed in K--- village monastery to clear the road between Hpapun and Kamarmaung towns in Mu Traw District after it was blocked by trees cut down by the KNLA, arrested 47-year-old Saw L---. Saw L--- was arrested without evidence of committing any misdeed. SAC confined Saw L--- in the M--- village elementary school, which is located five miles south of Hpapun Town. During that time, the soldiers tortured him, crushing his shin with a metal pipe and stabbing his chest with a knife. He escaped [on his own] 20 days after his arrest and fled to hide in the forest two miles away from K--- village. After Saw L--- was arrested, the major in command of SAC LIB #407 gathered the villagers in the monastery and threatened them, saying that they would fire mortars at K--- village or burn the village if any villagers tried to help Saw L--- escape, or if he escaped on his own. Because of this, the villagers did not dare remain in the village, so some fled from the village to hide in the forests and valleys.[183]

The SAC has also engaged in the torture of family members of people they suspect of a connection to the PDF or bomb explosions. On November 11th 2021, SAC authorities entered the house of 56-year-old U Ea--- in Eb--- village, Htaw Ta Htoo (Htantabin) Township, Taw Oo District in order to arrest him on suspicion of supporting the PDF. The villager, U Ea---, was not at home. The SAC then tied up his wife and child with rope and beat them. They informed the wife that they had received two complaint letters stating that her husband was supporting the PDF. They arrested both U Ea---'s wife and his brother, and locked them up in Z'Yet Gyi [Zayatgyi] police station, where they were detained for two full nights. When U Ea---'s wife was released, the SAC told her to inform them if her husband contacted her. Hearing that the SAC authorities were looking for him, on November 12th, U Ea--- fled the area.[184]

KHRG has received increasing reports of beatings of civilians and threats of violence against civilians being undertaken as a regular part of junta soldiers' patrolling activities and at checkpoints. Villagers are increasingly being required to carry recommendation letters from junta-affiliated village administrators whenever they pass through checkpoints, and if they do not have a permission letter, they are at risk of abuse and/or arrest.

Many cases of torture are also likely going unreported. Villagers have told KHRG that threats of retaliation against the entire village following incidents of torture are being made by the SAC, making them fearful to report these cases.

[183] KHRG, "Mu Traw District Situation Update: Human Rights Violations Including Looting, Killing, Arbitrary Arrest and Torture, and the Burning of Houses and Villages, April to July 2021", January 2022.

[184] KHRG, "Southeast Burma Field Report: Intensification of Armed Conflict, Air and Ground Attacks, and Widespread Human Rights Violations, July to December 2021", March 2022.

Chapter 3: Forced labour

"Since the early 8888 uprising, the Burma Army troops came very often into our area and male villagers were fleeing from villages [to avoiding portering] whenever the Burma Army came."
– Saw Ab--- from Bilin Township, Doo Tha Htoo District (interviewed in 2022)

Memories of forced labour, in particular forced portering were immediately triggered by the announcement of the 2021 military coup. Fears of a return to forced labour led villagers, particularly male villagers, to reinstate protection strategies that they had adopted in the past, as a KHRG researcher reported in February 2021: "The local villagers are getting scared of the situation after they heard the military coup. Some local villagers do not dare to sleep at their houses. The local villagers from Thee Hter village and Ker village, Waw Raw (Win Yay) Township, fled to the riverbanks because they worry the Tatmadaw will arrest them for forced portering. The local villagers who live at the base of Taw Naw Mountain from Meh Klaw Wa village and T'Der Hkoh village, Peh T'Raw Doo village tract, Kaw T'Ree Township already hid food in the jungle because they heard about the military coup."[185]

A local farmer from Mergui-Tavoy District, interviewed in May 2021, also spoke of fears of the renewal of forced portering, emphasising that the trauma from the past still haunts them: *"We worried after we heard about the military coup on February 1st 2021. […] After the NCA in 2012, we could stay and sleep in peace even though things were not fully peaceful yet. However, after the military coup, the local villagers heard that they might arrest the local villagers to do forced portering, so the local villagers were afraid and they fled to sleep in the jungle, myself included. We were afraid. It did not happen, but we have trauma from the past. We would run just hearing their name."*[186] Since that time, KHRG has received increasing reports of forced labour throughout Karen State.

KHRG has repeatedly pointed out that forced labour was the most widespread human rights violation experienced by villagers in Karen State under the military regimes. In 1997, KHRG reported to the ILO that "[i]t is by far the most prevalent and widespread form of human rights abuse in Burma today, and the leading cause of internal displacement of populations and the flight of refugees to neighbouring countries."[187]

In a 2019 randomised survey of 2,000 people from 72 villages across Southeast Burma, Saferworld and KPSN also found that "[f]orced labour and portering (the carrying of equipment and weaponry for military operations) were the most widely experienced forms of violence and abuse prior to the 2012 ceasefire, affecting a majority of the surveyed households, often more than once or very regularly."[188]

KHRG has described forced labour as "a dreaded form of punishment held over the heads of villagers, but [that] 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."[189] Thus, it is not simply the fact that villagers were forced to

[185] Unpublished raw data from February 2021.
[186] Unpublished interview from May 2021.
[187] KHRG, "Submission to the International Labour Organisation (ILO) Summary of Forced Labour in Burma", August 1997.
[188] Saferworld and Karen Peace Support Network, "Security, justice and governance in south east Myanmar a knowledge, attitudes and practices survey in Karen ceasefire areas", Saferworld, January 2019, p. xiv.
[189] KHRG, "Starving Them Out: Forced Relocations, Killings and the Systematic Starvation of Villagers in Dooplaya District", March 2000.

engage in involuntary labour, a human rights violation in and of itself, but that villagers were subjected to a wide range of abuses and violence while they were detained as labourers. Forced labour also prevented villagers from engaging in their own livelihood activities.

KHRG has added elsewhere: "Though portering is a form of forced labour, it is considered by the villagers to be in a category of its own. It is without question the most dreaded form of forced labour."[190] An interviewee from Dooplaya District stated in March 2021: *"If we look back at the situation in the past in Kawkareik [Town] during the period of [direct] military rule, people who had that experience and used to be forced porters, their lives used to be dead."*[191] The conditions of portering were often inhumane, with villagers being forced to carry heavy and dangerous loads, and provided insufficient nourishment and insufficient rest. 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. Women, although less frequently used for portering, were also at risk of sexual violence. Many women who were forced to porter have recounted being raped night after night during the entire period that they were held as porters. In many cases, that lasted for several weeks, even months. [See chapter on SGBV]

Villagers also lived in constant fear, not only because of the Burma Army's endless demands for forced labour, but because of the methods by which the military sought to obtain this labour. In the case of forced portering, the use of human shields and human minesweepers, and other labour used for frontline operations, villagers were typically captured (or 'arrested') by SLORC/SPDC troops while villagers were traveling, working in their fields, or even in villages and towns, as part of sweeps or roundups.

Forced labour contravenes the ILO Convention concerning Forced or Compulsory Labour, 1930 (No. 29), which the government of Burma ratified in 1955. A Commission of Inquiry created in 1998 issued an exhaustive report finding forced labour to be widespread and systematic "with total disregard for the human dignity, safety and health and basic needs of the people of Myanmar."[192] While being detained for forced labour, villagers were typically deprived of food, water, shelter and medical care, and were often held for extended periods of time, often several months. During that time, they were often subjected to beatings and other threats and, in some cases, death. The conditions of forced labour that the Burma military imposed on civilians could thus be considered a form of enslavement due to the deprivation of liberty and the threats of penalty. The International Human Rights Clinic at Harvard Law School in examining the use of forced labour during the Burma military's offensives in Karen State in the mid-2000s argued that sufficient evidence existed to qualify the Burma military's use of forced labour as a crime against humanity under Article 7(1)(c) of the Rome Statute.[193]

The Burma military's use of forced labour could also constitute a war crime, given the military's widespread use of civilians as human shields and minesweepers. In using villagers to shield troops from armed attack and from stepping on landmines, the military's actions violate the

[190] KHRG, "Uncertainty, Fear And Flight: The Current Human Rights Situation in Eastern Pa'an District", November 1998.

[191] KHRG, "'We must win this movement': Interviews with anti-coup protesters in Southeast Myanmar", January 2022.

[192] International Labour Organization (ILO), "Forced labour in Myanmar (Burma). Report of the Commission of Inquiry appointed under article 26 of the Constitution of the International Labour Organization to examine the observance by Myanmar of the Forced Labour Convention, 1930 (No. 29)", Geneva, 2 July 1998.

[193] See International Human Rights Clinic at Harvard Law School, "Legal Memorandum: War Crimes and Crimes against Humanity in Eastern Myanmar," November 2014.

prohibition on violence to life and person and the principle of distinction between combatants and those taking no active part in the hostilities.[194]

In an effort to capture the impact of forced labour on the lives of villagers, this chapter begins with the stories of forced labour shared by three villagers interviewed by KHRG in 2022.

A. Villagers' stories of forced portering

Saw Aa--- from Taw Oo District

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

Saw Aa--- was born in 1974 Ce--- village tract, Daw Hpa Hkoh Township, Taw Oo District. The first time he was arrested and forced to porter was when he was around 18 years old, in 1992. He had gone to town to sell betel nut leaves but was stopped on the way. He, along with other villagers were told to leave their things and were forced to carry the soldiers' bags, full of ammunition, back to the village. The next day, they were forced to porter again to carry rations and ammunition to the frontline: *"They took villagers back to their area. They asked villagers to bring their own foods. On the next day, we met again in our village. We arrived in our village but they did not let us stay in the village [at home]. They let us stay in other people's houses but they tied our hands with string [rope] and they were watching us. Actually, they arrested us and made us become their porters. We could not go out even if we wanted to use toilets. We had to pee and poo in a place where they tied us. We did not get to eat food if our family members did not bring food for us. My parents stayed in the town at that time but my aunt sent me food. Then, we had to follow Tatmadaw soldiers wherever they travel. As for me, I had to carry their [the Tatmadaw's] rice but they did not give me rice to eat. It was bad."* He adds that: *"We, porters, were treated like prisoners. In order for the Tatmadaw to recognize us, they cut our hair in an uneven shape. They cut our hair in the front part of our heads and then they cut our hair again in the back area of our heads."*

He states that during that same journey, the Tatmadaw soldiers captured a villager, who they claimed was giving information to 'Karen rebels' (i.e., the KNU/KNLA), and then blindfolded and slit the throat of the villager. As a threat, the soldiers then said to the porters: *"You guys see what happened to him? He gave information to Karen rebels."* While on their way to the frontline, Saw Aa--- managed to escape after a week.

As with most men during that time, he feared being stopped or arrested by the Burma Army due to the likelihood of being severely tortured, even killed. After that first experience, he fled from his village between 1992 and 1997, which he says was "the era of the use of forced porters": *"I just fled from my village. I tried to avoid Tatmadaw soldiers during that period. As a man, we would be more likely to be beaten by Tatmadaw soldiers if they arrested us."*

He says that the forced portering began in his area in 1990: *"In 1990, 1991, 1992, 1993 and 1994 we were very afraid to go out [of our houses]. We were very afraid going out in the streets in those years. They [Tatmadaw] took villagers to be their porters. They even took students [to be porters] but they did not take women. Even when we went to watch movies in the village cinema, they entered the cinema and took the people to be their porters." "When they entered villages, they always arrested villagers to be their porters. They arrested every villager they saw to be their porters."*

[194] See Amnesty International, "Myanmar: Crimes against humanity in eastern Myanmar", June 2008.

He managed to avoid being arrested and forced to porter during the time that he was in hiding. He was again forced to porter when he returned to his village (Ce---) in 1997. At that time, the village was following a rotation system in order to fulfill the forced labour demands of the Burma Army. As he explains: *"Every week, villagers including women from every village had to go to the Tatmadaw army camp and serve them as porters. It was the order from the Tatmadaw. It is like a rotation. I served for four days."* After one group of villagers was released, another group of villagers would go: *"After my turn was done, another villager replaced me. It was like a rotation. […] Villagers from every village in Thandaunggyi Township had to be porters for the Tatmadaw at that time."* He explains that the number of porters depended on the size of the village: *"[M]y village is big. So two or three villagers had to go and be porters for the Tatmadaw. If a village is small, one villager had to go for porter. There are five sections in Thandaunggyi Town. People who live in Thandaunggyi Town were also taken as porters."*

In recalling his experience of portering, he describes the deplorable food conditions: *"The moment that I felt very painful in my heart was when I got to eat rice. We only had to eat food that they provided. If we were late for food, they kicked our butts. […] After we received food, they kicked our butts, one after one, before we got to eat. I felt very bad. If those soldiers are still alive, I would like to see them again [laughing]. I think it was ethnic discrimination. They tried to degrade our values. Think about it. We got to eat food only after they kicked our butts. It was inhuman treatment."*

"When we got to eat rice, oh it was so bad. We did not get plates to receive food. We had to take plastic rubbish that we found on the street and used it to receive food. Plastic rubbish is dirty and dusty. We would just shake the plastic rubbish to remove dust and received food. We also could not go out [to get plates]. Some villagers used their hats to receive their food. I feel very bad when I think about it. Even animals get to eat food in plates. They [Tatmadaw] also called us as 'Kayin Nga Pway' [Karen 'ringworm']. […] We got to eat rice only two times per day. We only got one small piece of rice to eat. […] They [Tatmadaw] provided us rice, fish paste and bean curry but they ate fish and meats that they looted in villagers' houses. However, they did not provide us fish and meats. They only put MSG in the bean curry."

In recalling the second time that he was forced to porter, Saw Aa--- states: *"We travelled from Thandaunggyi Town to Leik Pyar Gyi [Town]. Tatmadaw soldiers always questioned any villager that they saw on the way when we went to Leik Pyar Gyi. Just in front of my eyes, they beat a villager. They found a letter in the pocket of that villager's trouser. I don't know what was written in the letter. And then they [Tatmadaw] tied his hands with a rope behind his back. After that, they beat him. They punched him. Then, their captain came and he hit that villager's right cheek and left cheek with a bayonet but he did not stab that villager with a bayonet. […] And then, they asked that villager to carry one of their backpacks. That villager had to carry their backpack but his hands were still tied behind his back. Then, they asked that villager to walk in front of them when they traveled."* The Leik Pyar Gyi villager was also arrested with his wife. After the whole group had arrived at a school to sleep overnight, the husband was further tortured: *"They tied his hands behind his back and tied his legs together. Then they tied him to a bamboo pole which was balanced on two chairs, so that his body was horizontal to the ground. The weight of his body on the bamboo pole meant that the bamboo pole was bent and his stomach almost touched the floor. Tatmadaw soldiers beat and hit him. He screamed all night. For his wife, she was kept in the place with their battalion commander. I don't know what happened to her because I did not get to see her. I don't know how much Tatmadaw soldiers beat and hit him. I only know he was beaten and hit until he peed. […] they beat him all night, and he screamed and cried all night. […] There were two floors in Thandaunggyi High School. Porters slept in the downstairs and Tatmadaw soldiers*

slept on the upstairs. Some Tatmadaw soldiers had to guard and watch the arrested villager all night. They beat and hit him all night. He cried loudly all night. I did not see what exactly the Tatmadaw soldiers did to him but I could hear the sound of what they were doing."

Saw Aa--- and the other villagers forced to porter also witnessed the killing of a KNLA soldier while they were en route. *"That KNU soldier stayed in the hill plantation. When Tatmadaw soldiers saw him in the plantation, they shot him dead. He died in the plantation and other porters buried him in the plantation. For me, I stayed beside some Tatmadaw soldiers when he was buried."*

Incidents of torture and killing were a common part of forced portering. While most porters endured additional forms of violence that ranged from beatings or being kicked to more serious forms of torture, they also were often witness to such violence, either inflicted upon other porters or on villagers encountered along the way. As Saw Aa---'s story illustrates, villagers who were forced to porter were not just marked by the abuse that they endured themselves, but the violence that they witnessed while being held for forced labour.

As the demands for portering became more regular, Saw Aa--- began hiring people to replace him: *"In 2000, a lot of Tatmadaw soldiers were brought to Thandaunggyi Town. They were brought here as Tatmadaw wanted to rule our areas. After 2000, I was asked to transport food rations to Thauk Yay Khat River [Tatmadaw army camp]. […] I had to transport food rations for Tatmadaw soldiers. At that time [date not provided], we were asked to transport food rations one time per week (every week). We had to carry food rations. As for me, I did not go and transport food rations every time. Instead, I hired other people to replace me. I could not do it because it was a very dangerous job. We heard that Tatmadaw soldiers planted landmines in the area. Therefore, I was afraid to do it. However, sometimes I went and transported food rations for Tatmadaw soldiers but most of the time, I hired people to replace me."* A common village agency strategy for avoiding forced labour was to pay others to go in one's place, however, given the constant demands for forced labour, villagers generally did not have the financial means to avoid forced labour altogether.

In 2002, he became a village tract leader, and began arranging for porters for the Burma Army in 2003 after troops had settled in his village. As the village tract leader, Saw Aa--- bore the burden of fulfilling the Army's requests for labour, and noted that there was often little he could do to deny the requests. However, in some cases, he was able to send fewer villagers than demanded. Although local leaders were typically responsible for arranging for the forced labour, they also often went with the porters to help reduce the amount of abuse inflicted upon them: *"Even though I was a village tract leader, I had to go together with porters and prisoners. I had to follow villagers who were porters because I worried that Tatmadaw would not release them even though they said they would release villagers after one day. In some cases, Tatmadaw said they would release villagers after one day but they made villagers work for two or three days."*

He notes that, beginning in 2003, the Tatmadaw increasingly brought prisoners to serve as porters. In many cases, a combination of villagers and prisoners were taken for portering. As the village tract leader, he often accompanied the villagers who were forced to porter, and thus was able to witness himself the treatment of the convict porters.

He recalls a particularly large number being brought to his area in April 2006: *"I think there might be more than 500 prisoners according to what they [Tatmadaw] said. Most of the prisoners were from Kachin State. Some of the prisoners were addicted to opium. Tatmadaw*

used those prisoners as porters." As he describes, the portering conditions for convicts were much more severe than for other villagers. *"In front of my eyes, Tatmadaw soldiers kicked and beat prisoners because they could not walk well as they were tired. Therefore, some other prisoners helped those tired prisoners carry some stuff. Two of the prisoners could not walk anymore. Then, the Tatmadaw shot them dead because they were no longer useful for the Tatmadaw. […] One prisoner told the Tatmadaw, 'I am tired. I cannot walk anymore. Just leave me alone here. I will follow you later.' After he said that, one of the Tatmadaw shot the prisoner and the Tatmadaw just put his dead body beside the road."*

"Some prisoners also died when they carried stuff because they were very weak as they did not get to eat enough food. Prisoners also did not receive medical treatment if they were sick. Two prisoners died of hunger in Nan Chan Kwein village. They could not even speak any word before they died as they were very hungry and tired. Villagers from Nan Chan Kwein village buried them."

He adds that in 2007, after MOC #5 entered his area, the situation got worse, with an increase in military offensives as well as demands for labour: *"I don't remember the name of the operations commander of MOC #5. Villagers had to carry their food rations at least one time per week. Villagers including children and women from every village in Thandaunggyi Township had to carry their stuff. We also had to carry their ammunition. Prisoners also had to carry their stuff but they had to work full time as porters."*

According to Saw Aa---, demands for forced porters continued until 2009, thus were a regular form of abuse for close to 20 years for villagers in his area. *"During the years between 2010, 2011, and 2012, there were no porters [villagers were not forced to be porters]. There were Burma Army camps built and they were firmly established."* Other forms of forced labour continued to be demanded however: *"They still demanded 'loh ah pay'*[195] *in 2010. The demand for loh ah pay or porters is still active until now. I often had to arrange things for loh ah pay."*

Saw Ab--- from Doo Tha Htoo District

For many male villagers born in the 1960s and 1970s, they would have been at the prime age for portering, and would have been a key target for arrest by soldiers looking to round up villagers. Saw Ab--- told KHRG that he was forced to serve as a porter 20 to 30 times between around 1992 or 1993 and 2000. Because the situation was so bad for men, all of the men had initially fled his village, which meant that women, including his wife, were taken as porters instead, eventually leading the men to return.

Saw Ab--- was born in 1967, Bilin Township, Doo Tha Htoo District. His own experiences of portering began when he was in his mid-20s. He says that he first had to porter at around the age of 24 or 25. He managed to avoid portering up until then as he served as a military medic for about three years, until the age of 20, and then became a monk. After his father, who served in the KNU, was brutally assassinated by Burma Army soldiers in 1990, he left the monkhood and, at the age of 23, became a farmer and got married. Due to the heavy presence of soldiers and the constant fear of arrest, forced portering, and torture, most men

[195] 'Loh ah pay' is a Burmese term originally meaning voluntary service in the construction of temples and other community buildings. The SPDC uses the term when demanding uncompensated labour. For villagers the term has come to mean most forms of forced labour.

fled their village at that time: *"During the years of 1991, 1992, and 1993, villagers always had to be porters for Burma Army soldiers. We, villagers from Cb---, also constantly had to flee from the village in 1991 and 1992."* He and the other male villagers spent several years circulating between the village and hiding places trying to avoid being caught by soldiers: *"We [men] came back to the village only after Burma Army soldiers left. We would then flee from the village again when they came back."*

Due to the absence of men, Burma Army soldiers began taking women as forced porters instead. *"Since there were no men left in the village, Burma Army soldiers sometimes asked women to be their navigators. They would take around 10 to 20 women to be their navigators. When they [soldiers] did not find any men in the village, they would ask women to be their porters. They would take around 10 women from each village."* He adds that both married and unmarried women, as well as young girls were forced to be porters. His wife as well had to be a porter many times, when it was her turn.

The conditions of portering were in some cases a little different for women. As Saw Ab--- explains: *"In our area, female porters were allowed to go back to their village when they reached another village because Burma Army soldiers took women from another village to be their porters. They changed their porters every time they reached a new village. […] For example, they took 10 women from Cb--- village to be their porters and when they reached Cf--- village, they took another 10 women from Cf--- village and let the previous 10 women from Cb--- village go."* Men were at greater risk of being taken for extended periods, and of not being able to return at all.

In speaking about what his wife and other female villagers experienced, he states: *"They had to carry whatever they were asked to carry even if it was too heavy for them. What they had to carry included food and ammunition. Even for us men, it was very heavy for us to carry."* He adds that women were also used as human shields and forced to walk between the soldiers to protect them from attack.

During this time, he and his wife had one child already. Because the soldiers were taking married women with children, this created challenges for taking care of their children. In his case, his mother-in-law was able to step in: *"[M]y child was still very young at that time and was taken care of by my mother-in-law when my wife was away."*

After two years, villagers [from Cb---] made a decision for the men to stop fleeing, and instead came up with a strategy to handle the forced labour demands: *"After continuously fleeing for two years, village leaders had a meeting and said that if we kept fleeing from the village like this, villagers would not be able to carry on their livelihood activities. Villagers then decided not to flee anymore and be porters for Burma Army soldiers instead. Villagers took turns serving as porters and they had to go for portering every Friday. Instead of avoiding being porters by fleeing from the village when Burma Army soldiers came, villagers continued to be porters until 1999."* He further explained: *"Villagers had to be porters in rotation [in teams]; villagers had to serve as porters every week [for a full week]. Later on, it was too long for a villager [team] to be porters per week so then we [village leaders decided] one villager [team] to be porters per five days. We divided ourselves into teams, after one team served as porters for one week or five days, then another team had to replace them. Due to the Burma Army camps based near our villages, they operated around our areas more often. They also patrolled in K'Ma Moh and Baw T'Pro villages [which are a little far from Lay Kay army camp area]. Therefore, we always had to be porters in rotation, team by team."* At that point, women stopped having to serve as porters.

Saw Ab--- says that soldiers would come to the village and also stop people in the forest. *"During Htwee Pah Wee Kyoh battle196 [in southern Mu Traw District], villagers were taken to be porters for months. Some porters who were able to escape were safe but there were many who died, some from sickness, as they could not escape. There were also some villagers who died from sickness after they escaped."* He added that they sometimes had to carry things for 10 to 20 miles [16 to 32 kilometres], were given little to eat and endured other forms of violence: *"They would yell at us and curse us a lot when we struggled to carry heavy things. There was one time when I was kicked and cursed by them because I had difficulty walking after accidently stepping on something sharp. Being a porter for them was really hard. We barely got to eat. We never got to eat properly. We knew the situation and therefore, we sometimes carried around 4,000 or 5,000 kyats [USD 4.00 or 5.00] with us in our pocket and bought food to eat when we reached any village."*

According to Saw Ab---, those who couldn't speak or understand Burmese were abused the most. *"[P]orters who could not speak Burmese language were physically abused a lot by SPDC soldiers. When they did not understand what they were told to do, they would be kicked, punched, and beaten. Porters who understood Burmese language and could speak it were treated a little bit better."*

The DKBA in his area also forced villagers to serve as porters, and according to Saw Ab--- were even harsher on villagers than the SPDC: *"It was really hard being porters for the DKBA. We had to go and carry things for them to Hkaw Taw Poo [Myaing Gyi Ngu] and they did not replace us with new people. They only let us go after they arrived at their home [headquarters or home of the DKBA]."* He re-emphasised: *"[T]hey only let the porters go when they wanted to."*

By 2000, the use of villagers as forced porters significantly decreased in his area: *"After 1999, villagers still had to be porters sometimes but it did not happen as often as before. Due to the increase of media exposure about their use of villagers as porters, Burma Army soldiers did not take villagers to be their porters as often as they did during the period before 2000. However, the use of villagers as porters still happened sometimes, and villagers were sometimes taken to be navigators although they were not made to carry things for Burma Army soldiers. They [Burma Army soldiers] took some of the prisoners with them to the frontline to be their porters as well."*

Although forced portering may have curtailed around 2000 in his area, what villagers refer to as loh ah pay continued through 2010. *"There were situations where they [Burma Army] violated villagers' rights. For example, for the people who live under their control area, they had to do loh ah pay. It didn't disappear. It only disappeared after 2010. […] When they repaired their camp or their place, the villagers had to help them with [cutting] wood or bamboo."*

Since the 2021 coup, villagers in his area have once again been subjected to forced portering and navigation: *"They wanted to demand forced labour but as all men had fled, they couldn't find anybody. […] [So] they made trouble for the village head. When they reinforced Lay Kay*

[196] The interviewee is referring to a major Burma Army offensive that took place in 1992, when many porters were held for months. During the offensive, Burma Army troops tried and failed to capture it a location known as 'Sleeping Dog Hill'. See KHRG, "The New SLORC Car Road to Twee Pa Wih Kyo", September 1992; KHRG, "Continuing SLORC Actions in Karen State", May 1994.

army camp, they arrested the civilians from Thay La Baw and Meh Ku [Hpa-an Township, Doo Tha Htoo District]. When they arrested 20 or 30 people, they asked them to show the way and used them as human shields. After they arrested 10 villagers, four or five villagers from each village, they [the arrested villagers] had to guide them." He adds: *"The strategy used by Burma Army soldiers never changes. They still use villagers as human shields now. The Burmese military dictatorship still practices the strategy that it practiced in the past."*

Saw Am--- from Hpa-an District

Knowing the harsh conditions that villagers faced while being forced to porter, some villagers tried to support each other, with some even volunteering to replace other villagers to spare them the added hardship.

Saw Am---, a 70-year-old man from Hpa-an District, born around 1950, also experienced a lot of forced portering in his life. He recounts the first time he was arrested and taken as a porter. Fighting had broken out in the village and the village head along with other villagers were killed. He was at his plantation at the time: *"I was very young at that time. […] I was arrested when I was in my hut. […] I was checking for the sound of the gunfire. All of a sudden, they came out of nowhere and they arrested me. I did not know when they came to me. I did not do anything related to the army. I was just a farmer but they arrested me. Then, they took me where they went."* He goes on to explain the difficult conditions he endured: *"They took me to Cg--- village where the fighting was happening. […] They did not do anything to me but I had to carry their stuff. It was very cold. I had two shirts when I had to carry their stuff. One of my friends did not even have any shirt. We wanted to get warm from the fire [as it was cold] but we were not allowed to get warm from the fire. Even when we wanted to go to the toilet, they always checked on us and pointed at us with their guns [to prevent escape]."* He was forced to porter for five days before escaping. Because some of the porters were old, he had to help carry their stuff when they were tired. He thinks he was a little over 30 at that time [1980s, likely prior to 1988].

In describing the portering conditions, he states: *"[W]e had to eat spoiled rice most of the time. […] They [P'Yaw (Tatmadaw)] wrapped rice and bean curry as they mixed them together. Then, they kept it for a long time before we got to eat it. When we got to eat it, it was already spoiled."* He adds: *"[W]e found it difficult to pee and poop. It was not easy to go to pee and poop because they [P'Yaw soldiers] always followed us when we went to pee and poop. […] I had a friend. He told me that tree leaves came out when he pooped. […] It was because he had to eat tree leaves [for survival] when he was a porter. His uncle died. He also almost died. When villagers found him [somewhere near the village], he could not walk anymore but he could still talk. He could not even eat rice. He just was able to drink liquid because he could not eat solid foods. […] He ate many kinds of tree leaves because he did not want to die of hunger. He did not get to eat food for almost 10 days when he worked as a porter. He told me that he almost died. He had to drag his uncle on the way and his legs were bruised. […] He had to drag his uncle because his uncle could not walk anymore. He was very exhausted too. Therefore, he could not drag his uncle anymore. He would have died if he continued to drag his uncle so he just left his uncle on the way. Then, we heard that his uncle died on the way."*

He notes a difference between being arrested and forced to porter compared to the arrangements made through the local village heads: *"In terms of portering, I was fine if the*

village head called me to be a porter. In some situations, they [Tatmadaw] did not ask the village head to call me as a porter and they just arrested me and took me as a porter. If our village head asked me to be a porter, I was not worried about it. If P'Yaw [Tatmadaw] arrested me to be their porter, I was worried about it because they treated me very bad." He adds: *"In that case, my female village head had to talk to them [P'Yaw] in order to release me. However, they would tell my village head that they would release me after a week or four or five days, depending on how many days they asked. Sometimes, I was released after four days. Sometimes they released me after five days. Sometimes they said they would release me after five days but they did not release me, even after 10 days. As you already know, we can't trust what they say."*

As other interviewees also highlighted, the inability to speak or understand Burmese often led to greater abuse while portering: *"I could not speak Burmese. When they asked me, I could not answer them well. They just did to me whatever they wanted to do. They kicked as they wanted. What can I do? However, they did not kill me. They just randomly arrested villagers whom they saw when they travelled. They arrested villagers to be their porters and then they released them. When they travelled to another place, they arrested other villagers to be porters and they released them. They just did like that."*

Despite the conditions and abuse, he was often willing to replace others for portering. For instance, because his brother had a family, he would volunteer to go in his place. He also agreed to porter for the DKBA when nobody else could be found, even though he knew that the treatment by the DKBA was worse: *"DKBA beat me once. DKBA said that they only need one more villager to be their porter. There was a person who was asked by DKBA to find one additional porter. He and I knew each other. However, he could not find a villager to be a DKBA porter as villagers were afraid to be DKBA porters. I told him not to find anyone. I told him I would do that [be a porter]. Then I carried stuff. When I carried stuff, he kicked me."*

B. Life threatening conditions

"They just didn't think of us as human beings."—a statement made to KHRG by countless villagers who were forced to porter for the military.[197]

The conditions that villagers faced during portering point to a complete disregard for the villagers' health and safety. Threats, beatings and other forms of violence, food deprivation and/or the provision of inedible or rotten food were all a systematic part of the portering experience. And rather than address the needs of the villagers in their charge, the soldiers disposed of porters, by either leaving them to die, or killing them directly.

The conditions were generally the worst for operations porters who were forced to accompany Burma Army troops to the frontline. KHRG previously reported: "The soldiers generally carry nothing except their personal weapon and a small personal kitbag, while each porter is forced to carry 30 to 50 kilogram loads in woven bamboo baskets which rip the flesh off of their shoulders and backs. They generally have only the clothing in which they were captured. They are given little or no food, often just one or two handfuls of rice per day, and are often forbidden to drink water en route because the soldiers say it will slow them down. […] In battle they are forced to stay with the soldiers, and many are wounded or killed. Those who are wounded or fall sick are

[197] KHRG, "Summary of Types of Forced Portering", April 1995.

generally not treated but simply left behind. Medicines are reserved for the soldiers. While carrying, if porters are slow they are usually kicked, prodded with bayonets or beaten to keep them moving, and if they collapse and cannot continue they are left behind, often after being beaten unconscious. In especially sensitive areas, they will be executed by cutting their throats, kicking them down a mountainside or tying them and throwing them in a river in order to prevent them from giving information if found by resistance groups."[198] They were usually kept as porters for the duration of the operation, which could be three months or longer. Some villagers managed to escape, but often found themselves at risk of further arrest in trying to make their way back home. In fact, even those who did not escape were typically left with finding own way home, even if it was halfway across the country.

KHRG received numerous reports of villagers who were beaten and abused while serving as porters, and left to die once they could no longer carry their load. One villager who managed to survive for 14 days without food and water after being left to die recounted his story from 1992. He had already been held as a porter for two and a half months before conflict broke out and he was wounded in the foot.

"While I'd been a porter I'd heard that most wounded porters died, but I hadn't seen any definite evidence of this. I'd also heard that a few wounded porters were sent back with the wounded soldiers. But I wasn't so lucky. After this battle the SLORC soldiers saw me, but they just left me lying there in pain. They didn't even give me a bandage or any medicine. I was no use to them anymore. After they left me alone I tried walking, but I could only stagger for about one minute before collapsing from the pain and exhaustion. I gave up trying that. I just lay on the ground and waited to die. I was alone in the forest like that for 14 days without any food or water. I couldn't sleep. I was usually awake but very giddy and always in pain. My wound kept looking worse and I had a bad stomach ache, but I don't know if I had a fever. I was quite certain I would die, but it was taking a long time."

He was found by Karen soldiers, who treated his wounds and fed him. *"When my wound heals I really want to go back home and see my wife again, although I don't know how long that will take or how I can get there safely. Right now I just feel incredibly lucky to be alive."* [199]

In some cases, villagers likely died while being forced to porter, but their families were never informed. Naw Ac---, a villager from Mu Traw District, told KHRG that, while her uncles were able to escape, their friends did not and were never seen again: *"In 1999, two of my uncles, who are my father's cousins, were arrested by SPDC soldiers to be porters. They said that they were hit, kicked, and beaten by SPDC soldiers if they struggled to carry what they were asked to carry. They escaped and when they were back to the village, both of them had wounds and bruises on their whole body. They might have died if they were not able to escape. Their friends who went with them but could not escape never returned and were never seen again. I heard that they were killed by SPDC soldiers after they could no longer carry things for them. My uncle said that seven people were arrested in total and only two of them were able to escape. The rest were never seen again."*

KHRG has previously noted that portering conditions varied greatly, and that 'permanent portering', that is, portering demands that were communicated through the local village leaders and where villagers filled the demands on a rotating basis, typically involved less brutality. However, that was not always the case. One KHRG report on the situation in Hpa-an District

[198] KHRG, "Submission to the International Labour Organisation (ILO) Summary of Forced Labour in Burma", August 1997.
[199] KHRG, "Testimonies of Porters Escaped from the SLORC Army", February 1992.

from 1998 stated: "Porters with SPDC columns are treated brutally and fed little or nothing. Villagers forced to go as porters in Pa'an district are treated much the same as operations porters in other areas; saddled with heavy loads, kicked, prodded and abused if they are too slow, beaten if they fall, and left to die or killed if they become too sick or weak to continue. In most cases they are released at the end of the trip, but in other cases they can only go home if they escape."[200] Even when SPDC units obtained porters on regular rotations from villages in their area, they still caught anyone they encountered along their way and used them as porters. Thus, in that respect, some of the distinctions between portering situations became blurred. Villagers were also continually subjected to a variety of forced labour and forced portering demands. The level of brutality often depended on the particular operations taking place in the area, as well as the commanders and soldiers carrying them out. But all portering activities entailed a variety of abuse and deprivation of rights. As Saw Aa---, who was cited earlier, states: *"They tried to degrade our values."*

On November 14th 2002, Saw K---, 35 years old, from M--- village in Kawkareik Township, Dooplaya District, was returning from working in his aunt's betelnut plantation when he ran into SPDC Army soldiers from LIB #416, Column #2, led by acting column commander Yeh Naing. The Column detained him and forced him to serve as a porter for several days, during which he was accused of being a KNLA soldier and was bound, beaten, and tortured numerous times. Each night he was tied to a tree, unable to move as the nylon rope was wrapped around his chest, arms, legs, and throat. While tied like this he was kicked, beaten with a rifle butt and a piece of bamboo until they both broke, stabbed with knives, and burned. They cut off pieces of his earlobes and sliced his throat with a knife. He was only released after his village head paid the soldiers a 'fine' of 20,000 kyats [USD 20.00], along with numerous chickens, snacks, and cheroots. This photo was taken shortly after his release in November 2002. *[Photo: KHRG]*

The duration of the portering amplified the impact of the deplorable conditions that villagers endured. If villagers were forced to porter for more than a few days, they were at much higher risk of malnutrition, exhaustion, and other health problems.

Reporting on the situation in Doo Tha Htoo District in 1999, KHRG explained: "For one or two days of portering villagers take along their own food, but sometimes the shift is much longer than was originally specified and they run out of food. In these cases they must beg food from villagers in the villages which the Column passes or from the soldiers themselves, though the soldiers are usually unwilling to give them more than a few tablespoons of rice per day. There are also longer term shifts of portering when troops are going on longer patrols, and this forced labour is particularly feared. Most villagers do whatever they can to try to pay instead of going, because it is on these trips that many porters are killed. Even so, some villagers are so short of money and food due to all the demands placed on them that they hire themselves out for 1,500 or 2,000 kyats [USD 1.50 or 2.00] to take the place of people who have been ordered to go on these trips. On these portering trips, most villagers run out of food while some who are caught along the way by the soldiers have no food with them to begin with. The soldiers feed them next to nothing, allow them little or no rest and force them to carry loads of 30 to 50 kilograms. Porters who fall sick or are unable to carry are left behind, or in some cases killed by the soldiers. As porters die or escape, those remaining are forced to carry heavier and heavier loads. Even those who survive this type of portering sometimes die on their return home from

[200] KHRG, "Uncertainty, Fear and Flight: The Current Human Rights Situation in Eastern Pa'an District", November 1998.

illness brought on by exhaustion, malnutrition and wounds from beatings. They also face the risk of being wounded or killed during skirmishes."[201]

A villager from Dooplaya District interviewed in 2022 describes the impact of these long bouts of portering: *"The Burma Army brought villagers to be porters for months. The villagers were in so much worry. The villagers told the village head that the Burma Army did not do as they were saying [they might ask villagers to be porters for two or three weeks, in reality, it took more than one month]. […] Some villagers were tortured by the Burma Army. They did not even provide enough food for the villagers who had been forced to be porters. The villagers had to carry heavy things. Thara Doh [a religious leader] Law Wah told us that he even could not forget the moment of being forced to be porter. The Burma Army forced them to be porters from one place to another. Most of the villagers who had to be porters could not forget this moment. Some villagers sustained injury to their back from carrying heavy things. They had to carry things although they could not carry them. Some villagers tried to escape while they were forced to be porters. […] The Burma Army could not do anything when villagers escaped from the forced portering. However, if a villager escaped, the rest of the villagers had to carry things for the person who had escaped."*

M---, age 30 was grabbed from the street by SPDC soldiers when on his way to see a movie near his Rangoon home on May 26th 2002. He was detained together with 200 others who had been similarly rounded up, then sent to be an operations porter for SPDC LIB #9 Column 1 in Mu Traw District. Part of a group of 65 porters rounded up from the towns of Burma and some taken from the prisons, he was forced to carry loads weighing 20 viss[204] [32 kg/70.4 lb] or more from Hpapun town across the mountains to the Da Gway (Dagwin) Army camp at Koh Ni Koh on the bank of the Salween River. Normally a 3-4 day walk, but longer for a large military column with porters. The porters had to carry loads of food, ammunition, and medicines to supply Da Gway camp, which is inaccessible by road. Three porters were shot dead because they were unable to continue with their loads. Treated like a convict porters, M--- had to share one mess tin[205] [1 kg/2.2 lb] of rice per day with a group of six people. M--- managed to escape with another porter on July 21st 2002. This photo was taken shortly after their escape, and shows the wounds from carrying heavy bamboo baskets and the emaciated condition caused by lack of adequate food. *[Photo: KHRG]*

i. Older villagers

Although the SLORC/SPDC typically preferred young adult men to take as porters, they often took whoever they could find, including older villagers, who were clearly unable to carry the types of loads required of porters, or endure the conditions of marching all day with little possibility to rest. Regardless of the portering situation, when villagers were unable to meet the demands of the soldiers, they were subjected to threats and punishment.

Naw Ap--- from Hpa-an District, who was interviewed by KHRG in 2022, recalled the poor treatment of an older woman who was forced to porter: *"Among us, there was an old woman who was also called for forced portering. She went there and she could not climb the mountain anymore. Then the Tatmadaw soldiers told her 'go back to your own way that you came!' How*

[201] KHRG, "Caught in the Middle", September 1999.
[202] A viss is a unit of weight equivalent to 1.6 kg or 3.52 lb.
[203] A mess tin is a unit of volume used to measure paddy, milled rice and seeds. One mess tin is equivalent to 0.64 kg or 1.44 lb of paddy, and 1 kg or 2.2 lb of milled rice.

could it be? It was not easy for an old person to go back by herself in the middle of the forest. I did not know what happened further to her but I think she might have died there."

In describing another incident, she highlights the high levels of death resulting from portering: *"One [older] male villager that I witnessed, he went for forced portering. He told me 'niece, please help me. I cannot carry this load anymore'. We could not help him because by the time he went up, we had to come down. Immediately, we heard a gun sound 'Tahhhh' and looked at it, we saw him fall down already."* She adds that *"many other villagers [who were forced to porter] died on the journey at Taw Naw Mountain. Taw Naw Mountain is so nice where we could relax with fresh air. However, since the Tatmadaw has occupied it and is based there, they forced [oppress] civilians. At that time, Taw Naw Mountain was full of human bones and bad smell of dead bodies. Many people died including our Karen people and also other people."*

ii. Human shields and minesweepers

The Burma military has also systematically used villagers as human minesweepers, and as human shields, in some cases requiring villagers to change clothes with them in order to evade enemy fire if attacked.[204] Naw Ag--- from Hpa-an District, interviewed in 2022, explains: *"Villagers from the whole village had to follow them [as human shields] because they [Tatmadaw] are afraid that they would be attacked. When villagers follow them, the KNLA consider for villagers [for their safety], so they just move back instead of attacking. They [Tatmadaw] oppressed us in many ways."*

Many of the deaths and injury that resulted from portering were due to traveling in areas that were heavily contaminated with landmines. Villagers were systematically forced to walk in front of the soldiers. Saw Ak--- from Dooplaya District, interviewed in 2022, states: *"Some people die when they are forced to be porters. […] they asked a civilian to go first, so the civilian would die if the landmine exploded. They used civilians as human shields."*

Villagers were also frequently required to sweep the roads for landmines by dragging branches from the back of their carts. Some villagers tried to evade this type of activity by selling their carts and bullocks. As Saw Ak--- recounts: *"They asked the villagers to clean the road for them every morning. For instance, they asked villagers to pull the branches in the back of their carts in order to clean the landmines for them [Burma Army]. […] Therefore, many people sold their carts and cattle because they had to transport and clean landmines for the Burma Army."*

C. Loh ah pay

"They use people as free labour and slaves to work and build the camps for them. […] In fact, they [the Burma Army] need to [should] pay for that." – Saw Ak--- from Noh T'Kaw Township, Dooplaya District (interviewed in 2022)

'Loh ah pay' is a Burmese term commonly used in reference to unpaid forced labour, although traditionally it referred to voluntary service for temples or the local community as a form of merit making, not military or state projects. SLORC authorities began referring to forced labour as 'loh ah pay' in spoken and written orders, as a way to make the labour sound voluntary. It was typically used in reference to most non-porter forced labour, including development projects and roads, and particularly for any labour for the non-military administration.

[204] KHRG, "Submission to the International Labour Organisation (ILO) Summary of Forced Labour in Burma", August 1997.

The variety of forced labour demands made upon villagers has been vast. KHRG has previously pointed out that: "Since troops are often unable to grow or purchase sufficient food and resources to subsidize their minimal rations, in practice this means that the Tatmadaw is logistically dependent on civilian labour to carry supplies and equipment, build army camps, maintain roads, and cultivate agricultural projects, as well as to provide material support, including the provision of rice, food, animals, and building materials."[205] As such, there seemed to be an endless stream of demands for labour, beyond portering, that villagers were expected to fulfil.

Once army camps were set up in an area, forced labour demands typically increased. Saw Aa--- from Taw Oo District explains: *"In 1999, they built Ba Yint Naung Camp Town. When they built Ba Yint Naung Camp Town, we had to do 'loh ah pay' for them. We had to stay [work] with Tatmadaw soldiers when they built the camps. […] I had to stay with them [Tatmadaw soldiers]. Villagers had to be sentries guarding their [Tatmadaw] army camps during the night. Villagers from different villages had to do it like a rotation, every night. We had to cook rice for them. We had to find firewood and cut firewood for them. They had many army camps. They built many buildings with construction machines in their Ba Yint Naung Camp Town. It was in 1998. […] One family household had to do 'loh ah pay' for two or three days. During the night, they [Tatmadaw soldiers] opened gunfire in order to threaten villagers. So villagers would not dare to travel around [their army camps] at night."*

When asked whether they were provided any pay for their labour, he confirmed: *"No, they did not give anything. Even for our food, our family members had to come and send food for us. We had to eat our own rice. Some Tatmadaw soldiers wanted to move from army camp to army camp. So they needed shelters when they moved to another army camp. Therefore, we had to find bamboo and we had to cut bamboo. Then, we had to build huts for their shelters or accommodation. We also had to carry their food rations. Women and children also had to carry their food rations. If there were no adults [present] in a household or family, children had to do 'loh ah pay'."*

KHRG has previously reported that: "Most of the orders are addressed to the village head, who must then decide which villagers must go to fill the quota demanded by the Army. A rotating system between the families of the village is generally used to do this, in order to spread the burden as evenly as possible. However, with so many different forms of forced labour being constantly demanded by every Army unit and SPDC authority in the area, families find that they must send someone for forced labour at least once every week or two. Some of the demands are on an ad hoc basis, such as orders to spend a week building a road or a day fencing an Army camp, while other orders demand 'servants' on a 'rotating' basis, which means that the village must provide a certain number of forced labourers on a rotation of a few days to a week. The villagers must take along their own food and stay at the Army camp for their rotation, doing labour as messengers, sentries, building and maintaining buildings, bunkers, trenches and fences, clearing scrub, cutting and hauling firewood, hauling water, short-distance portering and any other duties demanded of them. They are usually not released until their replacements arrive."[206] If the replacements were not provided, or not enough replacements were provided, the villagers would be held longer than the originally agreed time period.

In discussing his experience of forced labour, one villager from Dooplaya District pointed to the inability to defend their rights against this abuse: *"Some people had to build the road at Khoh Ther Plur [Three Pagodas Pass]. Some of them [villagers who built the road] were killed. I just*

[205] KHRG, "Civilian and Military Order Documents: August 2009 to August 2012", October 2012.
[206] KHRG, "SPDC & DKBA Orders to Villages: Set 2000-A: Forced Labour", February 2000. Note: The (online) published version of this report is not the complete report.

heard about this information. Some people [villagers who built the road] died. They [the Burma Army] did not provide enough food for them [villagers who built the road]. Actually, this was a human rights violation, but the civilians dared not speak out because the civilians did not have guns. There were many things that made civilians afraid to speak out."

Villagers heading home from forced labour in 1997 along the Boke-Ka Pyaw-Kyay Nan Daing road near Boke in Mergui-Tavoy District while their shift of replacements head from the village to the worksite for the next shift, carrying along all their food and tools. *[Photo: KHRG]*

Villagers in Doo Tha Htoo District go to carry thatch and bamboo to a nearby SPDC Army camp. Units of LID #44 came to set up camp in early 2002 and have demanded forced labour of the villagers, including building fences, cutting the brush beside the car road and sending thatch, bamboo and logs to the Army camp. The villagers have to go whenever the SPDC sends orders to them, or they will no longer be able to stay in their villages. *[Photo: KHRG]*

Villagers interviewed by KHRG have highlighted the constant demands that were placed on them from the soldiers in nearby camps. Saw Ak--- from Dooplaya District describes the situation from 1998 to 1999, after a military camp had been set up and the Karen Peace Force (KPF)[207] under Thu Mu Heh joined forces with SPDC: *"They [Burma Army] asked villagers to work for them. There was a military camp in T'Kuh Hkee village once. People had to transport water for them. They asked the villagers to bring water to them for bathing. The villagers had to transport water for them two people per day. The villagers had to transport water for them because they stayed on the hill. The Burma Army who lived in T'Kuh Hkee military camp were [LID] #22. […] People also had to transport water for the Burma Army who lived in Kyan Inn military camp. […] They tortured and forced people to work. As we were Karen people, I felt like we had to be slaves. […] The villagers had to build [their camps] for them. The women had to transport water for the [Burma Army] camp on the Ka Lee Hkee hill as well. The women had to transport food and rice for them. I used to transport food for them as well. The village head asked us to transport the food for the Burma Army, so we had to do it."* He stresses that they had no choice but to comply with the different demands: *"We dared not stay [in the village] if we did not transport*

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

food for them." This situation was reported throughout central and southern Dooplaya District during this time.[208]

Naw An---, another villager from Dooplaya District describes the conditions villagers faced in her area, also highlighting the inability to refuse the labour demands: *"Villagers were asked to clear the bushes or grass [plants] next to the road because Bamar soldiers were afraid of attack by KNLA soldiers [and of not being able to see them coming]. […] If villagers did not go, the village head did not dare live in the village. The Burma Army would ask the village head to collect the villagers in the village to be forced labour. The villagers were afraid to refuse what the Bamar soldiers asked them to do, so they had to."* Naw An--- adds that villagers were forced to build the fence around the Burma Army camp and also grow rice for the Burma Army. The villagers were not paid and *"had to bring their own cows to plough and bring a rice box [lunch] themselves".*

Villagers from K--- village in Dwe Lo Township, Mu Traw District doing 'loh ah pay' for the SPDC in July 2002. An officer of LIB #365 (under Battalion Commander Chit Nyo) ordered them to build this storehouse for the battalion's rice and other foodstuffs. The photo was taken in July 2002. *[Photo: KHRG]*

Villagers from Bilin township in Doo Tha Htoo District doing forced labour cutting back the scrub from beside the Bilin – Hpapun vehicle road. 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 road in order to protect their troops from ambush while travelling along the road. The villagers were given from November 20th to November 30th 2002 to complete the work. *[Photo: KHRG]*

Forced labour was used by the Burma military for its 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. KHRG previously highlighted that forced labour was used both to gain control and to consolidate control.[209] For instance, forced labour made possible the construction of roads, roads that would eventually allow for further expansion of the military's activities and clearance operations, and thus further exploitation and violence against villagers.

[208] KHRG, "Dooplaya under the SPDC: Further Developments in the SPDC Occupation of South-Central Karen State", November 1998.

[209] KHRG, "Forced Labour Briefing Notes", February 1998.

LIB's #548 and 549 forced villagers from every village tract in T'Nay Hsah Township of Hpa-an District to begin construction on this canal in January 2002. When these photos were taken in May 2002 the canal was still unfinished. The villagers had to work everyday from 6 am until 6 pm, when it is already getting dark. They had to bring their own rice, water and tools and were paid nothing for the work. Many people became sick from the long hours of work and having to sleep in the open on the ground. *[Photo: KHRG]*

Although forced labour was heavily imposed in areas where the Burma Army attempted to expand its control, it was widespread throughout Karen State as a means of increasing the military's own assets. Villagers were also required to engage in agricultural work for the benefit of the soldiers, which prevented them from tending their own crops. In some cases, the soldiers also confiscated the land of the villagers, and then required them to grow crops for the military on the confiscated lands. As Naw Ag--- from Hpa-an District explains: *"We also had to plant paddy, plough the farm. […] We heard that the Tatmadaw soldiers did all that by themselves. In reality, they demanded villagers to do all that. We had to do farming for them. […] They confiscated the lands of villagers and cast the owner out."*

In 1997, KHRG brought to the attention of the ILO that "[i]n many areas, particularly where there is no conflict, the main activity of local and regional military units is making money for themselves. This is done mainly through direct extortion of the local population, but also through forced labour. One means is by extorting 'fees' from villagers to avoid forced labour (though often after collecting 'porter fees' the Army still takes the villagers as porters), and other means involve setting up commercial projects and then using the villagers as forced unpaid labour on them. Many Army units confiscate all the best farmland around their camp, then force the local villagers to do forced labour growing rice or cash crops for them. The villagers usually have to provide or pay for the seed, then do all the labour involved in farming, then after the harvest the crop is simply taken by the Army officers and disappears. The villagers receive nothing."[210] KHRG pointed out in a report from 1998: "A Battalion-level officer can make millions of Kyat per year if posted in a rural area, just by extorting money from the surrounding villages, forcing villagers to do labour growing cash crops or logging, and selling military supplies which are supposed to go to his soldiers."[211]

D. Forced labour and women

Although men were typically preferred as porters, if men were absent (having fled to escape the Burma Army's brutality), women were taken instead. KHRG previously explained: "Men have regularly fled from their village when forced labour orders have been issued, fearing that they will not be allowed to return home upon the completion of the work, but instead be taken as operations porters for frontline units. Furthermore, they may be accused of being rebels at any time, often with little or no supporting evidence and no recourse to defend themselves against such accusations. They therefore try to avoid any direct contact with the SPDC for fear

[210] KHRG, "Submission to the International Labour Organisation (ILO) Summary of Forced Labour in Burma", August 1997.
[211] KHRG, "Karen Human Rights Group Commentary, 1998 #2", November 1998.

of being arrested and tortured. This also results in women and children doing much of the forced labour."[212] Particularly as offensives increased or when labour supplies were short, the military's requests did not differentiate, requiring both men and women to come.

Even when women were forced to porter, due to the susceptibility of being raped [see SGBV chapter], many villages tried to avoid sending younger and unmarried women. Naw Ae---, a villager from Dooplaya District who was interviewed in 2022 recounts: *"No male villagers were in the village at that time [around 2000], so only married women had to be bullock cart drivers. Villagers had to go get and carried back their rations for them. They patrolled and took security for each trip. […] [M]any married female villagers had to carry food for them, as well as other [unmarried] female villagers too. They did not rape or sexually abuse them. […] At that time, people did not let the younger women go [the soldiers prefer younger women]. They only arranged women that were adult and married women that had one or two children."*

Sending married women, who were likely mothers as well, created additional impacts on families. Villagers have spoken of mothers needing to expel their milk while portering because their children were still breastfeeding. Meanwhile, their babies back home would go hungry. Naw Af--- from Doo Tha Htoo states: *"Cf--- villagers including women and the village head had to follow them [portering and human shields] to Taung Thone Lone [army camp in Mu Traw District]. Due to the distance [from Cf--- village and Taung Thone Lone army camp] were very far, a lot of women porters who had young babies and they had to leave their babies behind [in the village] so their babies were crying for milk very much in the whole village. They [porters and human shields] had to travel for four days and then they [Burma Army] released them on day four so they could return. […] [B]ecause the village head also had to go [be a porter], the village head could not say [do] anything for the other villagers, and mothers could not take care of their children."*

Naw Ap--- from Hpa-an District adds: *"For forced porters, the Tatmadaw forced women including breastfeeding mothers. They had to leave their baby and go for portering. Their breasts got overfull and painful when going as porters. They had to pump their breast milk out. It was so sad to see this. I said, our people were oppressed and when are we going to be free from this."*

The health of infants was also impacted due to the risk of injury or death to the mothers while portering, as explained by Naw Ae--- from Dooplaya District: *"They also forced villagers including women to be their porters. There were three female villagers from my village who were forced to be Tatmadaw porters. They stepped on landmines when they served as porters. Three of them died due to landmine explosions. Some of them had young babies who needed breastfeeding. It happened in 1998 and 1999. I knew these incidents because one of the victims was my aunt. I felt very sad for them."*

Women were more likely to be forced to engage in other types of labour for the Burma Army. For army camp labour, most units took either men or women for work such as building bunkers and erecting fences, but women were often specifically demanded for servant labour such as cooking, cleaning and sewing. They were generally forced to stay at the camp during their multi-day shift, which meant that they also faced risk of rape or other sexual abuse and harassment in these activities as well. Although the tasks were sometimes 'lighter', requiring less physical strength, they were often no less demanding and damaging to villagers' health and wellbeing.

[212] KHRG, "Surviving in Shadow: Widespread Militarization and the Systematic Use of Forced Labour in the Campaign for Control of Thaton District", January 2006.

Naw Ag--- from T'Nay Hsah Township in Hpa-an District spoke of the health problems faced by a woman in Htoh Kaw Koh village *"who had to go for Set Tha and cook for the Tatmadaw at the army camp. She also did not have enough food at home [due to poverty]. She was arrested by the soldiers [Tatmadaw] to do the cooking [for a period of time]. We called that 'Set Tha', who cook for the Tatmadaw soldiers. Villagers had to do it one by one each day at that time. That woman who used to do Set Tha cannot see anymore now. Once she told me, 'Is it because I was exposed to so much fire smoke as I had to do the cooking [for the Tatmadaw] very often at that time? In the end I had to suffer. Whenever I saw those who oppressed me in the past, I told them [how bad they treated me], but they were silent.' We were oppressed all the time. We could live peacefully in the village only when we go for Set Tha regularly. Otherwise, the Tatmadaw came and ate all our food and livestock that they saw. We just tried to adapt with them. However, when we did that [served the Tatmadaw], our KNLA side also said, our attitude is like Tatmadaw. Villagers' lives were so hard being pressured from both sides."*

The frequent absence of men, who were evading military abuse or working their own plantations for the family's subsistence, meant that women were often used for loh ah pay more than men. A female villager from Mu Traw District interviewed in 2006 remarked: *"Females do more 'loh ah pay' than males, such as cutting and clearing roads or carrying thatch, bananas or coconuts. But males must still do the heavy work. We must do the work that they demand of us. We don't dare to oppose them because we live near to them and we have no way to escape from them."*[213]

Villagers in Htaw Ta Htoo Township, Taw Oo District during two solid weeks of forced labour. On April 1st 2003, Operations Commander Khin Maung Oo of the SPDC's Southern Command Strategic Operations Command #3 issued orders for 1,000 villagers from SPDC-controlled villages in the Kler Lah and Kaw Thay Der areas to porter supplies from Kler Lah to Tha Aye Hta Army camp, in order to stockpile enough rations and supplies at the army camp in preparation for the coming wet season. Women made up a large portion of the workforce, and there were also children. *[Photo: Local villagers, assisted by KHRG researcher]*

Villagers from M--- village, Dwe Lo Township, Mu Traw District use bamboo to raft hardwood logs down the Bilin River on January 25th 2005. They were ordered by the DKBA to cut the logs, haul them out of the forest with their elephants, and float them downriver so that DKBA officers can sell them for personal profit. The villagers receive nothing for this. Women pole the rafts downriver, and despite the dangers of the heavy logs rolling over. Even women with babies strapped to their backs must go. Karen men are not willing to confront the DKBA for fear that they may be forcibly recruited. *[Photo: KHRG]*

Villagers often had to travel long distances and, as Naw Ag--- from Hpa-an District pointed out, *"whenever they demanded us, we had to go. When they demanded 50 bamboo pieces from villagers in Thar Yar Kone, we had to bring it to them accordingly. They demanded wood, and*

[213] KHRG, "Dignity in the Shadow of Oppression: The Abuse and Agency of Karen Women Under Militarisation", November 2006, p. 31.

we did so. We dared not stay [in the village] without doing [complying]. […] We had to go one person from each household. We had to clear the bush, cut the grass and burn it. They demanded us to do it all."

In responding to one demand, Naw Ag--- adds: *"We didn't know it was going to be that far, we just went there with a set of clothes on us. It took us three days to get there. We got wet and we had to sleep like that. My female cousin went to take a bath and she just put on a rain poncho. For us, we had no rain poncho so we just had to sleep in wet clothes. They [Tatmadaw soldiers] told us that it was going to take only one day. We had to cut a lot of T'La Aw trees."*

E. Impacts on livelihood

Villagers consistently reported that the labour demands of the military prevented them from being able to engage in work for their own livelihood needs. Even if the demands were sporadic, they still created heavy impacts on villagers' ability to grow and harvest their crops.

KHRG emphasised in a report to the ILO in 1997 that: "As long as people live in villages, which are stationary and vulnerable, SLORC will only continue to use them for more and more forced labour."[214] Due to the inability to tend to their own crops, some villagers resorted to paying others to replace them, which also impacted their livelihood situation: "Many villagers cannot grow a crop if they do all the forced labour demanded of them, so they pay to avoid the labour or hire people to go in their place, but after paying repeatedly they no longer have any funds. They sell their livestock and valuables piece by piece to continue paying, but eventually all of that is gone and they are still ordered to do forced labour. If they fail to go they face arrest, but if they go they cannot work to survive, so they flee."[215]

Because the military regime engaged in combined forms of extraction from the villagers, it was not just their labour that was demanded. Saw Ah---, a villager from Dooplaya District interviewed in 2022, describes having to provide labour and their own carts to haul away the property that the soldiers had stolen and extorted from villagers: *"[T]he men who were captured, they were all forced to follow the Burma Army. At that time, the transportation used [to haul away supplies they extorted or looted from the village] was villagers' cow carts. Some of their own supplies were also included. At that time, Thra Heh Pay Too's cow cart and a pair of his oxen were used for transportation but the Burma Army did not give them back."* Of course, that meant the villagers no longer had these items for their own livelihood needs.

F. Coercion

There are a variety of ways in which SLORC/SPDC officers and soldiers coerced villagers to engage in forced labour. As already highlighted, villagers were often captured or arrested wherever they might be, and taken to be forced porters. Any interaction with soldiers often resulted in some sort of threat or physical abuse.

Demands for labour also came through order documents sent to villages by SLORC/SPDC military units and administrative bodies demanding that villages provide forced labour under threat of retribution should they fail. Demands that were not met resulted in violence against villagers, particularly the village head. One village head interviewed in 1994 stated: *"I was beaten*

[214] KHRG, "Submission to the International Labour Organisation (ILO) Summary of Forced Labour in Burma", August 1997.
[215] Ibid.

up by Mu Yah Gone, from the militia group led by Pa Lu Kyaw. They ordered 10 people for slave labour to build the car road. At that time I was village head, but I'm not anymore. I couldn't send 10 people because I couldn't find anyone who would go. All the villagers refused to go because they said 'We have to go every day already, we can't go any more', so I couldn't send anyone. So the militia called me to them and started cutting me with a knife. They cut me on the head, and the cut was as deep as the width of your finger. Mu Yah Gone did that. Then they asked me for one goat, and I couldn't refuse." [216]

One interviewee, Saw Ad--- from Mu Traw District, recalls that despite fulfilling the regular demands for forced labour of the local unit, they would still come and round up villagers by more forceful means if they did not feel that their demands were fully met: *"When the Burma Army set up an army camp in 1996, 1997, and 1998 at Paw Hta village, they always forced villagers to work for them at the army camp, send information and also serve as porters. Villagers were also asked to send rations. During that time [1997 and 1998], the Burma Army had army camps at Thaw Leh Hta [place], Meh Rah Hta [place], and also in Hpapun Town. As we lived in the village marked as a peace region, the village head collected villagers in succession to send rations to these army camps [Kyaw Hta to Hpapun and Meh Rah Hta army camps]. Villagers had to go once or twice a month. Sometimes, the Burma Army did not find the village head helpful, when they asked him to collect villagers to be porters. When the villagers seemed to be not enough for them, they went into the villages by themselves forcing 20 to 30 and up to 40 villagers they found in the village. The Burma Army went into the village at around 11:00 and 12:00 during the night forcing villagers to carry rice, ammunition, and rations. Sometimes, the villagers were asked to go to Hpapun and sometimes to Meh Rah Hta. It happened all of the time."*

In 2000, KHRG pointed out that "[i]t is difficult for villagers to go for all of this forced labour, so they are often delinquent in complying with the orders. Usually the Army responds by sending threatening and angry letters, often written in red ink, until after the third letter the village has little option but to comply or face the possibility of very serious punishment which usually includes the arrest and torture of village elders."[217]

Order letter from 1997 from a camp commander in Hpa-an District[218]

Subject: To discuss matters of servants [porters] and security

Calling you again for failing to come to the Camp

1) Regarding the subject mentioned above, [you] failed to attend a meeting on 23-10-97.
2) Come to xxxx Camp as soon as you receive this letter. If you fail, there will be no pardon and it will be entirely your responsibility.

Note: Bring 3 servants together with you.

[216] KHRG, "Continuing SLORC Actions in Karen State", May 1994.
[217] KHRG, "SPDC & DKBA Orders to Villages: Set 2000-A: Forced Labour", February 2000. Note: The (online) published version of this report is not the complete report.
[218] KHRG, "SLORC Orders to Villages: Set 98-A Pa'an District, Central Karen State", March 1998.

Where possible, KHRG collected these order documents, noting in 2012 that: "Over the last 20 years, order documents have been important evidence of the continued use of forced labour in Burma. […] Such documents are written by the officers themselves or otherwise dictated by an officer and written down or typed by a scribe; these are then dispatched to particular villages by a messenger, who is frequently a local villager forced to serve in this capacity uncompensated."[219] These documents also provide evidence of both the systematic use of forced labour and the coordinated efforts of this type of abuse. The order documents further highlight that "[n]one of the labour mentioned in the orders […] is undertaken voluntarily, but always under the direct or implied threat that the village elders or villagers will face serious punishments for any failure to comply. Some of the orders […] warn that any failure to comply will be punished, while others mete out specific punishments to villagers who do not perform, demand fines or replacement labourers from the villages, and demand the names of any villagers who have failed to appear or have run away from forced labour."[220] Thus, they also provide indications of the different kind of coercion employed by the military to extract labour from villagers. In combination with reports from villagers, the order documents also show the ways in which the regime leaders attempted to obscure the intention of their requests, particularly in response to increasing international awareness and condemnation of their activities. For instance, order documents increasingly requested 'meetings' with village leaders instead of explicitly requesting labourers. During these 'meetings', the labour requests would be verbally issued, thus leaving no written trace of the demand.

Order letter from 2010 from a camp commander in Dooplaya District[221]

Subject: Calling a meeting to discuss about the [Tatmadaw] camp's local security. For the local security of Frontline Company #1 of LIB #--, come to Az--- village on April 23rd 2010, as we informed [you].

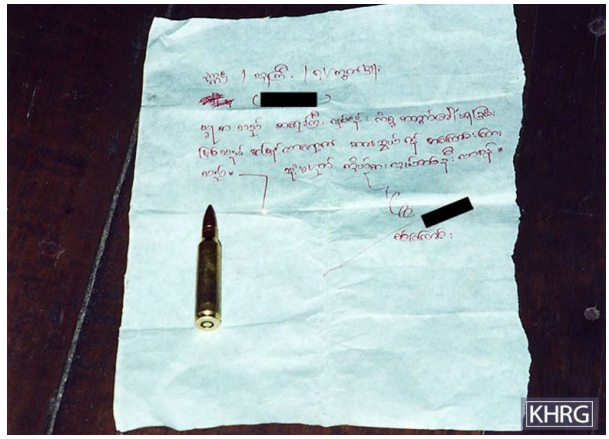
Sd. Company Commander

The village head who shared this order letter with a KHRG researcher reported that, when he attended the meeting at Az--- camp on April 23rd 2010, LIB #-- Company Commander Lh--- ordered his village to provide three big tins [31.35 kg/69.12 lb.] of rice per household to LIB #--, without fail. The village head said that the Tatmadaw did not pay for the rice; the Ay--- villagers had to deliver the rice to the LIB #-- camp one and a half hours on foot from their village, and for which some households had to send two members.

In some cases, soldiers based in the area would come up with other ways of expressing their demands. Naw Ag--- from Hpa-an District explains that they fired into the village to beckon the villagers to their army camp: *"When the Tatmadaw based their army camp in Kyeh Oo Taung, each village had to carry water [for cooking and other uses] up the hill every day to them. We rotated, going to one village each day: Khoh Toh, Waw Lay, Htee Sae Ker, Thar Yar Kone, Kwee Hpa Htaw. When we heard bad news [potential fighting], we hesitated to go, but they [Tatmadaw] shelled mortars into the village. So we went up the hill [to the army camp] and asked why they shelled [into the village]? They said, 'it is for calling people'. So, what could we do about that? If it hit someone, there would definitely be death."* Naw Ag--- adds: *"We knew the law, but we couldn't tell them because they had guns. In fact, they had the rules of the law, but they did not follow them."*

[219] KHRG, "Civilian and Military Order Documents: August 2009 to August 2012", October 2012.
[220] KHRG, "SPDC & DKBA Orders to Villages: Set 2000-A: Forced Labour", February 2000. Note: The (online) published version of this report is not the complete report.
[221] KHRG, "Civilian and Military Order Documents, March 2008 to July 2011", October 2011.

A female village head in Dwe Lo Township, Mu Traw District explained to KHRG how both the SPDC and the DKBA issue her village with order documents in which they state their demands. Her village must regularly provide the soldiers with food, building materials, extortion money, and villagers for forced labour. If they fail to comply, she and the entire village are punished. She is shown here holding some of those written orders sent to her village by the SPDC. This photo was taken in December 2002. *[Photo: KHRG]*



This order document, sent to the village headwoman of L--- village in Noh T'Kaw Township, Dooplaya District on October 23rd 2002, is ordering her to attend a meeting the next day at the request of Column Commander T--- of LIB #xxx Column 2. Accompanying the letter was a 5.56 mm bullet from a Burmese Army MA-1 assault rifle as a very clear threat that if she did not attend, they would shoot the villagers. *[Photo: KHRG]*

G. Other tactics for 'recruitment'

KHRG has previously noted that porters for operations in Karen State were sometimes brought from areas several days' journey away by truck – as far away as Yangon, the Irrawaddy Delta, southern Mon or northern Shan states. This served as a means of exerting greater control over them.[222] The porters were often taken in towns, cities or villages hundreds of kilometres from the fighting area, sometimes because of lack of sufficient local population but more often as a deliberate strategy to make the porters too frightened to escape in a frontline area far from their home. Porters from different areas or ethnic backgrounds could also easily be told things like, "If you escape, the Karen will cut your throat" to instil further fear of escaping. These civilians were typically kept as porters for longer periods, as needed, and were also more likely to endure harsher forms of abuse since there was no local village head to take responsibility for them (as noted above, local leaders often adopted different strategies to try to protect their villagers during portering).

Saw Ak--- from Dooplaya District recalled a time when the SPDC brought in villagers from town to porter in his area: *"It was the time of LID #22, and as I recalled, LIB #202 forced me to work as a porter. Some porters from town were unable to climb the mountain, and they just rolled over like fish before dying [porters from the city couldn't climb the mountain because they felt extremely tired and exhausted]. I thought that they [Burma Army] would release them [tired porters], but they did not. […] They threw water at them and kicked their butts. After that we didn't know what happened behind us because we couldn't see through them [the soldiers and other porters] since we went in front of them. The Burma Army didn't release tired porters. And I guess some tired porters died on the way."*

222 KHRG, "Summary of Types of Forced Portering", April 1995.

Saw Aj---, a villager from Mergui-Tavoy adds: *"I had to follow them [Burma soldiers] once which took two months. […] Some [porters] were killed on the way especially those who were sick but none of our Karen people [who were captured as porters] were killed at that time. […] Some of the ethnic groups [being captured as porter] like Mon were sick and unable to walk so some were killed."*

The SPDC also increasingly turned to the use of convict porters. The conditions for convict porters were much more severe than for other villagers. They basically were driven until they died. In a report specifically on the abuse of convict porters, KHRG described their fate: "The convict porters are forced to carry much more than a regular village porter. They are given no medical attention and fed starvation rations. They are constantly beaten and kicked when they falter under the heavy loads. Those too tired or sick to continue are either left behind to die or beaten to death. Sometimes they are just simply kicked off the sides of the mountains. After arriving at an Army camp they are forced to either work at the camps or to continue carrying when the soldiers go on operations against the opposition forces. The portering can go on for as long as six months or until the porters either escape or die - even if this is long beyond the end of their prison sentence."[223]

Escaped convict porter A---, 22, was forced to porter for LIB #540 for five months in Dwe Lo Township, Mu Traw District before he finally escaped on July 5th 2004. While with the battalion, he was forced to carry a sack of rice [50 kgs. / 110 lbs.] on his own. He saw one of the other porters shot dead by one of the soldiers when he became too weak to keep carrying his load. These photos, taken shortly after his escape, show the festering wounds he sustained to his shoulders and back from where the basket that he had to carry rubbed and knocked against him with every step he took. *[Photos: KHRG]*

A joint report published by Human Rights Watch and KHRG in 2011 stated that "[a]uthorities in Burma have previously admitted the practice occurs, but have claimed that prisoners are not exposed to hostilities."[224] The report however found that "serious abuses that amount to war crimes are being committed with the involvement or knowledge of high-level civilian and military officials. Officers and soldiers commit atrocities with impunity." Convict porters were drawn from a range of prisons throughout Burma, indicating a well-established system of drawing prisoners. Prisoners were generally not told that they were being taken as porters, and were typically sent to other regions unfamiliar to them. Because the prisoners could not speak the local languages, and were not familiar with traversing the thick jungles and mountains of Karen State, they were also less likely to be able to escape.

[223] KHRG, "Convict Porters: The Brutal Abuse of Prisoners on Burma's Frontlines", December 2000.
[224] Human Rights Watch and KHRG, "Dead Men Walking: Convict Porters on the Front Lines in Eastern Burma", July 2011.

H. Pressure to eradicate forced labour

The Burmese government ratified the Forced Labour Convention No. 29 (1930) in March 1955, which calls for the suppression of the use of forced or compulsory labour in all its forms. Forced labour, which was legalised under British colonial rule through the Towns Act (1907) and the Village Act (1908), continued to be heavily practiced by successive military juntas, as KHRG's 30 years of documentation clearly shows.

A Commission of Inquiry created in 1998 issued an exhaustive report finding forced labour to be widespread and systematic in Burma. The report concluded that Burma's national laws and practices regarding forced labour were in violation of the Convention: "[T]he obligation under Article 1, paragraph 1, of the Convention to suppress the use of forced or compulsory labour is violated in Myanmar in national law, in particular by the Village Act and the Towns Act, as well as in actual practice in a widespread and systematic manner, with total disregard for the human dignity, safety and health and basic needs of the people of Myanmar."[225] It further emphasised that such practices could constitute a crime against humanity: "A State which supports, instigates, accepts or tolerates forced labour on its territory commits a wrongful act and engages its responsibility for the violation of a peremptory norm in international law. Whatever may be the position in national law with regard to the exaction of forced or compulsory labour and the punishment of those responsible for it, any person who violates the prohibition of recourse to forced labour under the Convention is guilty of an international crime that is also, if committed in a widespread or systematic manner, a crime against humanity." The report noted that the "power to impose compulsory labour will not cease to be taken for granted unless those used to exercising it are actually brought to face criminal responsibility."[226] While pressure from the ILO did result in amendments to national laws in 1999 to conform to Section 374 of the Penal Code, which outlaws the practice, the authorities applied Section 374 selectively, and the military continued to use forced labour to support basic functions.[227]

Due to ongoing pressure, SPDC Secretary-1 Lieutenant General Khin Nyunt signed an order on November 1st 2000 prohibiting the further use of forced labour by military and civilian authorities. At the time, KHRG pointed out that the directive did not seem to be circulated among military or civilian authorities.[228] The ILO continued to push the SPDC to circulate its orders banning forced labour and to allow for the establishment of a formal complaints mechanism, and began preparation of a request for an advisory opinion from the International Court of Justice (ICJ) regarding the military regime's continued violation of the Forced Labour Convention. After the SPDC agreed to the mechanism, the ILO withdrew its threat to go to the ICJ. However, the SPDC did not allow any cases to be brought against military officers, who are the main perpetrators of forced labour demands; and later "became more hardline, blocked any further cases and retaliated against those who had lodged them."[229] At that time, KHRG argued that "[n]ot only are there many ways in which the SPDC actively obstructs Karen and other villagers from submitting complaints under this new mechanism, but even if villagers were able to submit

[225] International Labour Organization, "Forced labour in Myanmar (Burma). Report of the Commission of Inquiry appointed under article 26 of the Constitution of the International Labour Organization to examine the observance by Myanmar of the Forced Labour Convention, 1930 (No. 29)", Geneva, 2 July 1998.
[226] Ibid.
[227] International Center for Transitional Justice (ICTJ), "Impunity Prolonged: Burma and its 2008 Constitution", ICTJ, September 2009.
[228] KHRG, "Forced Labour Orders Since the Ban", February 2002.
[229] KHRG, "The Limits of the New ILO Mechanism and Potential Misrepresentation of Forced Labour in Burma", April 2007.

such complaints, it seems very unlikely that the SPDC would ever prosecute any military personnel."[230]

In 2012, KHRG noted that "forced labour continues to be the most common abuse reported by villagers living in KHRG's seven eastern Burma geographic research areas."[231] KHRG reported in 2011 that even forced portering continued in some areas combined with threats of relocation if failure to comply.[232]

These photos were taken in January and February 2011 in Mu Traw District showing the ongoing use of forced labour despite its prohibition. The BGF, SPDC LID #11, and LIB #213's Column Commander forced villagers to carry over 600 sacks of rice to their army camps. Villagers whose names were on the list shown in the photo on the rights were forced to be porters for a year. *[Photos: KHRG]*

Provisions to end forced labour were included in the preliminary ceasefire agreement signed in January 2012 between the Burma government and the KNU. Two months later, in March 2012, the Burma government committed itself to the complete elimination of forced labour by 2015 and indicated that perpetrators who continued to issue forced labour demands would be prosecuted under the penal code, rather than within martial law."[233]

Nevertheless, KHRG found that demands and use of forced labour continued; the key shift was that demands for forced labour within the military's official order letters became more obscured: "[T]here has been an increasing reluctance by military authorities to identify the camp location, the battalion from which an order is issued, or both" and "there has been a correspondent absence of specific written demands. Instead of receiving such details, village heads are frequently called to attend 'meetings' at which military or civilian authorities explain verbally what is required".[234] KHRG documentation continued to show that villagers were being forced to engage in labour, just in more covert ways.

[230] Ibid.
[231] KHRG, "Civilian and Military Order Documents: August 2009 to August 2012", October 2012.
[232] KHRG, "'All The Information I've Given You, I Faced It Myself': Rural Testimony on Abuse in Eastern Burma Since November 2010", December 2011.
[233] KHRG, "Civilian and Military Order Documents: August 2009 to August 2012", October 2012.
[234] Ibid.

Order document from Mu Traw District[235]

Subject: Meeting Invitation

As A---39 Operations Commander [Tatmadaw] would like to have a meeting with you regarding the above issue [the subject line], we invite you to attend it without absence.

Date: February 15th 2013 (Friday) Time: 8:00 am Place: A--- Operations Camp

KHRG also noted elsewhere, that the military turned more and more to false promises of payment in order to coerce villagers into undertaking labour for them: "From 2014 onwards, villagers in KHRG research areas report that Tatmadaw have made no explicit forced labour demands but now request 'voluntary labour' from villagers, in some cases reimbursing village heads for supplies that they ask them to provide. However, villagers report that they do not feel confident to say 'no' to Tatmadaw's requests due to their ingrained fear of retaliation and abuse by Tatmadaw, and additionally that despite promises Tatmadaw sometimes do not reimburse the villagers for the materials that the village provides."[236]

Although forced labour did seriously decline after the 2015 NCA, some commanders continued to make demands when in need of military materials or camp repairs. Using villagers as forced porters to carry rations and ammunition continued to be reported on a small scale in areas where fighting was still taking place: "In September 2016, during the outbreak of fighting in Meh Th'Waw area, Hpa-an District between BGF-Tatmadaw and DKBA (splinter), villagers were forced to transport rice and carry woven baskets filled with landmines for the DKBA to plant."[237]

"[T]hey should [were supposed to] pay people if they arrested people to be porters. […] They had rules about how to treat the villagers and village leaders. They cannot steal things from other people. They had to pay if they asked people to work for them. They had those policies. Their policies were not matched with their actions." – Saw Ak--- from Noh T'Kaw Township, Dooplaya District (interviewed in 2022)

Villagers themselves were often aware of the changes in regulation that took place, and made efforts to defend their rights. Saw Aa--- spoke of an incident where villagers challenged a commander who requested porters after MOC #7 (originally based in Shan State) entered the area in 2009: *"One of the villagers said [to the soldiers], 'I heard that Tatmadaw cannot use villagers as porters anymore. If they call villagers as porters, they have to pay a daily wage.' A captain from MOC #7 heard about it [what the villager said]. He was very angry. He asked me, 'Who said like that?' I told him, 'Yes captain, villagers talk about it.'"*

In 2007, KHRG reported that village and village tract heads in many areas of Karen State had obtained copies of the 2000 order banning forced labour but when they appealed to local army officers on the grounds that forced labour is illegal, they were told, *"Don't show us this. We don't understand about this, so you have to go and show it to our superior leaders."* KHRG added that "[v]illage heads are reticent to petition high level officials often residing in distant towns as they are sceptical of any action being taken and fear retaliation by local army officers should they make such complaints. Their reticence appears justified, given that the SPDC has yet to

235 KHRG, "Civilian and Military Order Documents: November 2009 to July 2013", October 2013.
236 KHRG, "Foundation of Fear: 25 Years of Villagers' Voices from Southeast Myanmar", Oct 2017, p. 47.
237 Ibid.

allow a single Army officer anywhere in Burma to be charged with demanding forced labour despite having decreed criminal penalties for doing so since 2000."[238]

Some villagers did submit complaints to the ILO, which led to positive results. KHRG reported in 2013, that due to persistent demands for forced labour in Bilin Township, Doo Tha Htoo District, "Thirty-three representatives from the afflicted villages submitted accounts of abuse committed by LID #44 to the International Labour Organization (ILO) on July 11th 2012 through a community member trained by KHRG."[239] At the time, KHRG reported that forced labour demands ceased.

KHRG continued to receive some reports of forced labour elsewhere however.

I. Renewed explicit demands for forced labour since the 2021 coup

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. The largest number of reports have come from Doo Tha Htoo District, but other districts have begun reporting incidents, suggesting that these demands will become more widespread in the near future if no action is taken to stop this abuse by the military.

Not only have the number of reports increased since the coup, the conditions reported are progressively worsening. Of additional note is that the duration of detainment has also increased. Whereas early reports since the coup pointed to villagers being held for several hours up to a day, more recent reports show villagers being held for several weeks in some cases.[240] As villagers are held longer, not only is there greater possibility of ongoing abuse and torture, but also increased likelihood of inadequate access to basic necessities like food, water, shelter, and sanitary facilities.

Since August 2021, multiple reports of forced labour and the use of civilians as human shields have been documented by villagers living near Lay Kay and Yoh Klah army camps in Bilin Township, Doo Tha Htoo District, highlighting a clear pattern of abuse by the SAC and BGF against the local population in these areas. In most cases, small numbers of villagers (less than 20) were taken for forced portering and navigation. However, in some instances, the numbers have exceeded 100.

On the morning of September 20th 2021, BGF soldiers [likely from Company #3 under Battalion #1013, led by Company 2nd-in-Command Lieutenant Ka Don] ordered close to 300 villagers from Htee Hpah Doh Hta, Yoh Klah and Kaw Boh Hkoh villages to carry rations as well as some ammunition for them as they continued on to Yoh Klah army camp. The majority of the villagers required to serve as porters were women, and another 12 were underage (nine girls and three boys). They started travelling from Htee Hpa Doh Hta village at 10:30 am and arrived at Yoh Klah army camp at 12:30 pm (thus a two-hour walk each way) under extremely hot conditions.

[238] KHRG, "Development by Decree: The Politics of Poverty and Control in Karen State", April 2007, p. 21.
[239] KHRG, "Persistent Forced Labour Demands Stop in Six Villages in Bilin Township as of September 2012", July 2013.
[240] KHRG, "Southeast Burma Field Report: Intensification of Armed Conflict, Air and Ground Attacks, and Widespread Human Rights Violations, July to December 2021", March 2022.

They also did not receive any food or drink along the way. Some villagers had to carry rations such as rice and canned fish while others had to carry ammunition such as mortars.[241]

Between May 1st and May 5th 2022, soldiers from BGF Company #2 arrested over 100 villagers in T'Kaw Hpoe and Weh Pyar village tract, Hpa-an Township, located between Tha Gaw Play army camp and Lay Kay army camp to be used as human shields and porters on their way to Lay Kay and Ta Paw army camps in Bilin Township. Some of the detained villagers were able to pay a bribe, ranging from 100,000 to 200,000 kyats [USD 47.62 to 95.24] for their release. Villagers who were released were threatened, as they were told by BGF soldiers not to report the case to others. Over 40 villagers continued to be detained. SAC and BGF soldiers would not accept bribes from the villagers, insisting that they needed the villagers as human shields rather than as a means to make money. Some of the villagers were also forced to wear BGF military uniforms in order to prevent actual soldiers from being shot at in the event of an attack.[242]

Because villagers are also being heavily used as human shields, they are also at high risk of loss of life. In one case reported to KHRG, SAC troops even prevented wounded villagers from receiving medical care. In January 2022, three villagers who had been forcibly taken as human shields in Kler Lwee Htoo District by SAC troops (from LIB #201, LIB #203, LIB #205, and LID #44 under Western Battalion #207 based in Thein Z'Yat Town), were shot when fighting broke out between the SAC and KNLA and PDF joint forces. The SAC military officer would not allow villagers to take the injured to the hospital until later that day. By that time, one of the wounded villagers had already died from his injuries.[243]

[241] KHRG, "Southeast Burma Field Report: Intensification of Armed Conflict, Air and Ground Attacks, and Widespread Human Rights Violations, July to December 2021", March 2022.
[242] KHRG, forthcoming news bulletin (22-1-NB1).
[243] Unpublished raw data from February 2022.

In search of peace: Saw Aj---'s displacements and missionary work

Saw Aj---, a 69-year-old villager originally from Ch--- village, T'Naw Th'Ree (Tanintharyi) Township, Mergui-Tavoy District, moved repeatedly to flee military operations, but also as part of his missionary activities. At the time of the interview, his entire village of Ci--- village, T'Naw Th'Ree Township, was forced to displace, fleeing across the border into Thailand. He had been there for two weeks, but other villagers from the area were still arriving.

Frequent displacements during his childhood hindered the villager's access to education. He was only able to attend Grade 1 of school, which he repeated three times due to his family's periodic displacements.

The villager described the situation in the late 1960s during his teenage years as one plagued by armed conflict and displacement. *"During the period of 1966 and 1967, we started to become displaced due to the unstable political situation [armed conflict]. The invasion and operation of the Burma Army escalated in Karen territory,"* Saw Aj--- explains. *"We began fleeing in 1969."*

In 1974, at 21 years of age, the villager left Cj--- village and moved to Ck--- village, where he got married, had four children, and resided for over 20 years. Saw Aj--- was baptised and became a missionary at 25 years of age in 1978, at which point he learned how to read and write. The villager served as the village head of Ck--- village for 10 years between the BSPP and the SLORC regimes from 1982 to 1992, during which time villagers faced repeated displacement and food insecurity. *"I had faced a lot of challenges at that time as we [Ck--- villagers] could not carry our food when we displaced. Our village was very far and located on the other side of Htee Moh Pwar River. That became our challenge [to carry food] and I had to lead the villagers from my village as the leader,"* he says. His first wife died in Ck--- village.

In 1988, fighting between armed groups led to frequent displacement, according to the villager. *"We only had to be afraid of Burma [Army] soldiers. With the armed conflict problem, it caused a lot of villagers to displace to the forest. Some were physically beaten and hit when they were found,"* he says. *"Sometimes, if they found the villagers travelling on the way [escaping], they investigated and questioned them. If the villagers could not answer, they [villagers] got beaten. They beat the villagers without reason,"* Saw Aj--- explains. *"If Burma [army] soldiers entered a village, two or three villagers always died from each village."*

In the years following the 1988 coup, male villagers fled when Burma Army soldiers entered the village to avoid forced labour. *"At that time, if they heard the news of the arrival of the Burma Army in the village, they all fled to hide, especially men. If they did not flee, they were forced to be porters,"* the villager says. *"[If] they suspected the civilians of being KNU spies and working together with the KNU, they killed them all."* Saw Aj--- was arrested and forced to serve as a porter for two months while he was village head around 1988. The villager continued to reside in Htee Guh village until the late 1990s.

The Burma Army forced Ck--- village to relocate in the late 1990s, as the troops were planning on launching an offensive operation against the KNLA. The village was abandoned as villagers were relocated to Myittar [Way Ta Eh] Town, and intense fighting followed. The villagers living in rural villages close to Myittar Town also fled to avoid violent abuse perpetrated by the Burma Army when troops approached. Saw Aj---, however, displaced to Cl--- village in 1997 with his children instead of the relocation site and stayed for five years. The villager later remarried and had ten children with his second wife. Only five of his 14 children are still alive.

He eventually moved to Cm--- village, near the Thai border. At the time there was no village, it was just an area for bamboo logging. Prior to settling there in 2009, he asked both the local KNU and SPDC if he could set up a village there. *"They told me that I could do it because the situation would get better soon."* He tried to broker peace between the groups to ensure that his villagers could live there safely: *"After that, I set up the village here and then I invited both groups [SPDC and KNU] to meet each other in my village. All the top leaders knew about it. Again, for them to dare meet with one another, I invited both groups to discuss about the agreement to stop fighting in order to understand the problems for us and so we could settle peacefully in a new village."* He said that the area remained peaceful for about 10 years. After the 2015 NCA was signed, human rights violations subsided in the village and villagers had the freedom to carry out their livelihood activities. The village had 60 households, a church, and a school.

Abuses against villagers and fighting, however, resumed in 2022. *"After the military coup, they [SAC] had the power to oppress us how they wanted. That's why the civilians and villagers had to live in fear and dare not to do whatever they want. Currently, all the people who owned a farm, house, and plot had to abandon all their possessions. We could not and dare not to do farming. That's why, consequently, it will affect us in several ways in the future,"* Saw Aj--- says.

Since the farmers in the area displaced, the village could face food insecurity in the near future, he says, expressing concern.

An escalation in fighting in May 2022 caused all of the villagers in Cm--- village to displace temporarily, before returning to the village. Fighting in July 2022 caused a more prolonged displacement. Saw Aj--- was among those who displaced across the border to Thailand. *"[E]veryone displaced but sometimes, they secretly returned to the village and worked for their livelihood. It was not far from the village to our displacement site in Thailand. It was not even one hour long to travel back to our village. I also went back to the village in order to look after the farming field, animals, and church but I had to return to the displacement site again as I did not dare to stay there [in the village],"* he explains. The villager is currently residing in Cn--- village, Kanchanaburi Province, Thailand.

Following fighting between May and June 2022, the Burma Army suspected villagers of being part of the KNDO and retaliated by causing property destruction and carrying out looting while the villagers were displaced. *"[T]hey looted the properties in every house. The food we left behind was also taken, including our betel nut. We were also concerned to go back to stay in the village because if they came to the village and did whatever to our house, we could not do anything,"* says the villager.

"One thing that they told us was: 'Those who displace are our enemies'. That's the reason we dared not to return home. […] They did not want us to flee but we did not trust them so we fled," he explains.

Displacement continues to be a tool utilised by villagers to avoid abuses by the Burma Army. *"[T]here was only one way of the response, which was to flee and we dared not to live and respond to them personally. We could not assume what would happen to us if we responded. That's why we were afraid and fled to hide,"* describes Saw Aj---. *"For us, civilians, we could dare not to [act] against them. We only had to live in fear and displace."*

Chapter 4: Food insecurity and livelihood challenges

"The biggest challenge for villagers was that the Burma military came to seize the territory near our village and set up their military camps. If there was no Burma military oppression, villagers would have been able to have a decent life by farming and cultivating. 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." – Naw Ac---, Bu Tho Township, Mu Traw District (interviewed in 2022)

Depriving villagers of access to food sources and to agricultural areas for food production was, and is, a crucial aspect of the Burma military's operations and 'four cuts' strategy. The Burma military has engaged in large-scale, deliberate attacks on villagers' food sources and access to livelihoods in order to eliminate support for Karen ethnic resistance organisations and oppress villagers. The presence and regular movement of troops through villages, frequent demands for food, forced labour, and money, as well as land confiscation for military and development projects have also eroded villagers' livelihood activities.

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 can be clearly seen during the periods of direct military rule. Villagers reported facing severe food crises and extreme poverty in various parts of Karen State during those times. Although some of these abuses persisted after the ceasefire and under the quasi-civilian government, villagers could more easily adopt strategies to mitigate the impacts. Since the 2021 coup reports of heightened poverty, food insecurity and starvation are resurfacing. The combined abuses not only obstruct villagers' capacities to meet their basic needs, but furthermore undermine villagers' strategies to resist military control.

International humanitarian law obligates the parties to a conflict to ensure civilians' adequate conditions of health, food, relief assistance and employment.[244] Specifically, the targeting of livelihoods and food supplies of civilians as a means of undermining armed 'rebels' is in violation of Additional Protocol II to the Geneva Conventions, Relating to the Protection of Victims of Non-International Armed Conflicts (1977). Article 14 of the Protocol obligates the protection of objects indispensable to the survival of the civilian population, including foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water supplies and irrigation. "Starvation of civilians as a method of combat is prohibited. It is therefore prohibited to attack, destroy, remove or render useless, for that purpose, objects indispensable to the survival of the civilian population," states Protocol II. Burma has not ratified either of the Additional Protocols, however, several articles have become accepted in customary international law.

Under Article 8(2)(b)(xxv) of the Rome Statute of the International Criminal Court (ICC), "intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival" is a war crime in armed conflict of an international character. According to a 2019 amendment, it is also considered a war crime in armed conflict of a non-

[244] United Nations Office of the High Commissioner for Human Rights (OHCHR), "Protection of Economic, Social and Cultural Rights in Conflict", OHCHR, 2015.

international character [Article 8(2)(e)(xix)], thus far ratified by 10 state parties.[245] According to the ICRC, it may be argued that the starvation of civilians constitutes a war crime under international customary law in non-international armed conflicts.[246] The prohibition is violated when the population is caused to suffer hunger due to the deprivation of food sources or supplies.

Meanwhile, the International Covenant on Economic, Social and Cultural Rights (ICESCR) obligates states to refrain from any action that would interfere with an individual's enjoyment of social and economic rights.[247] Article 6 recognises the right to work and requires states to make an effort to achieve the full realisation of this right. Under Article 7, states party to the covenant "recognise the right of everyone to the enjoyment of just and favourable conditions of work," including fair wages, a decent living, safe and healthy working conditions, equal opportunity, and reasonable limitation of working hours.[248] States also have the duty to prevent any deliberately retrogressive measures during armed conflict resulting in a backwards movement in the enjoyment of rights in the Covenant.[249] Burma only ratified the ICESCR in 2017, becoming legally bound by the document. The military juntas were thus not held to these obligations in the decades prior to signing the ICESCR, however, the current junta is bound to uphold the rights therein.

A. Vulnerable livelihoods

Agriculture, particularly paddy cultivation, has been central to Karen State's economic activity. Karen State's population is overwhelmingly rural and dependent on small-scale farming as their primary means of livelihood. Military activity and abuses, land confiscations and displacement have all impacted the agricultural practices of rural villagers and their ability to sustain their livelihood.

Rural villagers in Karen State typically employ either rotational hillside farming or irrigated flat field farming, depending on the geography and arability of their land. Hillside farming involves the cultivation of a field for two to three years before rotating and allowing the unused fields to remain fallow to rebuild their nutrient base.[250] Villagers living in the mountains generally plant orchards, plantation crops, and upland agriculture. Those living in the plains, by contrast, cultivate rice, pulses, and oilseeds using irrigation.[251] Increased military encroachment on land through land confiscation and the militarisation of areas previously under KNU control in Southeast Burma has reduced the space available for households to rotate fields. This has pushed communities in closer proximity and led to greater competition of arable land. With fewer hill

[245] While no equivalent crime was originally provided for in the Rome Statute in situations of non-international armed conflict, the absence of such a provision had been noted given its mention in international humanitarian law. Due to this absence in the Rome Statute, the government of Switzerland proposed an amendment to Article 8(2)(e), which was adopted on December 6th 2019 by the Assembly of State Parties to the Rome Statute of the International Criminal Court through Resolution ICC-ASP/18/Res.5 . See International Committee of the Red Cross, "Treaties, States Parties and Commentaries: Amendment to article 8 of the Rome Statute of the International Criminal Court (Intentionally using starvation of civilians)", n.d.

[246] International Committee of the Red Cross (ICRC), "The Right to Food in Situations of Armed Conflict: The Legal Framework", December 2001.

[247] United Nations Office of the High Commissioner for Human Rights (OHCHR), "Protection of Economic, Social and Cultural Rights in Conflict", OHCHR, 2015.

[248] UN General Assembly "International Covenant on Economic, Social and Cultural Rights," 16 December 1966, United Nations Treaty Series, vol. 993.

[249] Ibid.

[250] KHRG, "Village Agency: Rural Rights and Resistance in a Militarized Karen State", November 2008.

[251] Thanda Kyi, "Overview of Agriculture Policy in Myanmar," Food and Fertilizer Technology Center for the Asian and Pacific Region, April 2016.

fields, villagers have to shorten the fallow period or use fields for multiple consecutive years. This means that farmland is being used before it is ready, limiting the potential for stores of nutrients to be refilled, and the potential for healthy crop outputs.[252]

In 1997, it was estimated that approximately 70 percent of the population in Karen State lived in rural areas, with 40 percent residing in the plains and 60 percent residing in the hills.[253] Villagers often travelled either to the hills or plains to trade food items. Travel restrictions imposed by the Burma Army severely restricted villagers' access to food staples.

The type of crops that villagers cultivate, especially paddy, are particularly susceptible to climate change, including high temperatures, drought, flooding, and other stressors. While villagers have developed adaptation strategies, the cultivation of fields and the use of climate-smart-strategies rely on labour-intensive staged processes. For instance, approximately five months of preparation is needed for hill farming. If the process is delayed, the villagers' ability to cultivate the land and the resulting yield will be affected.[254] Portering for one week, being unable to stay overnight at the field hut during critical crop growing times, or repeatedly displacing either temporarily or for prolonged periods can make it challenging to plant sufficient seeds for the year, harvest on time, or resolve crop infestation issues. The loss of work time can be highly disruptive to agriculture and crop cycles and small-scale farmers typically lack crop insurance. Several successive sub-par harvests can be devastating to their livelihoods and food security.

In addition, KHRG reports show that the Burma military has at times resorted to deliberately burning villagers' fields before the brush has adequately dried out in an effort to depopulate hill areas and as part of counter-insurgency operations. This practice became increasingly common in the early-to-mid-2000s across Karen State. The targeting of villagers' fields served the purpose of making it difficult for villagers to survive in areas beyond direct SPDC control. KHRG reported, for instance, that the SPDC and DKBA razed 36 hill fields and several plantations in Bilin Township, Doo Tha Htoo District in 2006, preventing villagers from planting sufficient crops to sustain their families. This put villagers at risk of facing severe food shortages and starvation.[255]

i. Food insecurity due to relocation and displacement

Villagers have faced particular threats to their food security during displacement, whether they fled to the forest to hide or were forced to relocate to a fenced village or other military-controlled site. The experiences of those who fled to the forest and those who were forcibly relocated have, however, differed in some ways. Civilians who fled to hide from the military, either temporarily or in a prolonged fashion, were often unable to bring sufficient food with them and frequently had to live in temporary shelters in the forest, prepared to flee in response to approaching troops, and far from their farmland. Alternatively, those in established relocation sites were typically forced to store their rice at a nearby army camp and faced heavy restrictions on their access to that rice. Their ability to work consistently or trade was also constrained by forced labour demands, travel restrictions and heavy military monitoring of their activities.

Under all circumstances of forced displacement, whether to relocation sites or hiding sites, villagers were able to bring little with them and struggled to obtain steady supplies of food. Naw

[252] KHRG, "IDPs, Land Confiscation and Forced Recruitment in Papun District", July 2009; KHRG, "Starving Them Out: Food Shortages and Exploitative Abuse in Papun District", October 2009; KHRG, "Hunger Wielded as a Weapon in Thaton District," September 2006.
[253] KHRG, "Village Agency: Rural Rights and Resistance in a Militarized Karen State", November 2008.
[254] KHRG, "Hunger Wielded as a Weapon in Thaton District," September 2006.
[255] Ibid.

Ap--- describes the displacement prompted by fighting and the entry of the Burma Army into Ta Kreh village, P'Nweh Klah section, Ta Kreh (Paingkyon) Township, Hpa-an District during her childhood in 1975. She asserts, *"[t]here was no more food. So, we were given porridge, but we were not energised. [...] The fighting happened for seven days and seven nights at that time. Some people could bring food but we could not bring enough food since we were already poor. We just bought rice pack by pack [could not buy much at once]."*

For villagers who fled to avoid forced relocation, they were often unable to harvest their crops during displacement due to security concerns. Following shelling and air strikes in Paw Hta village, Hkaw Poo village tract, Bu Tho Township, Mu Traw District, between 1988 and 1990, villagers faced prolonged displacement. Saw Ad--- recalls the inability of Dg--- villagers to complete the crop harvesting and the food shortage that followed. *"Accessing food had been the most difficult thing we encountered during the displacement. We were not able to complete harvesting the sheaves of rice. Food was not enough for all of us,"* the interviewee explains.

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 the village after the military's departure. This took place as part of the Burma Army's clearance operations. Naw Ac--- recounts the challenge of losing access to staple foods in 1997 in Br--- village, Mu Traw District. *"Since our rice barns were burned, we didn't have rice with us when we were hiding in the forest. We also could not get food from anywhere else when we were in the forest because it was not safe to go anywhere,"* she explains. Hidden rice storage containers in the forest, which were stocked in preparation for flight, were also subject to the Burma Army's search-and-destroy missions.[256]

This photo, taken on February 26th 2011, shows a large basket of milled rice that was punctured and overturned during an attack by Tatmadaw LIB #252 soldiers in Saw Muh Plaw village tract, Mu Traw District.
[Photo: KHRG]

A villager's rice barn that was destroyed by SPDC soldiers in Mu Traw District in December 2001.
[Photo: KHRG]

Many displaced villagers secretly returned to their villages to retrieve food or sneaked onto their farmland to harvest crops or produce to sell for income. This often came with considerable risk. Following displacement and forced relocation, villagers often fell victim to the Burma Army's shoot-on-sight policy or violent abuse if they tried to return to their village. Naw Ac---, interviewed in 2022, describes an incident in Co--- village, Saw Muh Plaw village tract, Lu Thaw Township, Mu Traw District. Villagers displaced after Burma Army soldiers established an army camp in

256 KHRG, "Food Crisis: The Cumulative Impact of Abuse in Rural Burma", April 2009.

the village in 1997, burned down villagers' rice barns and killed their livestock, leaving the displaced individuals without a source of food. The primary purpose of Burma Army columns was often burning paddy barns, trampling or burning crops, and patrolling hill fields at harvest time to shoot farmers. For villagers whose rice barns had not been burnt, some returned to get their rice at night. If villagers were caught by the Burma Army, they were killed, the villager recounts.

This photo, taken on November 6th 2006 in Mu Traw District, shows the rice harvested by the villagers set on fire by SPDC IB #35. Columns 1 and 2. The soldiers also shot the owner of the farm. *[Photo: KHRG]*

A field hut and paddy supply destroyed by SPDC troops in a hill field in the Meh Gha Law area, Mu Traw District in December 1999. Note the paddy in the left foreground, dumped on the ground and gone to seed. *[Photo: KHRG]*

The villager's brother-in-law was also killed by Burma Army soldiers as he was searching for food to combat food shortages during displacement: *"My sister's husband was shot dead when he was on his way to get food [rice] for us from other villages. Everyone was struggling because of the shortage of food during that time. Villagers who lived in the place located near Burma Army camp had to cross the road that was used by Burma Army soldiers for transporting their rations and ammunition to go to other places to look for food."* Villagers either risked their lives to sneak back to their village to gather crops and find food or they risked facing food insecurity.

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]*

Villagers in hiding pass through Thay Tho Der village, Mu Traw District looking for food in the forest and anything they can still salvage from their homes. *[Photo: KHRG]*

KHRG reported in 2011 that, based on information collected in February and March, at least 8,885 villagers from 118 villages in nine village tracts of Lu Thaw Township, Mu Traw District had either exhausted their current food supplies or would run out of food before the October 2011 harvest.[257]

Displaced villagers employed strategies to combat the food insecurity, including sharing food, harvesting vegetables from the forest, and establishing swidden farms, if the displacement was prolonged. Villagers facing repeated displacement would use slash and burn farming, which refers to cutting virgin forest, using the plot for a few years until it is exhausted, and then abandoning the plot. This became necessary when villagers were displaced high into the hills and could not access their own fields. *"Some people who still had rice shared them with those who no longer had food. If they had one big tin of rice [10.45 kg/23.04 lb], they would give one [0.16 kg/0.36 lb] or two milk tins*[258] *of rice to others who ran out of it. We could only have porridge for our meal. We collected vegetables [in the forest] and cooked them with the rice that we were given by others to make porridge,"* Naw Ac--- says, explaining the conditions during displacement in 1997 from Co--- village, Saw Muh Plaw village tract, Lu Thaw Township, Mu Traw District.

In 2008, KHRG highlighted the long-term impacts of this food insecurity: "[I]n order to stretch out meagre supplies, many are forced to eat heavily watered-down rice porridge mixed with whatever vegetables or edible foliage they can gather in the jungle. Although this porridge may stem hunger for a while, it has little nutritional value and cannot sustain families for the long-term. […] The results are vitamin, protein and iron deficiencies and increased vulnerability to disease."[259]

Restriction of trade and the transportation of food served to starve hiding villagers out of the hills. *"They [SPDC] drove them [villagers] to Kaw Wah Klay, but Kwih K'Neh Ghaw went to Naw Shaw Sin Ko. They drove out two or three villages in the same area, but they didn't allow them to stay in their own area… They forced people to Meh Gu village. They will do it in every township and village, and they will take all the paddy. They will do this to stop our Karen [KNLA] from having rice to eat, because if they don't do it like this they cannot restrict them. So they do it to control them; when they gather people and paddy, I think their aim is to capture and control the Karen."* – A male villager from Noh T'Kaw Township, Dooplaya District (interviewed in 1999)[260]

Interviewed in March 2006, Saw N--- from Taw Oo District stated: *"Most of the villagers don't have enough food. We can't do the cultivation well and we are always disturbed and interrupted by the SPDC. Because we don't have enough food, we have to go to Kaw Thay Der and buy rice or food. But almost all of the villagers face money problems in this way because we don't have any livelihood to earn money. The biggest problem that we have to face at present is that the food is insufficient. We don't have enough medicine when we get sick and no school or education for the children."* [261]

At the same time, villagers at relocation sites faced challenges accessing their own rice as they received limited rations and were confined by curfews, travel restrictions, and constant demands for forced labour, as detailed in the Clearance Operations chapter. "Barren and insufficient land,

[257] KHRG, "Acute food shortages threatening 8,885 villagers in 118 villages across northern Papun District", May 2011.
[258] A milk tin is a unit of volume used to measure paddy, milled rice and seeds. One milk tin is equivalent to 0.16 kg or 0.36 lb of paddy, and 0.25 kg or 0.55 lb of milled rice. It is also equal to 1/64 of a big tin.
[259] KHRG, "Growing Up Under Militarisation: Abuse and Agency of Children in Karen State", April 2008.
[260] KHRG, "Starving Them Out: Food Shortages and Exploitative Abuse in Papun District", October 2009.
[261] KHRG, "Development by Decree: The Politics of Poverty and Control in Karen State", April 2007.

strict movement restrictions and constant exploitation means food insecurity and malnutrition are particularly rampant in relocation sites, while at the same time healthcare services are virtually non-existent. Immediately upon being relocated, villagers often lose access to their former agricultural lands whether due to distance, destruction or movement restrictions, thereby losing their previous means of livelihoods," stated a KHRG report from 2009.[262]

In addition, the attempts of the Burma Army to control villagers' rice supply at relocation sites contributed to food insecurity. During the SLORC and SPDC regimes, Burma Army soldiers maintained control of villagers' rice supply to cut off the provision of food to the KNLA. The troops required households to store their paddy and rice at a nearby army camp. For instance, in Noh T'Kaw and Kaw Te Hgah townships, Dooplaya District in 1999, the SPDC forced villagers to deliver their paddy harvest to the Kyaikdon army camp and retrieve their meal rations one or even twice per day. Given that the rations were insufficient to feed households, villagers were reduced to begging for the food they grew themselves and, in some cases, buying back their own rice for 300 kyats [USD 0.30] per basket.[263] SPDC soldiers strictly regulated the food supply and carefully monitored villagers to ensure that no surplus rice was being hoarded for the KNLA. The troops also occasionally stole the villagers' rice at night.

Similar to other displaced villagers, villagers in relocation sites resorted to a variety of methods to resolve the issues of food insecurity, which in their case were associated with food restrictions. Saw Al--- from Bt--- Area, Htaw Ta Htoo Township, Taw Oo District, highlights one such strategy, saying, *"They [villagers] had to bring it [rice] back in a secret way. […] We had to bring rice in them [betel nut basket]. Some people brought them in the pipe. Some people brought them among rice husks with egg. Then, we have to separate them again."*

ii. Movement restrictions

Whether they remained in their village or were forced to displace, villagers have faced heavy restrictions on their movement as well, making it difficult to access livelihood areas and other resources. Movement restrictions have been imposed by the Burma Army at various times across large parts of Karen State as part of counter-insurgency operations. These restrictions prevented villagers from traveling to trade with nearby communities, tending to agricultural lands, or collecting food and potable water from the forest.[264]

During the four cuts period, Saw Ao---, a villager who had moved to Cr--- village tract, Moo Township, Kler Lwee Htoo District as a child, explains the challenges in engaging in livelihood activities due to the heavy movement restrictions: *"We lived under the Burma Army control area. We could not go to other places and people from other places also could not come to our place. […] At that time, we needed to get a permission letter even when we went to our field to look after our buffalos and chickens. We needed to get a permission letter whenever we went [anywhere]."* He adds: *"[I]f we had to go to Cs---, they asked why we would go there. We told them we would go get the betel leaves and betel nuts. We need to give a reason if we go. If not, they did not allow us to go."* In most cases, the permission letter was only good for one day. In some cases, villagers were able to get permission letters covering three days. But even then, obtaining permission was a heavy burden on villagers. Saw Ao--- highlights the limited hours for obtaining that permission: *"The office opened at 6 am and closed at 6 pm. It means you will [only] be able to get a permit letter between 6 am and 6 pm."*

[262] KHRG, "Food Crisis: The Cumulative Impact of Abuse in Rural Burma", April 2009.
[263] KHRG, "Starving Them Out: Forced Relocations, Killings and the Systematic Starvation of Villagers in Dooplaya District", March 2000.
[264] KHRG, "Food Crisis: The Cumulative Impact of Abuse in Rural Burma", April 2009.

Because villagers were required to have a permission letter to work on their plantations, and permission was subject to the will of local authorities and military personnel, villagers were often pushed to bribe soldiers just to receive permission, which only further added to villagers' livelihood challenges. Saw Aa--- from Taw Oo District explains: *"[W]e had to ask permission from Tatmadaw to go and work on our plantations. Tatmadaw said we could go to work if we bribed them. So, we had to give money to Tatmadaw in order to get permission to work on our plantations. However, even though we could go to work on our cardamom plantations, we had to inform Tatmadaw every time we went and came back. The situation was very strict."*

Farmers were not allowed to stay overnight at their plantations to look after their livestock or harvest crops. In some cases, if their plantations were far away from the village, they might be granted permission. According to Saw Gl--- from Mu Traw District, who was interviewed by KHRG in 2008: *"They [the villagers] can't work smoothly. The SPDC doesn't let us go and stay at our work places [farm fields] during the night time. If we need to go, we have to let them know and then they don't let us light any fires in the farm houses and they don't allow us to catch the wild pigs and buffalos which come to eat our paddy crops. So, we can't get enough rice [as the harvest is poor] and we have to buy [rice] from outside."* [265]

This elderly Karen woman was found like this after struggling to live alone in this field hut in 1997 in Mu Traw District. She apparently starved to the point where she collapsed into the fire she had lit for warmth, and died there. *[Photo: KHRG]*

Following the 2012 preliminary ceasefire, there was a general trend towards the increased ability to travel and work without impediments. However, in the years following the preliminary ceasefire, multiple armed groups, including the Burma military, KNU, and DKBA, continued to require villagers to obtain travel permission letters and authorisation to conduct various types of livelihood activities, including transporting logs and using tractors.[266] Furthermore, restrictions on villagers' freedom of movement continued to be reported to KHRG in six of the seven Karen districts: Taw Oo, Dooplaya, Hpa-an, Mu Traw, Kler Lwee Htoo, and Mergui-Tavoy. During this period, restrictions on freedom of movement took the shape of military checkpoints requiring arbitrary taxation from villagers transporting goods or food. This caused villagers to adjust their movement to avoid violent abuse or harassment by the Burma Army.

iii. Militarisation – military presence and fighting

Decades of militarisation have generated a persistent state of fear in communities in Southeast Burma. While the presence of troops has often been accompanied by fighting between armed groups, it has also led to increased arbitrary arrests of villagers for forced labour, incidents of

[265] Ibid.

[266] KHRG, "Truce or Transition? Trends in Human Rights Abuse and Local Response in Southeast Myanmar Since the 2012 Ceasefire", May 2014.

abuse, targeting of suspected KNU and KNLA members, looting, and indiscriminate attacks on villages. In fact, 30 years of documentation has shown that militarisation itself, even more so than fighting and conflict, has been the primary driver of long-term displacement and has caused the most significant disruptions to livelihood and access to resources. While villagers could often flee fighting and return to their villages and farms in between fighting, the Burma Army's campaign of terror against civilians to crush opposition has typically had the most long-lasting impacts, where even the mere presence of troops led to severe disruptions to livelihoods.

Increased military activity, including patrolling and troop movements, building new army camps, security checkpoints, transporting rations, weapons or ammunition, and constructing new roads, forces many villagers to flee and causes villagers to fear working on their plantations. Many villagers chose displacement and possible food insecurity over the potential beatings, torture, killing, and forced labour that the Burma Army could inflict on them for working on their land or if encountered outside their village. Numerous villagers chose to flee on a semi-permanent basis and entire villages were abandoned, particularly in the 1990s and late 2000s.

"The villagers weren't able to go and tend their fields, so their hill fields and flat fields became overgrown with weeds and the paddy plants couldn't grow freely. They didn't have enough food. They had to buy it from the other villages such as Kler La and Gkaw Thay Der but now we can't go to buy food anymore. The SPDC [Tatmadaw] military camps are situated along the way so we can't do anything about it." – A male villager from Taw Oo District (interviewed in 2007).[267]

The strategies of avoidance and displacement brought their own livelihood challenges given that forest paths could be heavily mined and villagers were at risk of being shot due to the Burma Army's active shoot-on-sight policy. The contamination of landmines in community areas has also added to the limitations on villagers' daily livelihood security,[268] and in turn to increased food insecurity as harvests are diminished due to villagers' inconsistent ability to work on their fields.

Villagers were often unable to work on their plantations, harvest crops or care for their livestock due to military operations and shelling. In some cases, villagers became the target of attacks, which underpinned much of the abuse villagers reported throughout the 1990s and 2000s, according to previous KHRG reports. Burma Army soldiers often shelled directly into villages and livelihood areas, or purposefully destroyed these areas.

Saw Aa---, from Daw Hpa Hko Township, Taw Oo District, describes the impact of the Burma Army's destruction of villagers' property: *"Tatmadaw fired mortar rounds at our plantation and they burned people's plantation. Therefore, we were afraid to work on our plantations. People grew their trees in the past and they maintained those trees and plantations for a long time but Tatmadaw soldiers just destroyed their plantations within a short period. We did not feel secure at night as we heard the SAC fired mortar rounds. Some villagers had to flee from their houses as they fired mortar rounds."*

After the 2012 preliminary ceasefire, and later the 2015 NCA, KHRG witnessed a decrease in reports of attacks against civilians and civilian objects. In a report prepared in 2016, one year after the NCA, KHRG highlighted however how "the path towards a long lasting peace in Myanmar continues to be threatened by ongoing militarisation and clashes in southeast Myanmar".[269] While villagers indicated an improvement in their ability to travel, militarisation

[267] KHRG, "Villagers Risk Arrest and Execution to Harvest Their Crops", December 2007.
[268] KHRG, "Foundation of Fear: 25 Years of Villagers' Voices from Southeast Myanmar", October 2017.
[269] KHRG, "Ongoing Militarisation in Southeast Myanmar", October 2016.

continued across Southeast Burma, with the heavy presence of the Burma Army and BGF in and near villages. Villagers expressed concerns that similar abuses that occurred in the past – forced labour, forced recruitment, sexual assault, torture, and killing – could take place once again with the proximity of the military. Citing other KHRG reports from that year, the 2016 report showed that the Burma Army and BGF continued to transport troops, weapons and ammunition, and strengthened army camps, which was viewed by villagers with suspicion. While incidents of village burning and patrolling significantly decreased in most districts, the sustained military activity led villagers to question the genuineness of the ceasefire agreement. This doubt and fear led some villagers to avoid working on their fields, which resulted in food scarcity and a loss of income.

Saw Ab---, a villager from Bilin Township, Doo Tha Htoo District, discusses the ongoing military presence in his area following the 2015 NCA: *"From 2015, we could say that our area was peaceful. However, the Burma Army didn't withdraw their camps. Kaw Thoo Lei leaders sent them letters to change or remove their camps but they didn't move. They just stayed firmly at the places where they had settled before."*

A villager from Lu Thaw Township, Mu Traw District interviewed in 2016 pointed out that the ongoing presence of troops prevented them from working without fear and constraint: *"All of the villagers want their [Tatmadaw] bases to be removed so that we will be able to work for our livelihood [freely]."* [270]

A KHRG report from 2017 highlighted the long-term impacts of abuses tied to the presence of troops in villages: "Even now villagers fear living and working near armed bases or near armed actors, because of previous abuses where they were forced to labour, shot on sight, or arbitrarily detained. Villagers do not trust the motives of Tatmadaw and feel personally insecure and vulnerable in their presence. They remain fearful that if they take any action that is deemed inappropriate by Tatmadaw, they might be physically punished, or if they enter an area at the wrong time they may be caught in the crossfire of fighting, or at any time they may be arbitrarily abused. These fears further impact villagers who note that they do not feel safe to enjoy full freedom of movement when travelling outside of their community, near army bases, or when accessing their farmland, due to the presence of armed actors. […] The abuses throughout KHRG's reports especially committed by Tatmadaw mean that fear and lack of trust remain deeply ingrained in villagers, which leads them to continually fear the negative potential consequences of militarisation."[271]

Ongoing armed conflict, even after the ceasefire, also contributed to villagers' insecurity and livelihood challenges. KHRG has documented fighting in Southeast Burma every year without exception since KHRG's creation in 1992. During the ceasefire period, skirmishes continued to take place between armed actors, particularly in areas that the military sought to control for development and commercial reasons, for instance, around the Asia Highway between Kawkareik and Myawaddy towns and near the Hatgyi Dam site on the Salween River.[272] A villager from Kaw T'Ree Township, Dooplaya District stated to KHRG in 2016: *"We face food problems. We are not allowed to collect vegetables even on our plain [flatland] farm; we have to find them only in our garden. We would not complain about anything if they [BGF] [only] fight against their enemy [DKBA] [but] they open fire in the village and shout at villagers. As you are soldiers you should fight against your enemy not civilians. It is not the best way to act as soldiers. As we are*

[270] Ibid.
[271] KHRG, "Foundation of Fear: 25 Years of Villagers' Voices from Southeast Myanmar", October 2017.
[272] KHRG, "Ongoing Militarisation in Southeast Myanmar", October 2016.

villagers we do not know anything about them. How can we know [to protect ourselves] if they do not tell us whether they will come here [to our village] or not? I want to talk openly." [273]

B. Economic crisis and poverty

"Before 1988, a sack of rice only cost 150 kyats [USD 0.15]. After 1988, the price of rice increased. A sack of rice cost 600 kyats [USD 0.60] after 1988. Not only our family but also a lot of other villagers faced livelihood problems. […] We did not even have enough foods to eat. In addition, the price of commodities increased but our parents did not have much income as they were plantation workers." – Saw Aa---, Daw Hpa Hko Township, Taw Oo District (interviewed in 2022)

Rice accounts for approximately 25 to 50 percent of the population's expenditure. According to the World Bank, even temporary increases in rice prices reduce household spending on other food, health, and education.[274] With the majority of rural populations in Southeast Burma living close to the poverty line, many are at risk of falling into poverty and food insecurity when rice prices vary. Saw Aa--- outlines the risks that villagers faced when rice prices fluctuated: *"The situation in 2006 [2007 and 2008] was similar to the situation in 1992. In 1992 and 1993, the price of the rice increased so much. So, villagers had to eat porridge at that time. They only put rice and bamboo shoots when they cook porridge. In 2006, the situation was the same. Villagers had to eat like that every day."*

Burma's economic instability and repeated skyrocketing inflation, as well as soaring prices of food stuffs, is a result of its economic policy and military activity over the past several decades. Burma's military has played a dominant role in determining the trajectory of the country's political economy over the past 30 years. Following the 1962 coup, led by General Ne Win, the BSPP pursued isolationist socialist economic policies which nationalised industries. By the late 1980s, this strategy led to near economic collapse and widespread pro-democracy protests. The military regime took power in 1988, establishing the SLORC and initiating liberalising economic reforms.

The inflation following the military coup in 1988 drove food prices up, pushing many villages into food insecurity and poverty. At this time, villagers changed their diets and were forced to withdraw their children from school to combat poverty and food insecurity. *"If we continued our schooling, we had to buy books, school uniforms and everything we need. We also had to pay school fees. How could my parents afford those kinds of expenses?"* explains Saw Aa---, who was among many children that had to leave school early due to livelihood challenges. He was forced to leave school in Grade 8 [at 13 years of age], return to Ce--- village and work on a plantation as a child.

The demands for numerous school fees put a strain on families' financial resources, which were already stretched thin by the excessive demands of the Burma Army and its allies, particularly in the 1990s and 2000s.[275] Access to education has also been restricted by livelihood challenges. Children have often been relied upon by their parents to provide support through labour or assistance in their home. When demands for forced labour have been intense, some parents have had no option but to pull children from school and send them to fill forced labour quotas, so that the parents can continue working to grow food and earn money.

[273] KHRG, "Foundation of Fear: 25 Years of Villagers' Voices from Southeast Myanmar", October 2017.
[274] World Bank, "Myanmar: Rice Price Volatility and Poverty Reduction", October 2014.
[275] KHRG, "Foundation of Fear: 25 Years of Villagers' Voices from Southeast Myanmar", October 2017, p. 104.

The SLORC regime permitted foreign investment and the controlled expansion of the private sector.[276] While a degree of economic stability was achieved in the early 1990s, inflation remained in the double digits, rising to a record high in 1998 and 1999, after SLORC was reconstituted as the SPDC.[277] Food prices surged in the 1990s, rising by 66 per cent in 1998, including for food staples such as rice and cooking oil. By the late 1990s, economic mismanagement, plunder, corruption, and militarisation led to economic decline. The inflation extended into the 2000s. Both the SLORC and SPDC governments based their vision on the economic exploitation established under the BSPP. In 2007, KHRG wrote that: "Despite the apparent changes in economic policy the new military junta, under both its SLORC and post-1997 SPDC appellations, has maintained the policy of economic exploitation introduced under the BSPP. Following this model, the regime has sought to construct a vision of society in which the civilian population labours in support of the hierarchical structures of military power."[278]

The SPDC in particular sought to justify its rule and gain international recognition through its development initiatives. However, in most of Karen State, the infrastructure and agricultural projects frequently involved land confiscation, an absence of free, prior and informed consent, violent abuse, and forced displacement. In addition, the development projects often served the Burma Army's militarisation efforts. KHRG has argued that SPDC "rhetoric presents local peoples as benefiting from SPDC military intervention, despite evidence that the construction of roads, schools and dams or the various agricultural initiatives nonetheless involve regular, often violent, coercion and human rights abuse in their implementation and systematically undermine the capacities of local villagers to resist military repression and claim their rights."[279]

C. Land confiscation and development projects

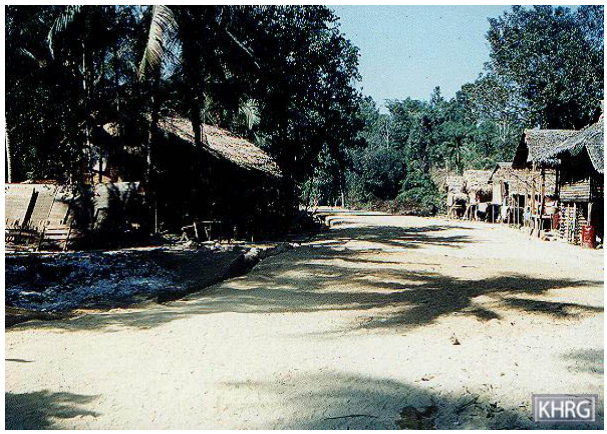
As a primarily agrarian society, access to land is central to livelihoods in Southeast Burma. Land ownership provides households and communities with economic security and is an integral element of identity and dignity.[280] Land confiscation has thus had a heavy impact on villagers' livelihoods. Particularly during the SPDC period, military and civil authorities routinely confiscated land for army plantations and bases, as well as for development and commercial projects. In doing so, they destroyed villages, bulldozed farmers' fields and utilized villagers as forced labour. In contrast to the principles enshrined in the UN Declaration on the Rights of Indigenous Populations and the UN Guiding Principles on Business and Human Rights, the Burma Army and other stakeholders rarely consulted villagers when planning or carrying out development projects. Additionally, villagers were seldom compensated for their land.[281] The loss of farmland leaves villagers with decreased or no land to grow their crops and earn a living.

While there is currently no explicit reference to a general human right to land under international human rights law, several international human rights instruments link land issues to the enjoyment of specific substantive human rights. In particular, references to land are made in relation to the right to food, the protection and assistance of internally displaced persons, as well as the rights of indigenous peoples and their relationship with their ancestral lands or territories.

KHRG previously reported that "[o]fficial SPDC statements on rural infrastructure given in press conferences and media statements stress the importance of roads in rural areas for the 'uplift'

276 KHRG, "Development by Decree: The Politics of Poverty and Control in Karen State", April 2007.
277 International Monetary Fund, "Myanmar: Recent Economic Developments", November 1999.
278 KHRG, "Development by Decree: The Politics of Poverty and Control in Karen State", April 2007, p. 15.
279 Idem, p. 16.
280 KHRG, "Village Agency: Rural Rights and Resistance in a Militarized Karen State", November 2008.
281 KHRG, "Food Crisis: The Cumulative Impact of Abuse in Rural Burma", April 2009.

of the people and the 'development of the Union'. The assertion is that the outcome of extending and multiplying roads in these regions will be an improvement in the living standards of local peoples."[282] KHRG highlighted that these are not the outcomes described by those affected. Instead, "[a]s the proposed routes of the new roadways are established, military forces confiscate villagers' land either for the construction of the road itself or for further military camps and bases along the way which they claim are needed to protect the roads and the recently confiscated land. Villagers are often not even informed that their land is to be confiscated until a bulldozer arrives."[283] The road construction often destroys villagers' plantations and local irrigation systems.



The forced labour road cutting through the centre of Ka Pyaw village in 1997. The huts further down on the right have been built by villagers from other places forced to move to Ka Pyaw to build the road. The bed of ashes in the left foreground used to be the village rice-mill, but SLORC said it stood in the way of the road and ordered it burned down. *[Photo: KHRG]*

The relocation site in Kler Lwee Htoo District where the people of G--- village have been forced to live since February 10th 2004. It lies along a roadside between two villages in what used to be irrigated ricefields. To place the relocation site, the Army confiscated these ricefields without compensation to the villagers, who they can no longer farm and have lost their livelihood. *[Photo: KHRG]*

Furthermore, the expansion of roadways throughout Karen State has involved military attacks on civilians, the forced relocation of villagers, and forced labour. The road networks allowed military forces to encroach further into rural areas of Karen State and to access communities attempting to evade military control.[284]

The SPDC launched countless military-implemented development programmes, which became tools of oppression and drivers of poverty.[285] According to a 2007 KHRG report, "confiscating land for military or private business plantations […] and forced labour on such plantations, all undermine civilian livelihoods and exacerbate poverty. Construction of hydroelectric dams, involving the mass relocation of the local civilian population without compensation, destruction of villages, largescale flooding of forests and the devastation of river-based ecosystems, ruin civilian livelihoods and prevent any future return to ancestral lands."[286] There was widespread construction of dams under the SPDC in 2006 and 2007, particularly in Mu Traw, Kler Lwee Htoo, and Taw Oo districts. In addition, the "immediate loss of farmland, along with the burden of increased forced labour, has heightened the food crisis in Karen State."[287] Despite the

282 KHRG, "Development by Decree: The Politics of Poverty and Control in Karen State", April 2007, p. 18.
283 Idem, p. 19.
284 Ibid.
285 Ibid.
286 Ibid.
287 KHRG, "Food Crisis: The Cumulative Impact of Abuse in Rural Burma", April 2009.

widespread and systematic abuse tied to these projects, because framed as 'development', these projects were largely accepted and supported by foreign governments, UN agencies, and international NGOs.

Most of the flat land visible is farmland belonging to villagers in Tha Htoo Township, Doo Tha Htoo District, but it has now been confiscated without payment to establish a vast 5,000-acre rubber plantation for a Rangoon-based company called Max Myanmar. The villagers who had their land confiscated were told that the rubber plantations will be a joint venture between Max Myanmar and the Army. This photo was taken in February 2005. *[Photo: KHRG]*

A photo of Toe Boe Dam taken on March 31st 2012. The military regime started to examine the possibility of constructing the dam in 2003. In 2005, construction on the foundation of the dam began. The Thauk Yay Khat hydropower project resulted in the confiscation of villgers' land and flooding of villagers' plantations. Villagers received no compensation for their losses. The Thuak Yay Khat hydropower project was built 14 miles east of Toungoo Town. *[Photo: KHRG]*

In addition to infrastructural programmes, including roads, dams, and schools, the government implemented agricultural projects, such as forcing villagers to cultivate crops during the dry season and enforcing paddy quotas to be sold to the military at rock-bottom prices. These efforts typically involved forced labour, forced relocation, land confiscation, and the destruction of civilian livelihoods and ancestral lands.[288] Under the BSPP, SLORC, and SPDC regimes, policies were put in place to enable state control of agricultural production and trade.[289] Systematic paddy procurement, land confiscation, and crop controls were practices consistently drawn upon by authorities.[290] The procurement system required farmers to sell a quota of their paddy harvest to local SPDC officials below market price. Under the BSPP, 30 to 40 baskets [627 kg/1,382.4 lb to 836 kg/1,843.2] of paddy cultivated during the monsoon season per acre of farmland were collected, which dropped to 10 to 20 baskets [209 kg/460.8 lb to 418 kg/921.6 lb] after 1988.[291] The quota was imposed irrespective of the harvest yield, which could vary based on weather, soil conditions, water availability, and time lost due to forced labour or displacement. Farmers were paid 40 to 60 percent of the market rate for the paddy quotas between 1989 and 2003.[292] Farmers who were unable to meet the quota were forced to purchase the paddy, often with funds raised by selling land or livestock, and sell it at the fixed rate to procurement officers. Farmers were driven into a cycle of spiralling debt under this system, as the outstanding balance of paddy had to be paid out of the next crop at an extortionate interest rate.[293] The Burma Army could also confiscate the land of farmers that were unable to meet the

288 KHRG, "Development by Decree: The Politics of Poverty and Control in Karen State", April 2007.
289 KHRG, "Food Crisis: The Cumulative Impact of Abuse in Rural Burma", April 2009.
290 KHRG, "Village Agency: Rural Rights and Resistance in a Militarized Karen State", November 2008.
291 Ibid.
292 Ibid.
293 KHRG, "SPDC & DKBA Orders to Villages: Set 2000-B", October 2000.

quota.[294] In 2003, the SPDC abolished the paddy procurement system officially, however, villagers in Karen State continued to report on the practice. KHRG also noted that the paddy procurement system was replaced by opportunistic crop confiscation by military officers and local authorities.[295]

"We work on a field, but this year we couldn't because the paddy died and then the Burmese government asked for paddy. We couldn't give it to them so we had to buy it from outside and give it to them. This year we couldn't eat. This year we could only plant one acre so we didn't even get 40 baskets [836 kg/1,843.2 lb] of rice. We had to give the government 12 baskets baskets [250.8 kg/552.96 lb] of paddy for each acre and now we have none left for us [they own 2 acres so they had to pay 24 baskets [501.6 kg/1,105.92 lb] even though they only planted one acre]. They pay 300 kyats [USD 0.30] per basket of paddy, but if we buy it outside, one basket costs 550 kyats [USD 0.55]. They also cheated us on the number of baskets. We took them 25 baskets [522.5 kg/1,152 lb] of paddy but they only paid for 22 baskets [459.8 kg/1,013.76 lb]." – A female villager from Moo Township, Kler Lwee Htoo District (interviewed in 1999)[296]

During the SPDC regime, authorities instituted double- and triple-cropping schemes across much of rural Southeast Burma, consisting of the forced cultivation of a second or third dry-season rice crop to intensify rice production to feed the troops and for export to earn foreign currency.[297] Farmers were not consulted and were forced to purchase the seeds, fertiliser, and tractors. The cropping systems largely failed due to inadequate irrigation systems and the theft of fertilisers and money for irrigation infrastructure by corrupt officials.[298] This burdened villagers with increased debts.[299]

In 2005, the SPDC implemented an agricultural scheme to enforce the planting of castor plants and jatropha beans as biofuel to reduce Burma's reliance on imported fuel. The military forced villagers to plant the trees on any and all available land, even replacing traditional crops, causing villagers to lose part of their paddy fields. The jatropha plantations involved land confiscation and forced labour. Quotas were also set for households to plant jatropha trees in their own gardens and villagers were forced to purchase seeds, branches, or seedlings, as well as farm tools, and were fined for non-compliance.[300] Cultivating jatropha beans took time away from sowing rice and other crops that generated an income for villagers. The jatropha campaign threatened the food security of farmers. In addition, there was a low survival rate for the trees due to a lack of knowledge about growing techniques and indiscriminate planting without regard for soil or climatic conditions.[301]

"The SPDC ordered us to plant castor. We don't want to do it because we have so much other work to do. They told us to give them 3,300 kyats [USD 3.30] for each bowl of castor seed, and they ordered our village to plant 14 bowls. They said that this year, 2006, we have to plant 83 acres, then 166 acres in 2007 and 166 acres again in 2008. They ordered that each household has to plant 200 castor bushes each year, 600 castor bushes over 3 years. We have to plant this on our own land." – A male villager from Dooplaya District (interviewed in 2006)[302]

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294 KHRG, "Village Agency: Rural Rights and Resistance in a Militarized Karen State", November 2008.
295 KHRG, "Development by Decree: The Politics of Poverty and Control in Karen State", April 2007.
296 KHRG, "Death Squads and Displacement", May 1999.
297 KHRG, "Food Crisis: The Cumulative Impact of Abuse in Rural Burma", April 2009.
298 Kevin MALSEED, "Networks of Noncompliance: Grassroots Resistance and Sovereignty in Militarized Burma", Journal of Peasant Studies, July 2009.
299 KHRG, "Food Crisis: The Cumulative Impact of Abuse in Rural Burma", April 2009.
300 KHRG, "Development by Decree: The Politics of Poverty and Control in Karen State", April 2007.
301 Ethnic Community Development Forum, "Biofuel by Decree: Unmasking Burma's Bio-energy Fiasco", 2008.
302 KHRG, "Development by Decree: The Politics of Poverty and Control in Karen State", April 2007.

The photo on the left shows a collection of young castor plants near the roadside in T'Nay Hsah Township, Hpa-an District. The SPDC has forced villagers to plant them. The photo on the right shows villagers from Bu Tho Township, Mu Traw District gathering after rice planting to go for forced labour to plant castor. On May 14th 2006 these villagers were in the middle of sowing the year's rice crop, a cooperative activity shared between families, when the SPDC authorities ordered them to purchase and then sow castor seeds. As a result of the order, they had to hurry to finish their rice sowing to allow time to go and plant the castor bushes. Each man, woman and child (including infants) in every village was ordered to account for planting 100 castor bushes.
[Photos: KHRG]

The agricultural programs of forcing villagers to cultivate dry season paddy crops and biodiesel crops and provide paddy quotas to SPDC forces undermined villagers' livelihoods and exacerbated poverty. In addition, the SPDC regime imposed a 'live off the land' policy for Burma Army soldiers, making troops dependent on the regular exploitation of civilians for their own survival, as battalions were provided insufficient rations.[303] Previous KHRG analyses have concluded that the SPDC held dual goals of sustaining local military structures through the extortion of food from villagers while mitigating urban social unrest by suppressing the prices of food staples. This caused widespread poverty in rural areas and exorbitant market food prices, undermining villagers' ability to meet their livelihood needs and impairing strategies to resist military control.[304] Additionally, through the looting of food and livestock, as well as demands for paddy and other crop quotas, the Burma military withdrew villagers' means of obtaining potential revenue and reduced household food supplies.[305] The economic and agricultural policies, combined with military activities, forced villagers to live hand-to-mouth.

Land confiscation by the military has been facilitated by Burma's legal framework regarding land rights. State ownership of land is a practice carried over from the socialist period under BSPP rule, but intensified after 1988 under direct military rule, as much of the juntas' stability and control rests on the affordable consumption of domestic agricultural produce.[306] Under the Burmese constitution of 1974, along with several other state decrees since then, all land ownership is given to the state and private land ownership rights are not recognised. Article 37 of the 2008 Constitution declares that the state permits citizens with the right of private property, while maintaining that the state is "ultimate owner of all lands and all natural resources" and shall "supervise extraction and utilization of State-owned natural resources by economic forces", which means the state grants permission to occupy and use lands, but not to permanently own.[307] Furthermore, Burmese law does not recognise customary land use practices, including

[303] KHRG, "Food Crisis: The Cumulative Impact of Abuse in Rural Burma", April 2009.
[304] KHRG, "Development by Decree: The Politics of Poverty and Control in Karen State", April 2007.
[305] KHRG, "Food Crisis: The Cumulative Impact of Abuse in Rural Burma", April 2009.
[306] KHRG, "Village Agency: Rural Rights and Resistance in a Militarized Karen State", November 2008.
[307] KHRG, "'Do Not Trespass' Land Confiscation by Armed Actors in Southeast Myanmar", March 2019.

shifting cultivation and communal land ownership, which are part of Karen villagers' traditional systems of land management.[308] The state was allowed to revoke land use ownership rights if farmers did not grow the crops specified by authorities.[309]

Since any land could be confiscated for military purposes, villagers were at constant risk of losing their livelihood rights. A villager told KHRG in 2019: *"Whenever I go to my plantation, I see a sign erected by the Tatmadaw that says 'Military land, do not trespass!' This makes me inconsolable. I live in fear that the Tatmadaw will permanently confiscate my land. All of our work will be in vain. Our lives will be shattered because we depend on our plantation for our livelihood."* [310]

Saw Aa--- from Taw Oo District explains how villagers were restricted from harvesting the produce from their plantations and threatened by the Burma Army. In 1999, Burma Army soldiers based in Thandaunggyi Town began clearing villagers' plantations, claiming the land as *"Tat Thein Myay [military confiscated land]." After that, "[v]illagers were not able to go and pick dog fruits and betel nuts in their plantations because Tatmadaw soldiers threatened villagers by opening gunfire if villagers went to their plantations. Tatmadaw soldiers took dog fruits and betel nuts for themselves. If they could not pick dog fruits and betel nuts, they just cut trees down. Then, they sold dog fruits and betel nuts. They also pick cardamom. If they could not pick, they cut cardamom trees. They did not like it if villagers went to pick fruits. They threatened villagers by opening gunfire in the air. So villagers would not dare to go and pick fruits."*

D. Since the 2021 coup

Restrictions on movement resulting from the COVID-19 pandemic, and the SAC's poor handling of the crisis, left villagers facing a number of livelihood challenges. These problems have only exacerbated since the 2021 coup, as the security situation in rural areas of Southeast Burma has significantly deteriorated. SAC troops increased their presence in rural areas beginning in March 2021, bringing supplies, rations, and ammunition, and setting up new bases. This was accompanied by an escalation in fighting between armed groups and the imposition of curfews. Villagers' livelihood situations have grown critical since the 2021 coup, with the inability to work on their farms or to travel to access work as day labourers, leading many to face severe food insecurity.

"They [villagers] dare not work. There were so many people who dare not do farming. We were not sure what would happen in the future. In Lay Kay area, there were many fields that were left vacant. People only work on the fields that were far from the village. For the farms close to the village, people dare not work on them. It started since the military launched the aircraft."
– Saw Ab--- from Bilin Township, Doo Tha Htoo District (interviewed in 2022)

Earlier in 2022, KHRG published a report on the humanitarian crisis being fuelled by the military's actions since the coup. The junta has deliberately engaged in efforts to cut off food supplies to villagers in rural areas, through curfews and movement restrictions, as well as the monitoring and confiscation of goods out of towns to rural villages. In the report, a Karen Women's Organisation (KWO) member in Meh Klaw village tract, Bu Tho Township, Mu Traw District

[308] KHRG, "'Development Without Us': Village Agency and Land Confiscations in Southeast Myanmar", August 2018.
[309] Nancy HUDSON-RODD, Myo Nyunt, Saw Thamain Tun, and Sein Htay, "The impact of the confiscation of land, labor, capital assets and forced relocation in Burma by the military regime", NCUB/FTUB discussion paper, 2003.
[310] KHRG, "'Do Not Trespass' Land Confiscation by Armed Actors in Southeast Myanmar", March 2019.

stated: *"Yes, we faced food insecurity. It is not easy to make money at the current time. Some villagers don't have enough rice. We cannot buy things, as we cannot travel. It becomes a challenge for us to support our families."* Another villager from Ma Htaw village tract, Dwe Lo Township, Mu Traw District spoke of dwindling food supplies: *"I think everybody faces food insecurity because we cannot work on anything as we cannot travel. […] Villagers just eat food that they keep [have stored away]. They bought that food before the road closed last year. They keep some food from last year. Once that food is gone, they don't know what they are going to do. […] Some villagers' food [supply] is already gone."* [311]

Villagers interviewed by KHRG in December 2021 highlighted the tripling of food costs compared to the previous year due to the inability of shopkeepers to access products from town. This was echoed by Saw Aa---, interviewed in 2022, who said, *"In the past, a bag of rice cost 150 kyats [USD 0.15] and it increased to 600 kyats [USD 0.60]. It was already too much for the people. After the coup, a bag of rice can even cost 100,000 kyats [USD 47.62] in some areas."* Simultaneously, the selling prices of crops have dropped. *"[T]he value of the goods [crops] is going down and it is affecting [our] livelihood. For some people, even though they work, they don't get to eat,"* said a villager from Yaw K'Daw village tract, Noh T'Kaw Township, Dooplaya District.[312] Even when villagers were able to travel to nearby towns to sell their crops, they faced the risk of having the money confiscated by SAC soldiers at checkpoints.

The increase in attacks against civilians across most districts in Karen State has left villagers afraid of working on their fields and has led to displacement. Naw Af--- from Doo Tha Htoo District explains: *"Currently, villagers have to live in high concern [of attacks or other violations] and fear, so villagers do not feel secure to work on their farms anymore. […] A couple days ago, when they [SAC troops] came to our village, no villagers felt secure to look after their livestock, work on their farm and stay in their villages. Villagers in many villages fled so they could not look after their livestock including cows and buffalos, so the cows and buffalos ate all of the paddy plants on plains and hill farms. Some farms could produce hundreds of baskets of paddy, which can feed a lot of villagers. […] As the cows and buffalos ate all of villagers' paddy plants, we will not have [food or rice] next year. We could not and do not feel secure to do any work for our livelihoods anymore."*

Villagers experiencing displacement often fled with only what they had on them at the time, and have had their homes and villages looted and destroyed by SAC soldiers while they are displaced. One shop owner from Kya K'Wa village tract, Kaw T'Ree Township, Dooplaya District stated: *"Yes, they destroyed civilians' houses and took villagers' clothes and destroyed foodstuffs. They scattered villagers' rice on the streets and took and discarded machetes that belong to villagers."*[313]

Humanitarian support has been heavily limited because travel restrictions and high security risks after the coup stopped many organisations from working on community development and prevented humanitarian aid organisations from accessing communities that need help.

311 KHRG, "Denied and Deprived: Local communities confronting the humanitarian crisis and protection challenges in Southeast Burma", June 2022, p. 20.
312 Idem, p. 21.
313 Idem, p. 23.

Chapter 5: Conflict-related sexual and gender-based violence (SGBV)

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.

Between 1988 and 2004, KWO (in collaboration with other local partners, including KHRG) documented 125 cases of sexual violence committed by military troops in Karen State, half of which were perpetrated by high-ranking army officers. According to KWO, 40% of the cases were gang rapes, and the victim was killed in 28% of the cases.[314] The IIFFMM concluded in its 2019 report on the human rights situation that sexual violence perpetrated by the Burma Army was "part of a deliberate, well-planned strategy to intimidate, terrorise and punish a civilian population."[315] In an earlier report reviewing human rights violations in Southeast Burma from 1992 to 2017, KHRG likewise concluded that sexual assault and rape of civilian women and girls committed by Burma military personnel have been widespread throughout Southeast Burma during periods of heavy conflict.[316] KHRG also found that 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.[317] After the preliminary ceasefire in 2012, the incidence of sexual assault and rape by military personnel declined.

Although it is difficult to determine the full extent that rape and sexual violence against civilians have been perpetrated by the Burma military in Karen State, the testimonies of survivors collected by KHRG point to gang rape, child rape and its widespread use against women during forced labour, and in particular those who were taken as forced porters. KHRG previously argued that "[s]oldiers exploit not only socio-cultural power disparities between men and women but also those between the military and the villagers. The structures of militarisation thus compound those of gender to create an environment supportive of rape."[318] We also find other forms of sexual violence undertaken against men as part of the military's offensives.

A. Sexual violence and forced labour

KHRG's documentation over the past 30 years shows that sexual violence in the context of forced labour was extremely frequent. The conditions during forced labour make women and girls exceptionally vulnerable, as they are not only being forcibly detained, but often purposefully isolated.

[314] Karen Women's Organisation, "Shattering Silences: Karen Women speak out about the Burmese Military Regime's use of Rape as a Strategy of War in Karen State", with collaboration from the Committee for Internally Displaced Karen People (CIDKP), Karen Information Center (KIC), Karen Human Rights Group (KHRG), and Mergui-Tavoy District Information Department, April 2004. Statistical figures calculated by Human Rights Watch, based on this report. See Human Rights Watch, "Sexual Violence by the Burmese Military Against Ethnic Minorities: Testimony of Skye Wheeler at the Tom Lantos Human Rights Commission", July 2018.

[315] UN General Assembly, "Report of the Independent International Fact-Finding Mission on Myanmar", A/HRC/42/50, 8 August 2019.

[316] KHRG, "Foundation of Fear: 25 Years Of Villagers' Voices From Southeast Myanmar", October 2017.

[317] KHRG, "Suffering in Silence? Sexual Violence Against Women in Southeast Myanmar", December 2018.

[318] KHRG, "Dignity in the Shadow of Oppression: The Abuse and Agency of Karen Women Under Militarisation", November 2006, p. 47.

Although the use of female porters was less common than the use of male porters, those women who were forced to porter faced high risk of sexual violence. Female porters described being placed in separate sleeping areas from the male porters, and then being dragged away during the night by soldiers to be raped: *"At night the soldiers made us all sleep together on the ground, the women in one place and the men in another. […] All night long the soldiers would come and drag women away to be raped. They took turns and women were often raped by several soldiers in one night. I was raped frequently like the others. While I was being raped or trying to sleep I could hear the screams of other women all around. This went on all night, and then in the morning they'd make us carry our loads over mountains again."* [319]

An 18-year-old girl was taken from her village in 1992 and forced to porter for over one month, She was one of nine females, aged 15 to 38, who endured sexual violence during that period: *"At night the 9 of us had to sleep on the ground. Soldiers came and pointed guns at us and forced us to go and massage the Captain and make a fire for him. We had to take turns doing this for an hour each, every night. Sometimes the soldiers pointed guns at us and ordered us to have sex with them. We had to. I was raped three times in that month by the Captain. I don't know about the others because we're all so ashamed to talk about it, in case our whole village might find out." Their ordeal often continued long after being released due to the injuries they sustained and unwanted pregnancies: "After more than a month they finally let us go home. We all needed medical treatment for a whole month for weakness, malaria or other things. Many women came back pregnant, and then their mothers had to get medicine to get rid of the baby. Nobody could want such a baby."* [320]

As many of the testimonies received by KHRG indicate, young women, even girls, were at greatest risk of sexual violence during forced labour, as the soldiers seemed to favour youth. Another woman, aged 33, describes her experience while forced to porter in October 1992: *"At night I couldn't sleep because I often saw guards come and take the youngest girls away. I saw them take 3 girls away like this regularly. It was dark so I couldn't see, but I think all the girls they took away were raped." She herself was gang raped twice: "Two times I had to carry separately from the rest of the group, and ended up alone in the forest with the soldiers at night. Both times the soldiers came to me and beat me, showed me their guns to keep me quiet and then raped me. The first time I was raped by six soldiers, and the second night this happened I was raped by four soldiers. I was so very ashamed but I was very afraid, and there was nothing I could do. I tried to shout but the soldiers clamped their hands over my mouth."* [321]

Women were consistently used as forced labour for the building and maintenance of local army camps, which also placed them at high risk of sexual violence. A 33-year-old woman who was forced to help build a new army camp in Ler Doh (Kyaukkyi) Township, Kler Lwee Htoo District described being brutally raped by the battalion sergeant: *"Bo Kyi started calling villagers to his quarters one by one and questioning them, but we never got to see them afterwards to find out what happened. Eventually I was woken up and was the first of the 5 women there taken to see him. […] He said he wanted to know what the villagers said about him. He told me he'd already tied up 2 villagers and killed them, and started firing continuous questions at me, especially about Saw Lah Oo [a KNLA commander]. I didn't even have time to try to answer. Then he pushed me into a small room behind a wall and tied one of my hands with wire so I couldn't move. He ordered me to sit quietly while he interviewed the others. […] He just kept threatening that he'd give me to his men who'd rape me to death, waving his knife and demanding sex. I kept fighting but he tied up my other hand, and then he pushed me down and raped me. […]*

[319] KHRG, "Testimony of Porters Escaped from SLORC Forces", January 1992.
[320] KHRG, "SLORC's Use of Women Porters", February 1993.
[321] Ibid.

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." [322]

B. Other sexual violence

KHRG also received reports of genital violence against male villagers, in particular slashing or cutting off the penis as a form of torture. KHRG published the following account in 1994: "On March 3, 1994, soldiers from SLORC Infantry Battalion #35 (based in Kyauk Kyi) entered Paw Mu Der village. They found photos in Saw Gay's house showing a man in Karen uniform, so they accused Saw Gay of having a relative in the Karen Army and ordered him to explain. Afterwards they took him in front of the whole population of the village, including his wife and 2 children (aged 4 and 2), and cut off his arms and legs. They left him bleeding on the ground for 2 hours, but he was still not quite dead so they cut off his penis, then cut open his belly and ripped out his internal organs. Saw Gay's brother is in the Karen Army, but Saw Gay himself was just an innocent villager."[323] Other male villagers have described receiving knife wounds across their penis as part of the military's torture tactics.[324]

These reports, although few, are consistent with reports from other areas. For instance, in 2018, the Women's Refugee Commission published a report specifically on conflict-related sexual violence against Rohingya men and boys.[325] The testimonies of Rohingya refugees provided evidence of forced witnessing, genital violence (including cutting and burning of the penis), and anal rape as the most common forms of sexual violence committed by the Burma Army against male civilians. Sexual humiliation and forced nudity were also common.

Acts of sexualised public humiliation, often involving disrobing or letting the longyi fall down, were also common. On the day that Saw Gay was tortured and killed, "The troops stayed in the village for 3 days, during which others have reported that they held 19 villagers hostage - 2 men, 7 women and 10 children. Naw Lay Swai, age 75, was reportedly kept tied naked to a tree."[326]

KHRG also reported in 1993 the testimonies of three women who were brutally tortured by the Burma Army, while the men in the village [location not revealed] had fled. Burma Army soldiers accused them of association with the KNLA, and tortured two of them for three days straight, and one of them for six days. The three recounted: *"First the soldiers hung us by our hands with rope, so that our feet weren't touching the ground. They left us hanging like that for one hour. Then they laid us all on the ground on our backs, tied our hands behind our backs and tied our legs up to the tree branch so they were pointing straight up." One of the women added: "Our longyis were falling down, down, down! Until you could see all of our thighs. We had to stop them falling somehow - we were so ashamed."* [327] They were also burned, cut, waterboarded, walked on, punched; one was also tied up in a rice sack for three days.

[322] KHRG, "Statement by Naw Htoo Paw", April 1992.
[323] KHRG, "Incoming Field Reports", April 1994.
[324] KHRG, "The SLORC's 1993 Offensive Against Karen Civilians", July 1993; KHRG, "Photo Set 2000-A", June 2000.
[325] Women's Refugee Commission, ""It's Happening to Our Men as Well": Sexual Violence Against Rohingya Men and Boys", November 2018.
[326] KHRG, "Incoming Field Reports", April 1994.
[327] KHRG, "Torture of Karen Women by SLORC", February 1993.

Burn scars on the back of Naw May Paw's (pseudonym) legs, a 55-year-old woman who was tortured for three days and three nights in 1992. The soldiers repeatedly put their bayonets on a fire until red hot, then rubbed them up and down her legs to cause the burns. The photo was taken in 1993. *[Photo: KHRG]*

A male villager in Dooplaya District who tried to flee when an SPDC patrol came to his village in August 1999 but was captured by the troops. They held him for two days under interrogation, torturing him by slashing and poking his body with knives, before he escaped and fled to Thailand. Medics who treated him counted at least 70 slash wounds on his upper body, groin, penis and lower body. *[Photo: KHRG]*

C. Sexual violence and displacement

It is difficult to determine the extent of sexual violence taking place during displacement. Villagers facing displacement typically have little to no access to medical care and protection services, let alone justice mechanisms. The heavy stigma surrounding rape, particularly for young, unmarried women, would likely prevent them from even reporting these incidents to family and friends.

As such, the reporting of such cases may be most common as third hand accounts and/or, if the victim was killed, through examination of the corpse. A female interviewee, Naw Ac---, from Mu Traw District reported: "*My cousin was killed in 1997. Six months after she got married, we had to flee from our village and stayed in the forest. She [my cousin] was killed when she was eight-months pregnant. People who went to bury her said that her belly was cut open and some people said that it seemed like she was raped before being killed."* Given the heightened insecurity during displacement, they could not identify a perpetrator or possible involvement of Burma Army soldiers.

D. Sexual violence against children

Children are particularly vulnerable and at great risk of sexual violence by armed groups in both conflict and non-conflict areas. Sexual violence against children is a crime that "undermines the health, dignity, security and autonomy" of children and has lasting physical, social, psychological and/or economic impacts on the victims.[328]

A female village head from Noh T'Kaw Township, Dooplaya District recalls being almost raped by a Burma Army soldier during the night when she was 12 years old: *"There was a time a Burma Army soldier dragged me out during the night. I was a young girl back then. He dragged*

[328] Save the Children, "Gender-Based Violence Creates an Unequal World for Children", n.d.

me to the ladder at my house and took off my skirt and pants. I was really afraid and I still think about this. I remember I shouted out loud to my grandmother. If not, he would have pulled me to the ground and I cannot imagine what would have happened to me. [...] I cannot forget this moment."

It was common for children to be used for forced labour at the army camps as well. One villager from Bilin Township, Doo Tha Htoo District, interviewed in July 2022, recalled: "*Sometime before 1994 or 1995, a young girl from Ta Paw village [Doo Tha Htoo District] was raped by the camp commander when she went to build the fence for a Burma Army camp at Ta Paw. The young girl was shot dead inside the army camp by the camp commander who killed her after raping her. Female village leaders reported this rape case to the battalion commander and column commander [from that army camp] and they said that they were going to take action against that camp commander. However, they [the battalion and column commanders] did not actually take any action against the camp commander except sending him to another army camp."* It is rare for such cases to be reported at all. It is unclear whether the camp commander was reassigned to another camp because of the killing, or the sexual assault. Nevertheless, no criminal charges were made against the commander.

KHRG reported in 2009 that a 13-year-old girl was raped by an SPDC soldier in Mu Traw District while she was travelling to collect water from a nearby river.[329] After the rape occurred, the SPDC company commander worried that other villagers would find out about the incident and so gave 40,000 kyats [USD 40.00] to the victim's parents, but also instructed them not to discuss the case with anyone. Even though the girl's parents were not at all satisfied with the commander's bribe, they were too afraid of the soldiers to refuse the money. KHRG stated at the time: "It is evident in this and other reports on Karen State that perpetrators of sexual violence often go unpunished by their superiors. This culture of impunity is enjoyed by soldiers within the different ranks of the SPDC army and hinders the prevention of future rape cases in the region. Such acts of rape and sexual violence, furthermore, serve to support the structures of SPDC military power and to further subjugate residents of Papun District."[330]

E. Problems of accountability

"We have to tell you this, because in Burma we can't even tell anyone our story. These scars will always remind us of what they did to us." – Three female villagers tortured by SLORC troops in 1992 and interviewed by KHRG (cited above).[331]

Despite acceding to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)[332] in 1997, current legislation in Burma has few provisions that protect against sexual and gender-based violence, and has retained many provisions that are not compatible with CEDAW or international standards and best practices. Burma's Constitution exempts military personnel from legal process in civilian courts, adding to a culture of impunity. When cases are reported and prosecuted, it is frequently through military procedures, which lack

329 KHRG, "IDP Conditions and the Rape of a Young Girl in Papun District", April 2009.

330 Ibid.

331 KHRG, "Torture Of Karen Women by SLORC", February 1993.

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

transparency and often provide little justice. Even in recent years, before the 2021 coup, KHRG noted that, "[i]n instances where investigations or processes to try the perpetrators were initiated, they have been slow, subsequently delaying the administration of justice and the victims' right to effective remedies and reparations. On some occasions, victims were not apprised of the proceedings, which reflects the lack of a victim-centred approach in dealing with cases of sexual violence."[333] Thus, effective criminalisation or prosecution of rape and other forms of sexual violence against women committed by the Burma military, whether during conflict or peacetime, is not taking place.

Most rape and sexual violence cases are also typically handled at the local level, and when punishment is meted out, it is handled internally by military personnel. In 1998, KHRG reported that "[p]unishments vary between being stripped and beaten in front of the other soldiers, forced to do hard labour for a short time, being detained or sent off to prison, or being transferred to another unit. Though these punishments are clearly insufficient and some incidents still go unpunished, it is significant that rape is the only human rights abuse by SPDC troops for which perpetrators face a significant possibility of punishment of any kind. As a result soldiers and junior officers who commit rape in Dooplaya usually try to do it covertly and tell the woman that they will kill her if she tells the senior officer. In Burmese culture, rape is generally considered a worse crime than murder and the SPDC is very sensitive to accusations on this subject."[334]

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. As noted above, after a Burma Army camp commander raped and killed a girl who was doing forced labour inside the army camp in Bilin Township, Doo Tha Htoo District the camp commander was simply stationed elsewhere with no further punishment.

Incidents of SBGV are also highly underreported due to threats and social stigma. One KHRG interviewee from 1997 described the difficulty for women to report these crimes: *"There were two men, and one covered her mouth while the other held her arms and they carried her down to the bushes just at the edge of the village. We don't know how many people were at the place where she was raped so it may have been more than just the two of them who raped her. She tried to shout but she couldn't make any noise because they had covered her mouth. They raped her for two hours. When they were finished they set her free and she came back. Her face looked like she wanted to cry but she couldn't cry or smile. She covered herself with a blanket until morning because she was ashamed. After that the girl didn't dare say anything about what she had suffered because she felt shy and afraid the soldiers would kill her if she told people they'd raped her."* [335]

In December 2017, a 30-year-old woman from Hpapun District reported to KHRG that she had been a victim of sexual violence by a DKBA soldier when she was younger. She also reported how her neighbour was raped by Burma Army soldiers during the conflict period, when they were both 16 years old. She explained: *"In the past, I thought that I would never talk about it because it was a very shameful thing for us. If anyone had known about this case, it could have led us to suicide. When I see that women from other countries do not believe that their experiences*

[333] KHRG, "'He only let me go after he finished raping me': Sexual Violence in Southeast Myanmar, 2019", March 2020.
[334] KHRG, "Dooplaya Under the SPDC: Further Developments in the SPDC Occupation of South-Central Karen State", November 1998.
[335] Ibid.

are shameful and report their rape cases to the public or the media, I feel more comfortable reporting my experiences." [336]

The reports that KHRG has received about rape and other sexual violence clearly indicate widespread problems of impunity. This also serves as a deterrent, preventing victims and survivors from trying to access justice and protection in the future.

Problems of the underreporting of sexual violence cases should not be used as an excuse for failing to recognise the gravity of these crimes and to provide victims and survivors with justice.

F. Fears of SGBV since the 2021 coup

Since the 2021 coup, KHRG has not yet received reports of sexual assault and rape by military personnel against civilians in our operational area. However, villagers have reported being concerned for the safety of women and girls in their community as the presence of Burma Army soldiers increases, and as soldiers passing through start making forced labour and portering demands. One IDP, Naw A--- from P'Yah Raw village tract in Bilin Township, Doo Tha Htoo District said that due to the presence of soldiers in the village, *"I do not let my younger sister return to the village because I am afraid [fear sexual violence against her]. We just have to wait and see the situation from afar [at the hiding site]."* [337]

Another villager, Saw Aq--- from Kler Lwee Htoo District, interviewed by KHRG in July 2022 expressed: *"We worry if they find us, they would use us as forced porters and kill us. Then they would rape, do sexual harassment and other violations to our children. Therefore, we have to hide."* Rape and other sexual violence have a profound and lasting psychological impact, not just on the survivors, but the wider community. When rape and sexual violence are particularly widespread, especially when also part of or combined with other widespread terror and intimidation tactics, those who see themselves or their children at risk may live in fear and could experience lasting psychological trauma as well.

KHRG has also repeatedly highlighted the need, as outlined in Article 5 of CEDAW, "[t]o modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women." KHRG's documentation shows that, for many victims, the psychological, physical, and emotional trauma has led to further marginalisation, an inability to resume their regular activities, and even attempted self-harm. There is also a clear need for protection and support services, which even prior to the recent coup was seriously lacking, particularly in rural areas. In the current context, where conflict-related sexual violence is likely to increase and access to justice is largely impossible, even the reporting of sexual violence and rape could be hindered if no accompanying protection and support services are available to survivors.

[336] KHRG, "Torture of Karen Women by SLORC", February 1993.
[337] KHRG forthcoming news bulletin (22-1-NB1).

Chapter 6: Children's rights

Beginning in 1996, the international community stepped up its efforts to protect children in situations of armed conflict, recognising that greater attention needed to be paid to the specific human rights abuses that children face during armed conflict. In 2005, in order to address ongoing challenges regarding compliance and accountability, the UN Security Council adopted Resolution 1612 mandating the UN to establish a Monitoring and Reporting Mechanism (MRM) to collect timely, objective, accurate and reliable information on six grave violations against children in situations of armed conflict: 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. In 2007, the mechanism was applied to Burma. Yet, in January 2010, KHRG reported that "[t]wo and a half years after the State Peace and Development Council (SPDC) and non-state armed groups in Burma were put on notice that child rights would be monitored, these violations continue; in Karen areas of eastern Burma where KHRG conducted research, grave violations of children's rights increased during 2009."[338]

Over the past 30 years, KHRG's reports have shown that children have been subjected to a variety of human rights abuses, including the six grave violations highlighted by the UN Security Council. The villagers interviewed for this report expressed concern about the future of their children. *"There is no one addressing the issue [human rights abuses] for us, so what can we do? We actually want it to be addressed and we want reconciliation so that our children will be able to live in peace,"* states Naw Af--- from Bilin Township, Doo Tha Htoo District.

KHRG has also repeatedly emphasised the need to re-evaluate common definitions used by monitoring and reporting mechanisms, which often fail to account for the form that abuses and violations take in Southeast Burma. KHRG has highlighted that "[w]hile the effects of armed conflict and violent abuse against children are serious concerns in Karen areas, there are far more children suffering and dying from, as well as surviving, the structural violence committed against them by the State than there are being directly killed as a result of armed conflict or other violent abuse. Despite the best efforts of families and communities to shield their children from harm, the scale of abuse in their lives deeply and sometimes permanently affects them and the effects of the human rights crisis among children in Karen State will be felt for years to come."[339]

A. Killing of children

It is difficult to estimate the number of children who have been killed by the Burma Army since KHRG began documenting human rights violations in Karen State in 1992. Most deaths go unreported, particularly if the attack was deliberate. Villagers are typically afraid to complain about killings and abuses by the Burma Army because they believe that doing so could put their lives at even greater risk. Instead, they to choose to suffer in silence to survive safely. A villager from Dooplaya District who was interviewed in 2022 states, *"In 1998 or 1999, the Burma army shot dead the two children of Saw Da--- and a child of Naw Db--- in Dc--- village when they fled from the village. Nobody dared to talk about it at that time. We dare not talk about what we want to talk about if it is not safe for us."*

[338] KHRG, "Grave Violations: Assessing Abuses of Child Rights in Karen Areas During 2009", January 2010.
[339] KHRG, "Growing up under Militarisation: Abuse and Agency of Children in Karen State", April 2008, p. 6.

The Burma Army's shoot-on-sight policy during the Four Cuts period meant that all villagers, regardless of age, were targets of the Army's attacks. In contested areas that remained outside of SLORC/SPDC control, patrols treated any villagers they encountered as armed members of the KNLA. In these areas, villagers, including children, were routinely shot on sight.

The indiscriminate nature of these killings is clearly highlighted in an incident reported by a villager from Mu Traw District in 1997: *"[I]f they see someone in the forest they kill him. They killed 2 children in Ko Reh Hta, close to my village. I don't know their names, but one of them was 5 years old and the other was 8 years old. They were children. The Burmese saw the children in the forest so they killed them. They hacked them and killed them with a knife."* [340] All killings of this nature are in clear violation of international humanitarian and human rights law, but the brutal killing of these young children as part of SLORC/SPDC clearance activities points to the absence of limits regarding the implementation of the military's strategical operations, which justified killings as counter-insurgency efforts.

According to a KHRG report from 2008 on the situation of children, "[v]illagers have reported to KHRG that it is clear the SPDC soldiers know they are shooting at very young children but this does not appear to inhibit them."[341]

A group of villagers from Tee Law Bler village in Dooplaya District tried to flee to Thailand after being ordered to relocate in April 2002. They spent the night of April 28th in some rice field huts not far from their village. Soldiers of IB #78 found the villagers asleep in the huts and without investigating who was inside opened fire on them. Ten people were shot dead, six of them children. *[Photo: Free Burma Rangers]*

KHRG previously reported that soldiers would choose to spare a parent while killing their child: "On June 24th 2006, for example, SPDC troops from LIB #522 under MOC #16 entered K'Ya Ta village, Mone township and captured two villagers. One of these was a 31-year-old woman named Naw K--- who was taken along with her young son Saw Bee Ohn. Though Naw K--- was later released, the soldiers killed her son Saw Bee Ohn."[342]

Entire households were often the target of attack. KHRG also previously reported that: "On September 5th 2006, soldiers from SPDC IB #73 under the command of Aung Kah entered Zee Pyu Gone village where they conducted searches of three separate homes. In the course of these searches they encountered Saw Htoo Per and his family while they were in the midst of worshipping. At this point the soldiers grabbed everyone they saw for detention and arrest. While they subsequently released Saw Htoo Per's wife and other children, the soldiers took Saw Htoo Per and his son Saw Baw Baw Htoo away from the house and executed them. On October 25th, these same troops arrived at the hill-side rice fields of Mar Lar Gone village while the farmers were in the process of harvesting their crops. Upon spotting the villagers in their fields the troops opened fire killing 40-year-old Saw Maung Maung, 16-year-old Saw Chit Chit and 15-year-old Saw Ah Cho, while another child, 15-year-old Saw Kwa Lar was seriously injured in the shooting."[343]

[340] KHRG, "Wholesale Destruction: The SLORC/SPDC Campaign to Obliterate All Hill Villages in Papun and Eastern Nyaunglebin Districts", February 1998.
[341] KHRG, "Growing up under militarisation: Abuse and agency of children in Karen State", April 2008, p. 120.
[342] Idem, p. 131.
[343] Idem, p. 135.

KHRG has argued that "[w]hile the state-sanctioned murder of children is more common in those areas not under consolidated SPDC control, the Army nevertheless maintains a willingness to enforce its authority through violence and killing in all areas."[344]

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.

On the evening of March 29th 2022, following an explosion in town, soldiers in military vehicles patrolled the highway between Yangon and Mawlamyine while firing at passengers in cars and on motorbikes. A 9-year-old child died on the spot from multiple bullet wounds, while a 6-year-old who was hit once, died in the hospital. The family was returning from a visit to a monastery. They were near the gas station when they heard the shooting, and so exited their three-wheel motorcycle to hide in the bushes. They hid for a while but were later shot at when discovered.[345]

B. Forced recruitment (child soldiers) and abduction

Human Rights Watch estimated in 2002 that upwards of 70,000 Tatmadaw soldiers were under the age of 18; making it by far the largest recruiter of child soldiers in Burma and, indeed, throughout the world.[346] One child soldier interviewed by KHRG in 2009 stated: *"There were many people under 18 years old. There were also 13-year-olds and 16-year-olds attending the military training. There would have been around 50 old people [those aged 18 and above] and the other people were only the people who hadn't yet reached 18 years of age. As for the people who were under age 18, they had been forcibly recruited."* [347] KHRG also previously reported that the SPDC had issued an order restricting child soldiers' movements in front line areas so that they could not easily escape and report their cases to human rights groups, the UN or other international agencies.[348]

Multiple testimonials from former soldiers, who either themselves were forcibly recruited as child soldiers or witnessed the forced recruitment of child soldiers appear in KHRG's previous reports.[349] KHRG has argued that "despite the supposed Ministry of Defence rule that 'anyone who wants to join the Tatmadaw must be between the ages of 18 and 25,' recruiting officers often prey upon children because they are far more easily frightened and bullied than adults."[350] Recruiting officers or non-commissioned officers (NCOs) detain boys outside schools, and other public places, and threaten them with arrest if they refuse to join the military. KHRG reported in 2006 that children as young as 10 or 11 were targeted by recruiters in public places, and that it was common to "use the same trick of threatening boys with jail for failing to hold an official identity card. Though no such law actually exists, this threat is often enough to frighten boys into joining, and if not they are beaten into submission."[351] The child's parents are rarely even informed of their son's location, let alone asked to give permission for their enlistment into the

344 Idem, p. 121.
345 Unpublished raw data from April 2022.
346 Human Rights Watch, "My Gun Was as Tall as Me": Child Soldiers in Burma," October 2002.
347 KHRG, "Mistreatment and Child Soldiers in the Burma Army: Interviews with SPDC deserters", June 2009.
348 KHRG, "Growing up under militarisation: Abuse and Agency of Children in Karen State", April 2008, p. 144.
349 KHRG, "Abuse Under Orders: The SPDC and DKBA Armies Through the Eyes of their Soldiers", March 2001; KHRG, "Interview with an SPDC Child Soldier", September 2006; KHRG, "Forced Recruitment, Child Soldiers and Abuse in the Army: Interviews with SPDC Deserters", April 2009; KHRG, "Mistreatment and Child Soldiers in the Burma Army: Interviews with SPDC deserters", June 2009; KHRG, "Forced Recruitment of Child Soldiers: An Interview with Two DKBA deserters", August 2009.
350 KHRG, "Growing up under militarisation: Abuse and Agency of Children in Karen State", April 2008, p. 142.
351 KHRG, "Interview with an SPDC Child Soldier", April 2006.

military. Those parents who manage to find out where their children are being held are threatened by the soldiers if they try to demand their child's release. Thus, KHRG has argued that these forced recruitments often constitute crimes of abduction as well.[352]

KHRG continued through 2011 to receive reports of child soldiers in the SPDC Army, as well as other armed groups operating under its patronage, who were forced or coerced into joining and then denied permission to leave.[353] The DKBA, for instance, has relied extensively on forced conscription by demanding quotas of recruits from villages. Recruitment and use of children by the DKBA expanded significantly in 2009, after the SPDC issued a directive instructing them to transform into Border Guard Forces, which required them to conscript an additional 3,000 soldiers.[354] Other armed groups, including the KNLA, have also engaged in child recruitment, both forced and voluntary.

Since the 2021 military coup, KHRG has not yet received reports of recruitment of child soldiers directly into the ranks of the SAC military. However, there have been reports (both past and present) of the use of children for forced labour in the context of military activity.

The 1998 Rome Statute, in specific reference to armed conflicts not of an international character, defines as a war crime: "Conscripting or enlisting children under the age of fifteen years into armed forces or groups or using them to participate actively in hostilities". The Capetown Principles and Best Practices adopted by the NGO Working Group on the Convention on the Rights of the Child and UNICEF in April 1997 defined "child soldiers" as any person under the age of 18 who is "part of any kind of regular or irregular armed force or group in any capacity, including but not limited to cooks, porters, messengers and those accompanying such groups, other than purely as family members. The definition includes girls recruited for sexual purposes and for forced marriage. It does not, therefore, only refer to a child who is carrying or has carried arms."[355] This definition, which also later formed the basis of the 2007 Paris Principles on the Involvement of Children in Armed Conflict, is what has been used by KHRG in its reporting of forced conscription of children.

C. Forced labour

Restrictions on movement that SLORC/SPDC personnel imposed on civilians confined children along with the rest of their community in military-controlled villages and relocation sites where forced labour and other demands were more easily enforced. KHRG has previously remarked that, "[i]n some cases the military does not specifically target children for forced labour, but heavy demands in conjunction with economic constraints on families mean children inevitably end up having to take part in such work. Furthermore, no effort is made on the part of the military to prevent children from engaging in forced labour. Sometimes parents, therefore, may send their children to meet forced labour quotas in order to retain the more productive adult labourers for work on the family's livelihood. In other cases, children are actively required to participate in forced labour."[356]

[352] KHRG, "Growing up under militarisation: Abuse and Agency of Children in Karen State", April 2008.
[353] See KHRG, "'All the information I've given you, I faced it myself': Rural Testimony on Abuse in Eastern Burma Since November 2010", December 2011.
[354] KHRG, "Submission for the 9th UN Secretary-General's Report on Children and Armed Conflict - Incidents from January to December 2009", December 2009.
[355] United Nations Children's Fund (UNICEF), "Capetown Principles and Best Practices on the Prevention of Recruitment of Children into Armed Forces," April 1997.
[356] KHRG, "Growing up under militarisation: Abuse and agency of children in Karen State", April 2008, p. 34.

Children in Karen State have been used as forced labour for collecting building materials, constructing fences and buildings at military camps, building and repairing roads, forced agricultural programmes, and other tasks. As noted earlier in this report, a villager from Doo Tha Htoo District reported that children as young as 10 were forced to help build the fences that enclosed the relocation sites and villages to restrict villagers' movement.

While the most systematic use of child labour was for military construction projects and clean-up work, children have also been used for forced portering, guiding army patrols, and messenger duty for army columns. KHRG previously reported that SPDC forces operating in Karen State have used children as young as 12 to porter military supplies.[357]

A villager in Daw Hpa Hkoh Township, Taw Oo District, interviewed by KHRG in 2022, noted that if no adults were present in a household, the children would be forced to porter: *"They were teenagers like just over 10 years. Children could not carry much. However, one [adult] person had to carry one and a half big tins of rice, children were also supposed to carry the same amount but it was too heavy for them to carry it alone. [...] Therefore, they [adult villagers] let one child carry one big tin [10.45 kg/23.04 lb] of rice and one adult carry one basket [20.9 kg/46.08 lb] of rice."* The villager added that villagers in Daw Hpa Hkoh Township, including women and children, were typically forced to carry the soldiers' rations at least one time per week.

Saw Ah--- from Dooplaya District highlighted the fact that boys as young 10 years old had to worry about being captured for forced portering: *"In the period from 1991 to 1992, the Burma Army came to Kyaw Hta. I was still a student. The Burma Army captured people as emergency porters. Males who were over 10 years old had to travel with caution. If we saw the footprints of the Burma Army, we had to avoid the way. They would call us to follow them when they saw us. Also, they patrolled around the house and in the village at night. If they saw men [or boys] when they were patrolling, they called them. For us, we had to sleep in other places at night."*

Children, mostly aged between seven and thirteen 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. The order was sent by Brigadier General Myint Aung, commanding officer of SPDC MOC #9 in the Lay Kay army camp in Bilin Township, Doo Tha Htoo District on April 20th 2004. Children were sent to meet the SPDC's order for labour because adults were needed in the fields. *[Photo: KHRG]*

Women and children doing forced labour cutting back forest growth alongside a vehicle road in the Gkoo Hsay area, Mu Traw District, on November 12th 2007 as ordered by SPDC LIB #434 Battalion Commander Aung Htun Lin. Being a Monday, November 12th should have been a school day for the children shown here doing forced labour. *[Photo: KHRG]*

[357] Idem, p. 150.

The Burma Army also engaged in the implementation of road and bridge construction. Villagers, including children, were forced to work on these projects without receiving wages. Saw Aa--- from Taw Oo District explained that *"Tatmadaw wanted to build a suspension bridge because they wanted to transport food rations to their army camps. So, they ordered villagers including women and children to carry planks of iron and Sal wood."*

KHRG previously drew attention to an additional concern in the use of children for forced labour: "In one village the SPDC troops knowingly forced orphans to work because they had no parents to fill the quota, while in others troops preferred forcing the elderly rather than children, because children have little stamina for heavy work and are less likely to understand orders."[358]

KHRG has previously argued that, given internationally recognised definitions of child conscription, "all forced labour by underage children, whether they are formally enlisted into the army or not, can arguably be considered as forms of child soldiering because such work is utilised in support of the military, whether it be portering military supplies, clearing roads for military columns or building infrastructure for military advance and control."[359]

Children obliged to engage in forced labour also confront adverse health consequences as result of their involvement in this work and the conditions under which they must labour. Given that food is rarely provided during forced labour, children placed in these circumstances are at high risk of malnutrition and its related side effects, as well as an increased propensity to illnesses such as diarrhoea, due at least in part to poor sanitation conditions and lack of clean water at forced labour sites. The likelihood of incurring landmine injuries is also greater, especially for children used as porters or guides. Furthermore, potential violence at the hands of soldiers and officers overseeing forced labour also remains a risk.[360]

KHRG further noted: "Aside from the harm to children when it is they who must serve in forced labour projects, they are also negatively affected when it is their parents or other guardians who must serve in this capacity. This is especially so when such work lasts over a longer period. Young children may be left home alone with no one, or perhaps only a slightly older sibling, to take care of them while their parents spend all day doing forced labour duties. The armed groups demanding forced labour give no allowances for parents with young children for whom they must care. In some cases even lactating mothers are forced to leave their babies at home to go and do the forced labour even though breastfeeding babies are dependent upon their mother's milk for their survival and must feed frequently and regularly."[361] (Several examples of this were provided in the chapter on Forced Labour.)

This young boy was left alone at his home in Dwe Lo Township, Mu Traw District with his even younger sibling because both of his parents had to go for forced labour for LIB #349 in December 2005. *[Photo: KHRG]*

[358] KHRG, "Starving Them Out: Forced Relocations, Killings and the Systematic Starvation of Villagers in Dooplaya District", March 2000.
[359] KHRG, "Growing up under militarisation: Abuse and agency of children in Karen State", April 2008, p. 141.
[360] Idem.
[361] Idem, p. 66.

In one appalling incident reported by KHRG in 2000, infants were tortured by soldiers as threats to the mothers: "Some of the women were pregnant and many had to carry infants and small children on their backs while they walked. In one notable instance the women were forced to sleep in the jungle in the cold and rain surrounded by soldiers. When their babies cried during the night the Burmese soldiers feared that the whole column would be discovered by a KNLA section, so they twisted the necks of the infants in an explicit threat to the mothers to make their babies stop."[362]

Since the 2021 coup, KHRG has once again received reports of children being used for forced labour, particularly in Doo Tha Htoo District, which has had the highest incidence of forced labour since the coup, On the morning of September 20th 2021, BGF soldiers ordered local villagers to carry rations as well as some ammunition for them as they marched to Yoh Klah army camp. Close to 300 villagers in total, including men, women, children, the elderly and sick people, had to carry rations and ammunition for them. The majority of the villagers required to serve as porters were women, and another 12 were underage (nine girls and three boys).[363]

D. Denial of access to humanitarian aid

The denial of access to humanitarian aid has been an ongoing problem for villagers in Southeast Burma. KHRG reported in 2009 that "[t]he SPDC continues to deny access for international humanitarian aid groups to Karen areas, particularly those with IDP populations and villagers in hiding. Consequently, villagers are often only able to access humanitarian support from groups operating covertly or based in Thailand. Support providers working in IDP areas are, like villagers, subject to the SPDC Army's shoot-on-sight policies and must work to avoid military patrols. Groups operating in government controlled areas, meanwhile, must contend with movement restrictions, particularly checkpoints that seek to profit from them and harass aid workers travelling with supplies of equipment or money for salaries."[364]

The child on the left, shown here on December 15th 2007, comes from Y--- village, Taw Oo District and is suffering from malnutrition because his parents ran low on food supplies while living displaced in the forest. Due to the ongoing SPDC offensive in northern Karen State, displaced children living in the area face severe challenges to food, health and education.
[Photo: KHRG]

As previously highlighted in this report, the transportation of medicine and medical supplies by villagers was strictly forbidden and monitored by the Burma military, with many people, including children, dying due to an inability to receive the medicine and medical treatments that they require.

[362] KHRG, "Starving Them Out: Forced Relocations, Killings and the Systematic Starvation of Villagers in Dooplaya District", March 2000.
[363] KHRG, "Southeast Burma Field Report: Intensification of Armed Conflict, Air and Ground Attacks, and Widespread Human Rights Violations, July to December 2021", March 2022.
[364] KHRG, "Grave Violations: Assessing Abuses of Child Rights in Karen Areas During 2009", January 2010.

Since the 2021 coup, the same restrictions have been applied, creating a dire humanitarian crisis in Karen State, as KHRG highlighted in a report from earlier in 2022 on the denial of access to aid and essential services.[365] KHRG has received numerous reports of pregnant women and women who have just given birth being forced to flee due to air strikes and other attacks on their villages. Women have had to give birth in deplorable conditions while fleeing bombs and gunfire, often with no access to clean water, no blankets or clothes within which to wrap their newborn baby, and with no shelter for protection. Children are no longer receiving routine vaccinations or birth certificates, and increasing malnutrition is being reported due to food insecurity induced by the military's restrictions on the movement of food and people.

E. Education

"I hate those who say that Karen people are uneducated and illiterate people. […] In the past, our Karen people had high schools and colleges. They [Burma Army] oppressed our Karen people and made us illiterate." – Saw Aa---, Daw Hpa Hkoh Township, Taw Oo District (interviewed in 2022)

"During that period, the villagers had to work in their farmlands and had to flee as they were afraid that the Burma Army would ask them to be porters. The villagers were not able to work in their farmlands properly. It was difficult for the villagers. We had been [were made to be] uneducated. They [Burma Army] thought they would be able to rule over Karen people if they [Karen people] were uneducated." – Naw An---, Noh T'Kaw Township, Dooplaya District (interviewed in 2022)

Over the past 30 years, KHRG has produced extensive evidence that children in Karen State are systematically prevented from accessing education. Impeding access to education, particularly when ethnic minority groups are directly or indirectly targeted, is a violation of a variety of international humanitarian and human rights laws, including provisions regarding the rights of children. Lower educational levels can have long-term impacts on ethnic minority groups and contribute to further economic and social disadvantages for these communities in the future, as villagers themselves have frequently expressed.

In 2011, KHRG stated that "children's health and education is consistently being disrupted by unlawful attacks by Tatmadaw forces on civilians in conflict-affected areas of eastern Burma. Schools and clinics are frequently forced to close as residents flee attacks, on the understanding that Tatmadaw soldiers will not accord civilians the basic protection required by IHL; teachers and medics are forced to flee for the same reasons as other civilians, and on the understanding that Tatmadaw forces will not accord educational or medical personnel any additional protection. In some cases, schools, clinics and children's homes are burned, destroyed or otherwise made uninhabitable. In other cases, schools and clinics are permanently or temporarily forced to close, but not physically destroyed. In all cases, the attacks are clearly unlawful – and children's health and education unacceptably disrupted."[366]

The ability of children to attend school has been shaped by a variety of factors tied to military operations, either directly or indirectly. In addition to ongoing armed conflict, villagers have been subjected to forced relocations and displacements, regular demands for labour, money, food

[365] KHRG, "Denied And Deprived: Local Communities Confronting the Humanitarian Crisis and Protection Challenges in Southeast Burma", June 2022.

[366] KHRG, "Attacks on Health and Education: Trends and Incidents from Eastern Burma, 2010-2011", December 2011.

and supplies on top of pervasive restrictions on travel, trade and livelihood, all of which constrict access to education by undermining family income levels and driving children into the workforce.

Access to education is also complicated by the fact that there have long been multiple school systems in Southeast Burma: 'government' schools and ethnic-run schools and other community and self-funded schools. This divided school system is tied to the wider political divisions and conflicts within the country, where children's ability to attend school, especially ethnic-run and community-led schools, becomes embroiled in these conflicts.

KHRG has previously discussed the necessity of recognizing both direct and indirect ways in which rights to education (and health) are being denied. KHRG has argued that within the UN-led Monitoring and Reporting Mechanism (MRM), too great of an emphasis has been placed on "the targeting of schools or medical facilities that cause the total or partial destruction of such facilities" in determining whether violations against children's rights are taking place, and are thus not consistent with international humanitarian law. Forced school closures that do not include destruction or damage to the school could then fall outside the scope of monitoring and reporting. In Southeast Burma, however, "[c]linics and schools are forced to close when teachers, medics and the surrounding civilian community feel the protected personnel, as well as their students or patients, are under threat of attack. Tatmadaw forces may subsequently damage or destroy clinics and schools, but whether or not a given school or clinic is specifically damaged or destroyed has no bearing on whether protected personnel were threatened with unlawful attacks on their person, and children's access to health and education impeded."[367]

i. Impact of displacement on education

Displacement has been the primary factor contributing to local villagers' inability to access education in Southeast Burma. Although fighting between armed actors is one cause of displacement, other military activities, including clearance operations, labour demands, arrests and other threats, have typically led to the most prolonged displacements and school closures. Displaced villagers often attempt to build temporary schools in their displacement sites in order to maintain their children's education, but repeated displacements also means repeated and sometimes prolonged interruptions in schooling.

The photo above shows a partially constructed school at a hiding site in Kler Lwee Htoo District on April 22nd 2008, shortly after villagers fled from their homes. *[Photo: KHRG]*

This picture was taken on August 3rd 2006 in Lu Thaw Township, Mu Traw District. It shows displaced school children attending class in a shelter for buffaloes. *[Photo: KHRG]*

[367] KHRG, "Definitional Ambiguity and UNSCR 1998: Impeding UN-led Responses to Attacks on Health and Education in Eastern Burma", December 2011.

Naw Ac---, a villager from Bu Tho Township, Mu Traw District, described the difficulties she faced as a child trying to attend school in the 1980s and 1990s due to repeated displacements: *"I got to study until eighth-grade but I was able to study properly for a few years only. We always had to flee during the last few years in my primary school and when I reached middle school, we could no longer stay in the village and thus, our school had to be built secretly in the forest. The school we built in the forest was later seen by the Burma Army and therefore, they fired mortars into the place where our school was built. As a result, we had to flee to another place and had to study under the trees [since they had to flee from one place to another and they could not build a school in every place where they were hiding]. Even if I got to study until seventh-grade, I did not get to study properly like students in other countries where there is no fighting."* She adds: *"[W]e were chased by the Burma Army from one place to another until we could not continue our studies anymore."*

Due to the repeated displacements, even when students were able to attend school, the conditions for studying were challenging. Naw Ac--- adds: *"[T]he school that we built [in the forest] did not have any walls. We only had the roof to protect us from the rain. We never got to study in one place for the whole school year because we constantly had to flee and leave our temporary school behind."*

"Before our school started that year, many people got sick and since there was no medicine in the forest, many people died. I also became sick but I was lucky enough that I did not die. I was sick and missed school for two months. I was sick until I had difficulty walking. When I got better a little bit and could walk with the help of using a stick, I went to school. However, I did not have energy to copy what was written on the board in my book so my friends had to write for me. After studying in that school in the forest for three or four months, we had to flee again in September. The Burmese troops that came after us indiscriminately fired both small guns and mortars into the place where we were hiding and our school was damaged by the fragments of mortars."

She adds that *"[i]t was also difficult to keep villagers together in one place due to a shortage of food,"* thus making it difficult to set up a makeshift school in each displacement location.

Although she managed to go to Meh Rah Moh refugee camp in Thailand to continue her schooling for one year, she was forced to return to help take care of her family, highlighting the complex web of conflict-related factors that prevented children from attending school: *"I could not go back because my brother and my father died [that year] and I faced difficulty to continue my studies as I had to look after my brother's children. My brother had two children. My family faced food shortage and both my mother and my sister were also sick at that time so I had to take the responsibility to look after my family."*

Other displaced villagers also struggled to have educational opportunities during the conflict period. Naw Ag---, a villager from Hpa-an District stated: *"I attended school in Waw Lay [community school] in the middle of frequent displacement. Sometimes, we studied in someone's house, sometimes in the school. We ran every time when we heard the Tatmadaw was coming. Our school was just a piece of building, it was not a proper building."*

KHRG interviewees consistently spoke of facing delays in their education, meaning that they were often already teenagers by the time they finished their primary education. Naw Ag---, explained: *"I got to study in preschool only when I was 9 years old. So I attended Standard 4 when I was 15 years. We had to flee all the time. The teacher could not teach properly, we all fled when the Tatmadaw entered the village."*

Another villager, Naw An---, from Noh T'Kaw Township, Dooplaya District faced the same challenge: *"[T]he students were not able to attend school regularly. The schools were opened and closed depending on the situation. During that time, students were disappointed to study at the schools. Even some teenage boys were in Grade 4 at that time."*

Saw Ab---, from Bilin Township, Doo Tha Htoo District described not simply the interruptions, but also being forced to repeat grades as well. *"I finished only Standard [Grade] 6 because I had to go to schools in different places [due to forced relocation and displacement] and my father engaged in political revolution [freedom fighter]. For instance, I had to go to one school in this place for this year and then I had to go to another school in another place for the next year. Moreover, I had finished Standard 4 from a self-funded school [in a rural area], but I had to attend kindergarten [repeat the] class when I went to [Burma government] school in the town. Therefore, changing schools from place to place wasted all of my time. […] I was already a teenager [14-16 years old] when I attended Standard 5 or 6."*

After displacing to an IDP camp in Hpa-an District, Saw Ab---'s education was interrupted because "[t]here was no school in the first year. A school was only formed in the second year [at the IDP site], so we could go to school." Due to an outbreak of fighting, the school closed and the children could not go to the school for several years. When he was able to return to school, he was forced to repeat grades that he had already completed: *"I could finish only Standard 4 and then we had to flee to Thailand for several years. Then we [my family] returned to Brigade 1 [after the second Meh Th'Waw fighting]. When I returned to Brigade 1 [Doo Tha Htoo District], I went to a Burma government school and they did not recognise my education there [from the rural run schools] so I had to repeat class from the beginning of Standard 1. […] I was the only one who could attend Standard 1 because many other students, including students who finished Standard 3 or 4, registered at the school at the same time as me but had to repeat the classes from kindergarten; there was Kindergarten 1 and Kindergarten 2. It is because their aunts or uncles [guardians] did not know how to do [help them] to attend Standard 1."*

Displaced villagers study Karen and English at a temporary hiding site in the forest in Kler Lwee Htoo District in February 2007. The teacher writes with chalk using the side of a large rock outcropping as a blackboard. *[Photo: KHRG]*

Students of Gkaw Meh Law Kee village in Mu Traw District resort to studying on the ground in the forest during displacement in 2007. *[Photo: KHRG]*

Government schools in Burma have consistently failed to recognise the education provided by ethnic-run schools, creating problems for students when they are forced to transfer between school systems. Saw Ab--- describes the challenges that created for the students: *"Yes, we had to study with the younger children because children in town who attended Kindergarten 1 were just little [kids], but we were almost adults [so we did not feel comfortable]."*

He also highlights an additional challenge: schools were unable to operate because the teachers themselves were forced to flee. At the time, many teachers were male, and fled due to fears of forced portering and other abuse by the military. *"Whenever the Burma Army came, all teachers including my teachers had to flee. It was when I was a child during the early 'four cuts' strategy, there was no Burma Army camp in my village yet. However, sometimes Burma Army troops patrolled in the area, including in my village, so all men as well as teachers were fleeing [from porters or arrest]. At that time, P'Nweh Klah army camp was the main camp in our area so when the Burma Army returned to their army camp in P'Nweh Klah army camp, the school opened so we could go to school like that. Then, teachers had to flee when the Burma Army came so students had to go home."*

Saw Ab--- adds: *"As we did not have [could not enjoy] our rights and there was no peace for us, we had to flee and attend school in different places. Our parents also tried to send us to school when we were at the age to go to school, but because of displacement, it wasted our time."*

ii. Impact of forced labour on education

During the heavy conflict period, the Burma military forced local villagers including children and students to be porters for their military offensives. Soldiers often did sweeps through towns and villages to round up men to take as porters. It became a threat to local students to be able to go and study in the schools. For example, Saw Ak---, a villager from Dooplaya District, stated: *"At that time [during 1988], I was a student. I had to do my homework and read in a safe place in order to hide from the Burma Army. Sometimes, I had to read the book [while sitting] in the tree. At that time, I grew up a bit, so I could be captured as a porter. I had to hide when I was reading. Sometimes I had to read the book in the tree because they [Burma Army] captured students to be porters as well."*

Saw Aa--- from Taw Oo District also explained how the military's tactics of recruiting porters impacted his education: *"Schools were closed again in 1990. In that year, many people were forced to be porters, including students."* He spoke of soldiers even going into movie theatres to round up young men.

Naw An---, from Noh T'Kaw Township in Dooplaya District, stated that the Burma Army forced teenage male students in Kyainseikgyi School to be porters. *"During that time, even male teenage students from Kyainseikgyi School were forced to be porters. [...] They were forced to be porters from Kyainseikgyi School to Kyaikdon as porters."* In this case, students had to stop their schooling and went to serve as porters.

iii. Education situation since the coup

Since the 2021 military coup, children's access to education has been seriously impacted, not simply due to conflict-induced closures and displacements, but due to threats against civilians to keep children from attending ethnic-run schools.

KHRG has previously reported that SAC soldiers were trying to coerce students through threats to attend SAC-run schools instead of Karen Education and Culture Department (KECD)[368]

[368] The Karen Education and Culture Department is the education department of the Karen National Union. Its main goals are to provide mother tongue education services to rural Karen populations in Southeast Burma, as well as to preserve the Karen language, culture and history. Despite being an important education provider in the region, it is not officially recognised by the Burma government.

schools, as part of its effort to bring any opposition under its control.[369] Thus schools themselves have become part of the SAC's war against civilians.

Saw Aa--- from Taw Oo District noted that even though some schools have remained open, children are too afraid to go: *"Children do not even want to go to school even though they hear the sound of the bell in the school because they are afraid to go to school. They are afraid because there is no security for children in the school. Their parents also do not really want their children to go to Burma government [SAC-run] schools. People worry that a bomb will be detonated in the school. Why do I say that? Because the SAC soldiers guard the Burma government school. They are present in the school all day. If the SAC soldiers are present in the school, it is dangerous being in the school as a student. People worry that SAC soldiers will do something bad to their children so they do not let their children go to the government school. Therefore, there are only a few students in the school."*

iv. Deliberate attack on education in Karen communities

Access to education, and in particular an education that does not discount and suppress the culture, language, history, and ethnic expression of non-Bamar peoples, has long been a struggle for ethnic minorities in Burma. KHRG has previously highlighted that "successive Myanmar governments have used the school curriculum for nation-building purposes, thus promoting a Bamar-centred vision of the country's history."[370] This militarized campaign of Burmanisation[371] that sought to create a strong, unified nation built on Bamar culture and identity began in 1962, and went hand in hand with General Ne Win's 'four cuts' strategy.

Thus, villagers in Karen State repeatedly call attention to the fact that attacks on education in Karen communities are also deliberate attacks on the communities themselves.

Naw An---, from Dooplaya District states: *"I was old enough to start my studies in 1988. As for me, I felt that the Burma Army had been attacking our Karen people alone. It was like the Burma Army did not want us to pursue education. The school closed very often. During that time, my father served in the Karen National Union [KNU]. My mother stayed at home. I had to move to Kyainseikgyi Town after I finished studying at T'Kuh Hkee School. The school in Kyainseikgyi Town closed while I was studying there. The school in Kyainseikgyi [town] closed very often. I had to drop out from school because of the fighting. I became an uneducated person. I felt that this had been another strategy of the Burma Army attacking us through education [strategy that stopped us from pursuing our education]."*

Saw Aa--- from Taw Oo District adds: *"If people say Karen people are uneducated and illiterate people, I am very sad and angry. How dare they say that Karen people are uneducated and illiterate people? […] The Karen revolution started in 1949. Then, that school [Kaw Thoo Lei school] had been accused of having connection with the Karen revolution. Therefore, they [Burma Army] burned down the school and they arrested those female and male teachers from that school and they sent them to jail. They even killed some teachers. […] They [Burma army] oppressed our Karen people and made us illiterate."*

[369] KHRG, "Southeast Myanmar Field Report: Military Coup, Protests, Armed Conflict and Attacks, Human Rights Abuses, and COVID-19, January to June 2021", December 2021.

[370] KHRG, "Minorities under Threat, Diversity in Danger: Patterns of Systemic Discrimination in Southeast Myanmar", November 2020.

[371] A term used by ethnic minority groups to describe the assimilation policy implemented by the Burma government to assimilate non-Burman/Bamar ethnic groups into Burman/Bamar.

Chapter 7: Landmines

"[In 2010] There was a road between Leh Meh Kalay village and Khaw Mee Khoh village. There was a Tatmadaw base beside the road between those two villages. As Tatmadaw were based beside the road, they planted landmines on the road for their protection. Then, they left their base and went back but they did not remove their landmines. On Saturday [the day that the mortar exploded in Leh Meh Kalay village], a pastor came back to Leh Meh Kalay village on that road from Khaw Mee Khoh village because he had to attend the church on Sunday. When he came back on the way, he stepped on a landmine and it exploded. Due to the landmine explosion, his two legs were seriously injured. Due to the gravity of his injuries, his two legs had to be amputated from the thigh to the foot. He is still alive. Actually, many villagers have died because they stepped on landmines on that road." – Saw Aa--- Daw Hpa Hkoh Township, Taw Oo District (interviewed in 2022)

Landmine contamination has consistently been a major threat to the lives of villagers living in Southeast Burma. According to the International Campaign to Ban Landmines (ICBL), the Burma Army has actively engaged in landmine warfare since 1969.[372]

Burma has not acceded to the 1997 Mine Ban Treaty, nor to the Convention on Cluster Munitions. It is listed as one of the 12 remaining landmine producers by the ICBL; and as the only State whose security forces still actively use landmines.[373] Nonetheless, it is widely acknowledged that landmines inflict unnecessary suffering or superfluous injury and that their use violates customary humanitarian law. UN High Commissioner for Human Rights Michelle Bachelet stated in March 2019: "[T]he use of landmines cannot be justified and they should never be deployed. […] No State – whether or not it is a party to the Mine Ban Treaty – has any justification for using these weapons. They are inherently indiscriminate and disproportionate. Their use violates international human rights law and international humanitarian law, and is never acceptable by any State, nor by any non-State actor."[374]

While KHRG's reports show active use of landmines by all armed actors since KHRG's creation in 1992, only the Burma Army and its allied forces have systematically used civilians to clear landmines and as human minesweepers. The Burma Army has also used landmines as direct threats against civilians and has deliberately withheld information from civilians about the location of landmines to prevent armed opposition from having that information.

The use of landmines whether by the Burma Army or ethnic armed groups is a violation of the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, amended on May 3rd 1996 to extend its scope to non-international armed conflicts (Protocol II to the 1980 Convention on Certain Conventional Weapons as amended on 3 May 1996).[375], [376] The Protocol prohibits both the direct use of these weapons against the civilian population or individual civilians or civilian objects (Art. 3.7) and the indiscriminate use of these weapons (Art.

[372] International Campaign to Ban Landmines (ICBL), "Landmine Monitor 2021," November 2021, p. 1.
[373] Ibid.
[374] Michelle Bachelet, "Mine Ban convention - "20 years of protection. Celebrating 20 years since the Mine Ban Treaty entered into force"", UN High Commissioner for Human Rights (OHCHR), March 2019.
[375] The UN Convention on Certain Conventional Weapons entered into force in 1983, applying two customary rules to international humanitarian law to specific weapons. The Convention prohibited the use of indiscriminate weapons and weapons causing unnecessary suffering. The Protocol II, as amended in 1996, prohibits or restricts the use of anti-personnel landmines, booby traps, and other devices.
[376] Convention on the Use of Certain Conventional Weapons art. 3-12. Mar. 5, 1996, 106 Stat. U.N.C.C.W/CONF.I/16.

3.8). The Protocol further requires that all feasible precautions be taken to protect civilians in the use of landmines (Art. 3.10). Additionally, at the end of hostilities, parties must take necessary measures to clear minefields (Art. 10). Given that landmines are indiscriminate weapons, their use also stands in opposition to the rule of distinction between military personnel and civilians, which is a fundamental principle of humanitarian law. If landmines are planted with the intention of attacking civilians, it could also constitute a war crime.[377]

A. Planting and use of landmines

i. Widespread use

Reporting of antipersonnel landmine use in Burma through the ICBL did not begin until 1999, however, since that time, landmine use by the Burma Army and various armed groups has been recorded every year. In 1996, KHRG attempted to assess the use and impact of landmines in our operational area.[378] An unpublished KHRG report from 1996 stated that SLORC was primarily planting landmines around their army camp perimeters and in places where they thought the KNLA might camp or hide in the forest, such as near good water sources. According to the report: "They sometimes lay mines behind them along the path if they think KNLA may be tracking their movements. They generally mark the map coordinates and inform other SLORC units in the area, though this is not specific enough to pinpoint the mine. SLORC never removes mines it has laid. Villagers are never told the location of the mines, because SLORC doesn't want them to tell the KNLA. In some rare cases, the villagers are told 'Don't go towards that village because there are mines.'"[379]

Although the majority of casualties did seem to be among armed actors, according to the 1996 report, "the casualty toll on civilians is still high; from what villagers say, there must be at least 3 or 4 landmine explosions per month involving civilians, and probably more."[380] Although all of the armed groups have engaged in the planting of landmines, the Burma military has used MM1 mines, which use tripwires and are more likely to result in death when detonated, especially when compared to the landmines constructed by the KNLA.[381] As of 2007, the models of victim-detonated landmines used by the SPDC can remain active for decades following their deployment, whereas KNLA hand-made landmines, made from bamboo, petrol, gunpowder, and a battery, usually have a lifespan of six months.[382]

ii. Deliberate use against civilians

Although most landmines were planted by armed actors as offensive and defensive strategies against their enemies (i.e., opposition forces), in some cases they were planted to harm civilians. For instance, following an attack by KNLA soldiers, Burma Army soldiers in Hpa-an District laid landmines around the bodies of two villagers who had been shot dead to prevent other villagers from being able to bury the bodies. One of the villagers explained: *"[T]he Burmese shot dead*

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377 Amnesty International has claimed that the Burma military's use of landmines in Kayah State could constitute war crimes. Given a similar pattern of use, it is possible to make that claim for Karen State as well. See Amnesty International, "Myanmar: Military's use of banned landmines in Kayah State amounts to war crimes", July 2022.

378 Unpublished report, KHRG, "Notes on Landmine Use - SLORC & KNLA", March 1996.

379 Ibid.

380 Ibid.

381 Ibid.

382 KHRG, "Landmines, Killings and Food Destruction: Civilian life in Toungoo District", August 2007.

my other 2 friends. […] They took the bags of the 2 dead people and took some of their vegetables and the squirrels they'd caught to eat. Then they burned the bodies and the rest of the vegetables with some scrap wood. After that they laid landmines around the bodies, so that nobody would dare go to remove them. Later another villager went to the place where the bodies were, and he died because he stepped on one of the mines." [383]

Many villagers have also been killed by landmines planted as booby-traps. In June 2000, three Ler Ker Der Koh villagers encountered Burma army soldiers from IB #20, prompting them to drop their baskets and run to hide. After the soldiers had left, the villagers returned to retrieve their baskets. The troops had planted a landmine under one of the baskets which exploded, killing Saw Aye Kler and Saw Kri Lay and injuring the woman accompanying them.[384]

KHRG also has reports of Burma army soldiers planting landmines as part of clearance operations to prevent villagers from returning to their villages after forcing them out.[385] KHRG previously reported that "villagers forcibly relocated from the Meh Gkleh area of Papun District during August 2010, remained unable to evade the relocation order and return home, as of April 2011. They told the community member working with KHRG that they could not return because their home areas had been mined by the Tatmadaw-allied DKBA troops who had forcibly relocated them."[386]

B. Use of minesweepers

Throughout much of KHRG's history, the Burma Army and its allied armed groups have used civilians, including villagers and convicts, to walk in front of patrols in mined areas to protect soldiers from landmine-related injuries. This frequently took place in conjunction with forced portering. Burma Army forces employed the tactic of using villagers as human minesweepers when troops transported supplies and were at risk of attack by KNLA forces using landmines.[387] KHRG reported in 2012 that not only was the use of minesweepers by the Burma Army still taking place in Taw Oo, Mu Traw and Dooplaya districts, but villagers were also being used for forced mine clearance in those same districts.[388] Forced mine clearance typically consisted of searching for and removing landmines near military camps.

In 1999, KHRG reported the heavy use of human minesweepers by the SPDC in Hpa-an District, pointing out that "this region is more heavily landmined than any other part of Karen State. Since 1996, the Karen National Liberation Army (KNLA, armed wing of the KNU) has been laying large numbers of mines to compensate for its disadvantage in numbers of troops."[389] Troops from as many as five different SPDC LIDs were sent into the area for an operation to run from August to December 1999, intending to subjugate the area with a special focus on clearing landmines by using villagers as human minesweepers.

Villagers were used as minesweepers by the Burma Army in most other areas as well. According to a villager living in Toh Nyoh village, between 1988 and 2000, approximately 18 villagers living

[383] KHRG, "Uncertainty, Fear and Flight: The Current Human Rights Situation in Eastern Pa'an District", November 1998.
[384] KHRG, "Peace Villages and Hiding Villages: Roads, Relocations, and the Campaign for Control in Toungoo District", October 2000.
[385] KHRG, "Field Reports and Interviews", October 1998.
[386] KHRG, "Uncertain Ground: Landmines in eastern Burma", May 2012, p. 34.
[387] Idem, p. 61.
[388] Ibid.
[389] KHRG, "Karen Human Rights Group Information Update", August 1999.

in Toh Nyoh village, Hkaw Poo village tract, Bu Tho Township, Mu Traw District, were injured or killed as a result of landmine explosions. Most of these cases were the result of forced minesweeping, while others were due to forced landmine clearance operations directed by the Burma Army. In a report from 1996, KHRG noted multiple instances of villagers, including the elderly and children, being used as human minesweepers in Taw Oo District.[390] Saw Aa--- from Taw Oo District also mentioned the increased danger of portering beginning in 2000 due to the risk of stepping on a landmine.

During the years 1995-2011, the SPDC and DKBA forced villagers whom they asked to be porters to clear landmines by walking ahead of them. In KHRG's commentary report released in 1999, one villager from T'Nah Hsah Township, Hpa-an District described his experience of portering. *"I portered for them [SPDC troops] when they patrolled the area between Pah Klu and Ker Ghaw. They guarded us from behind and forced us to go in front of them and walk among the landmines. Four of us had to go in front of them and all of us were villagers. If the landmines were there, they would have liked us to die by them. We were afraid to go because we could not see where the landmines were buried underground. If I went and stepped on a landmine and my leg was blown off, how could I earn my living? My family would be broken-hearted, but I wouldn't dare to hang myself, even though it would break my heart,"* he recounted.[391]

KHRG also noted that, aside from the use of villagers as human minesweepers, "[w]henever a landmine explodes, SLORC exacts retribution on the villages in the area. This happens even when only villagers are hurt or when the mine was laid by SLORC in the first place […]. First the elders of the nearest villagers are arrested, tortured and accused of laying the mine. […] Then some houses are usually burned down as an 'example' to the villagers. If a SLORC soldier was wounded or killed by the mine, some villagers will generally be publicly executed as an 'example.' In many cases, villages in the area were immediately forced to move to military-controlled 'relocation sites.'"[392] 'Compensation' in the form of money, anywhere from 10,000 to 100,000 kyats [USD 10.00 to 100.00] per village, was also often demanded.

C. Impacts on civilians

Given that landmines are often undetectable, they pose risks of injury and death to both civilians and combatants. Ongoing landmine contamination in Southeast Burma has continued putting civilians' lives and livelihoods at risk. Landmine removal by armed actors has been incomplete and unsystematic. The failure of the government and external organisations to clear landmines and the planting of new landmines have left civilians grappling with persistent explosions and fear. The ongoing presence of both landmines and unexploded ordnance (UXO) put villagers at risk.

i. Impact on livelihoods

"I have known about farms that we don't dare to go across. We don't dare to go along the riverbank or cross the farms. Also we don't dare to go to collect vegetables in the forest, because people planted ta su htee hkaw htee [in Karen literally: 'hit hands hit legs', meaning landmines]. We still don't dare to go, we only stay in our garden. We just cut the mango tree branches. … We just want this problem to be solved in peace. … I mean taking out those landmines for us

390 KHRG, "Field Reports Taungoo and Other Districts", February 1996.
391 KHRG, "Commentary", December 1999.
392 Unpublished report, KHRG, "Notes on Landmine Use - SLORC & KNLA", March 1996.

so we can work on our farms. We want to request that." – A female village head from T'Nay Hsah Township, Hpa-an District (interviewed in 2012)[393]

Landmine and UXO contamination in plantations, along riverbanks, and in forest areas where villagers forage is a serious problem. KHRG reported in 2012 that, "[t]he physical security threats posed by landmines prevented villagers pursuing livelihoods activities, contributed to food insecurity or had an otherwise deleterious effect on villagers' livelihoods. In some cases, villagers were forced to abandon cultivable agricultural areas, pastoral land and crops that were ready to be harvested, or risk landmine-related death or injury."[394]

Since most contaminated areas remain unmarked, villagers are at high risk of encountering landmines and UXO in their regular activities. Landmine incidents have in fact been most frequent while villagers are working on their farms to earn their livelihood or fishing and foraging to ensure food security. Since August 2018, KHRG has received 27 reports of landmine/UXO explosions that led to the death or injury of villagers while they were engaged in livelihood activities. That does not even include reports of villagers coming across landmines or UXO in their fields or along paths where they engage in livelihood activities if no injury or death took place. Nor does it include incidents involving injury or death to their livestock.

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]*

This photo was taken by a KHRG community member on May 25th 2016, in Lay Hpoh Hta village tract, Dwe Lo Township, Mu Traw District, after Saw B--- who stepped on a landmine while he was clearing his hill farm in the jungle. The photo shows him receiving treatment from a trained medic in his village after he was discharged from the hospital. *[Photo: KHRG]*

Due to the high levels of landmine and UXO contamination in areas typically used for livelihood activities, villagers often feel they have no choice but to use those areas, even when they are aware of the presence of landmines and UXO. KHRG outlined the case of a villager, Saw P--- from Gk--- village, T'Nay Hsah Township, Hpa-an District, who was injured while traveling back from his farm on September 13th 2011. He had visited his farm to replant his rice paddy, which had died. At 6:30 pm the villager was on his way back to his village when he stepped on a landmine outside his farm along the La--- river bank. His left foot was seriously injured. According to a KHRG report, the landmine had been planted by BGF Battalion #1017, led by Corporal

393 KHRG, "Uncertain Ground: Landmines in Eastern Burma", May 2012, p. 1.
394 Idem, p. 30.

Saw Bpa Mi Hsaw. The BGF had planted landmines and sharpened bamboo stakes around Gk--- village.[395]

KHRG reported that "[o]n April 26th 2016 Maung A---, who is a C--- villager, went to his farm to collect firewood. When he went by bullock cart on his way, the landmine exploded and injured his cart, a cow and his right leg. Maung A--- did not feel happy with the incident but he could not do anything. He himself said that 'I thought it is my land compound and I thought people do not plant landmines beside my compound.'" The incident took place in Moo Township, Kler Lwee Htoo District.[396]

Periods of high food insecurity increased incidents of villagers traveling into landmine-contaminated areas to work on their fields. In June 2021, a villager from Aur'Naung Pat Kan Ywar village tract, Hpapun Town, Dwe Lo Township, Mu Traw District stepped on a landmine while he was returning home from his hill fields. He had gone to check on his crops and harvest bamboo shoots in the forest. The local authorities had previously informed villagers about the contamination of landmines and told villagers not to go to prohibited areas. His sister explained that *"they cannot avoid going to the forest, because he [her brother] is a day labourer and has to take care of his family [foraging in the forests serves as a primary means of income, particularly in difficult economic times]. He stepped on a landmine on one of the paths in the forest. But there are no signs showing landmine danger in the forest."* [397]

ii. Impact during displacement

KHRG has also found that villagers displaced from their homes, temporarily or permanently, by armed conflict and other military activities are the most at risk of landmine injury.[398] Given that landmines are often placed along forest paths and in areas through which villagers have to travel, villagers are at high risk of landmine injury or death at their hiding sites. Many displaced villagers are also forced to cross into landmine-contaminated areas to forage for food or work on their plantations to ensure they have a steady income and to avoid food insecurity. Widespread landmine contamination, both in and around villages, and in pastures and agricultural areas, have also created challenging circumstances for displaced villagers to return home.

Many displaced villagers were hindered from working on their plantations due to landmine contamination, which led to food insecurity. In 2000, KHRG published a report highlighting that "[t]he villagers have had to run as displaced people for many years already so it is very difficult for them to work. They don't have enough rice and paddy and some of them are faced with starvation. The place where they live is between the SPDC army's camps so it is difficult for them to travel. The SPDC have also planted a lot of landmines everywhere, so they don't dare to travel very far."[399]

Displaced villagers frequently reported to KHRG that if Burma Army camps and landmines were removed, they would feel safe enough to return to their villages. Saw A---, an IDP in Ei Tu Hta camp who was initially from Htantabin [Htaw Ta Htoo] Township, Taw Oo District, expressed in 2016: *"From the Myanmar government's side what we would mainly need is [for them] to remove*

[395] KHRG, "Pa'an Situation Update: September 2011", November 2011.
[396] KHRG, "Nyaunglebin Situation Update: Mone Township, April to May 2016", August 2016.
[397] KHRG, "Mu Traw District Incident Report: Two Villagers Were Seriously Injured as a Result of Landmine Explosions in Dwe Lo Township, Mu Traw District, June 2021", July 2021.
[398] KHRG, "Uncertain Ground: Landmines in Eastern Burma", May 2012, p. 68.
[399] KHRG, "Peace Villages and Hiding Villages: Roads, Relocations, and the Campaign for Control in Toungoo District", October 2000.

their army [Tatmadaw] camps in our areas and the camps that are situated close to our villages because they are causing concerns for us to go back. And after removing their camps [...] we also know that there are landmines that they planted near their army camps, we also want them to clear them all."[400] Displaced villagers have indicated their desire for safe access to farmlands or alternative livelihood opportunities once they return to their villages, without the risk of landmine casualties. Many IDPs expressed a fear of permanently returning to their villages due to the presence of landmines. Similarly, based on interviews with refugees, KHRG reported in 2009 that they "would like to return home, but only if they could be sure that they would not have to worry about issues like forced recruitment, portering and unmarked landmines."[401]

KHRG also reported in 1998 that landmine contamination has often made it difficult for displaced villagers to reach the Thai border to seek protection: "The journey to Thailand is very difficult and dangerous, and this in itself has stopped many people from going. For most who have made it, the journey took 12-15 days, carrying their children and whatever belongings they still had over the mountains. Along the way they must constantly face the danger of KNLA landmines which dot the paths."[402]

iii. Impact: villagers' stories

Naw Ap---, a 57-year-old female villager residing in Ta Kreh village tract, Ta Kreh Township, Hpa-an District, recalls her experience of being seriously injured by a landmine during forced labour. As an older sibling in her home, she was often required to serve as a porter. She was elected to organise and monitor villagers who were chosen to be porters when the village head was not present. She recalls, *"I always had to go for porters until my [left] leg was ruined [lost my leg]."* During a forced labour incident in 1988 involving LIB #3 and LID #44, the interviewee was forced to carry two 81 mm mortar shells. Naw Ap--- was 20 years of age at the time. After several days of traveling with the troops without a chance to take a bath, she and other villagers quickly bathed in a stream. A soldier with whom she had previously had an argument about the lack of food for the villagers approached her and directed her to return to the path. She stepped on a landmine trying to avoid the soldier, which immediately exploded, injuring her left leg. Her leg was bandaged and she was sent the following day to a hospital where her leg was amputated above the knee.

Karen villagers from Hsaw Htee (Shwegyin) Township, Kler Lwee Htoo District, flee through Mu Traw District in March 2001 to reach a refugee camp in Thailand. The man crossing the bridge stepped on a landmine in October 2000 while displaced in the forest. When these photos were taken in March 2001, they had been on the run for about six months nonstop, and had decided they had no choice but to make for a refugee camp in Thailand. *[Photo: KHRG]*

Losing a part of her body, she asserts, *"Physically I felt all the pain. Emotionally, I thought to myself that I am no longer useful for anything; neither for my family, my people. Since then, I thought I should do something meaningful so that my life on this earth is not going in vain. I had to get treatment in the*

[400] KHRG, "Foundation of Fear: 25 Years of Villagers' Voices from Southeast Myanmar", October 2017.
[401] KHRG, "Abuse in Pa'an District, Insecurity in Thailand: The Dilemma for New Refugees in Tha Song Yang", September 2009.
[402] KHRG, "Wholesale Destruction: The SLORC/SPDC Campaign to Obliterate All Hill Villages in Papun and Eastern Nyaunglebin Districts", February 1998.

hospital for over a year. At first, I was hospitalised in a military hospital [Tatmadaw] for a few months. After that I went to get a prosthetic leg from Yangon city. When I finally returned home to my village, I saw that almost every villager fled to the refugee camp [in Thailand to avoid fighting]. I did not see them anymore. My heart was so tired when I didn't see villagers anymore."

Naw Ap--- explains, *"I could not work and I was lacking in needs. So I felt depressed. Looking at other people who had everything [physical body], they could go and work on anything they want. How can I be happy when I could not do what I wanted due to a lack of physical parts. Those thoughts sometimes bothered me a lot and it let me down."* The interviewee was able to find purpose in her life again by attending Bible school and teaching for over 10 years in schools and in churches in her community.

Another female villager, currently living in an IDP camp in Mu Traw District, recalls that her sister, who was 31 years old, was killed in 1999 after stepping on a landmine while she was cultivating crops in the forest at an informal displacement site. When Naw Ac--- was asked about how this impacted her, she asserted: *"They [human rights abuses] affected me both physically and mentally. Seeing people dying, and injured such as losing their legs, hands, hearing, and eyesight from the shelling as well as from landmine explosions with my own eyes really affected my mental state. If I was not someone who is mentally stable and strong, I might have already become crazy. I will never be able to forget these abuses committed by the Burmese military dictatorship."*

D. Failure to remove landmines by government and/or external organisations

KHRG reports indicate that neither the Burma Army, other armed actors, nor external organisations have made sufficient effort to clear landmines. Since the signing of the 2015 NCA requiring armed groups to implement landmine clearance operations, KHRG has documented only small-scale mine clearance by armed groups. Although the Burma Army discussed and planned the project to remove the 10,000 landmines that were deployed in places surrounding Ba Yint Naung army camp in Taw Oo District back in 2006, they still have not been removed as of September 2022. According to Saw Aa---, those 10,000 landmines caused two villagers from Nan Chan Kwein village to have their legs amputated. Four villagers from Shwe Nyaung Pin village stepped on landmines, a few of them dying immediately. Two brothers and another villager from Section (5), Thandaunggyi Town stepped on landmines and one of them died. *"They planted landmines around and near Ba Yint Naung Camp Town as well as on roads. Some villagers found some landmines in the area and they removed it. Villagers can see and notice landmines because landmines were not planted deeply in the ground. For some landmines, Tatmadaw just put them on the ground and covered them with tree leaves. When it was rainy, villagers could see those landmines. Some villagers saw landmines and they were afraid to remove them,"* the interviewee says. No progress has been made by the Burma Army on removing the landmines. Instead of trying to reduce the use of landmines, the Burma Army is continuously using them for their offensive and as a threat against villagers.

E. Ongoing contamination

"At a time when the world has overwhelmingly banned these inherently indiscriminate weapons, the military has placed them in people's yards, homes, and even stairwells, as well as around

a church," recently commented Matt Wells, Amnesty International's Crisis Response Deputy Director.[403]

The 2015 NCA called on the signatories to agree to end the use of landmines and to cooperate towards clearing all landmines. This, however, was not upheld. Villagers have thus continued to face the danger of disability and mortality from old mines, the laying of new landmines, and livelihood insecurity from the lack of safe access to farm and forest land.[404]

Prior to the 2021 coup, villagers were already at high risk of injury and death due to failures to adequately clear or mark areas of contamination. Since the 2021 coup, the SAC, as well as other armed actors, has once again been actively planting new landmines, according to reports received by KHRG. The number of civilian casualties has also increased. In the reporting period from February 2021 to August 2022, KHRG documented 33 landmine/UXO incidents involving civilians in our operational area, causing at least 31 injuries or limb amputations, and 14 deaths.[405]

Villagers have also expressed renewed concern that junta troops are planting landmines near villagers' homes and other civilian areas as part of their raids to hunt down Civil Disobedience Movement (CDM)[406] participants, NLD members, PDF fighters, and others expressing opposition to the junta.

F. Landmine awareness training and support issues

Decades of conflict in Burma have left villagers across Southeast Burma living on land littered by landmines and UXO. 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.

Saw De---, a 46-year-old villager living in P'Ya Raw village tract, Bilin Township, Doo Tha Htoo District, describes the fear of unexploded mortars on farmlands in his area, recalling that, in the past, *"one grandfather died from a UXO exploding when he was ploughing the farm, and [his plough] accidentally hit that UXO"*. In May 2022, the SAC and BGF shelled 40 to 50 mortar rounds and some of them landed without exploding. *"[O]ne of the mortars landed beside me when I was under the tree [on the farm] also might not explode because I heard the sound from the sky, but I did not hear the exploding sound. It [unexploded mortar] might be on my farm around the bush. […] A lot of mortars landed on villagers' farms. […] Therefore, we are concerned about working on our farm. We could not see all of the UXO so we could not collect all of it from our farms,"* he says.

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403 Amnesty International, "Myanmar: Military's use of banned landmines in Kayah State amounts to war crimes", July 2022.

404 KHRG, "Foundation of Fear: 25 Years of Villagers' Voices from Southeast Myanmar", October 2017.

405 KHRG, "KHRG Submission to International Campaign to Ban Landmines (ICBL), September 2020 – August 2021", September 2021; KHRG, "KHRG Submission to International Campaign to Ban Landmines (ICBL), September 2021 – August 2022", September 2022.

406 On February 2nd 2021, healthcare workers at state-run hospitals and medical facilities across Burma/Myanmar spearheaded what is being referred to as a Civil Disobedience Movement (CDM) consisting of labour strikes in protest against the February 1st 2021 military coup. The movement quickly spread to include civil servants from all sectors of the government who are walking off their jobs as a way of non-recognition and non-participation in the military regime. Because of the popularity of the movement, and its seminal role in wider protests across the country, some people have begun using it as a catch-all phrase to include other protest forms like boycotts and pot-banging.

He adds, *"If possible, we want these [UXO] to be cleared from our farms because it is dangerous to villagers' lives and it can kill us. Therefore, it is good if anyone [organisation] can do [clearance] for us."* [407]

Although MRE does help to raise awareness and build knowledge about safe procedures and behaviours, in some cases that training is still insufficient. On July 21st 2020, four children in Thee Wah Poo village, Thee Wah Poo village tract, T'Nay Hsah Township, Hpa-an District, had taken their cows out to graze and were playing in the field when they came across a UXO. One of the children hit the ordnance with a stone, causing it to explode. All of the children sustained injuries to their heads, legs, hands, and chests. One of the children Saw N--- was seriously injured, with his right hand blown off by the blast. Adults from Thee Wah Poo had received MRE training, however, the children had only ever seen awareness posters in their school. The injured children said that they had never seen a similar UXO before, adding that it just looked like the handle of an umbrella.[408]

A UXO awareness poster posted near M--- village, in Lu Pleh Township, Hpa-an District. This poster was written in Burmese, which many Karen villagers do not read, and states, "Do not touch any small pieces of ordnance. Report them directly to your elders." These posters, depicting mortars, RPGs [rocket propelled grenades] and various types of hand grenades were designed by Non-Violence International and brought in covertly from Thailand to warn villagers of the dangers of UXO. This photo was taken in May 2004.
[Photo: KHRG]

As noted above, villagers often feel they have no choice but to use areas known to be contaminated with landmines and UXO due to livelihood needs. Although MRE may help reduce the number of incidents, villagers still face heavy risks given the absence of clear markers that could help villagers make more informed choices about which areas to avoid.

Prioritising villager protection strategies is thus indispensable, yet continues to be inadequate. In a recent report, KHRG highlighted the lack of appropriate long-term support.[409] Although more than a dozen organisations, including government departments, the United Nations and NGOs have been active in providing assistance to landmine victims since 2014, such services remain scarce, especially in rural areas of Burma. Currently, victims and their families often receive some kind of support from various stakeholders after the incident to cover the medical costs, however, they do not benefit from assistance programmes that would help them overcome the impacts of the incident on their ability to secure their livelihoods. Families who lose their main breadwinner are therefore left particularly vulnerable to hardship. The same goes for most of the survivors, as they usually sustain serious injuries, including amputations that prevent them from working the way they used to.

Armed groups' depraved use of landmines in or near villages and farmlands will continue to have devastating effects on villagers' physical and psychosocial health in Southeast Burma. Therefore, bringing an end to the use of landmines is critical for civilians' safety and survival.

[407] Unpublished KHRG interview from May 2022.
[408] KHRG, "An Ongoing Danger: Death and Injury due to Landmine and UXO Explosions in Southeast Myanmar from January 2020 through January 2021", December 2021.
[409] Ibid.

Chapter 8: Village agency

For as long as the military has carried out exploitation, violent abuse, and persistent demands, villagers have taken efforts to challenge the authority of military personnel and reduce the impact of abuses on villagers. The strategies also are an attempt to maintain livelihoods. KHRG defines village agency as the capacity, strategies, and efforts employed by villagers to understand, confront, and prevent human rights violations.[410] Villagers across Southeast Burma, particularly those serving as village heads, have responded to the actions of the Burma army by adopting a variety of resistance strategies. The techniques include negotiating, bribing, shaming, confronting, refusing, lying, false-compliance, and evasion.[411] The strategies employed depend on the risk of retaliation, the choices available to villagers, the support of their community, and the consequences if they choose not to act. KHRG reports have noted a change in village agency tactics both since the 2012 preliminary ceasefire and since the 2021 coup.[412]

The systematic impunity of military actors continues to cause some villagers to fear repercussions for resisting abuses and armed activity, limiting their agency options. The danger of repercussions was particularly acute in the 1990s and 2000s. In the years following the 2015 NCA, villagers had new avenues for village agency, but the continued militarised context and the absence of meaningful justice mechanisms caused some villagers to feel insecure in reporting injustices and abuses. The fear of reprisal by armed actors led many communities to resort more frequently to methods of avoidance, protection, and self-reliance, as opposed to more overt and confrontational resistance strategies.[413]

A. Evasion

Avoiding military personnel temporarily has been a frequently employed tactic by both villagers and village heads, especially when more overt tactics pose a risk to security. KHRG previously argued that "this strategy allows villagers to avoid compliance with demands for labour, money, food and other supplies (by avoiding the demand in the first place), without permanently abandoning their homes".[414]

Saw Am---, a villager from Hpa-an District interviewed in 2022, reports, *"I even had to sleep on trees [to avoid forced porter]. At night, we, villagers, had a small friendly conversation. After that, we just separated and found a way [to avoid the arrest] on our own"*. Throughout KHRG's operational area, the majority of communities chose avoidance strategies to be free from forced labour. The tactic, however, was not without consequences, as the Burma army and its allies shot at villagers who were caught fleeing. Additionally, when villagers were arrested for forced portering, many would attempt to escape, despite the threat of being killed if caught escaping.

The presence of Burma Army soldiers often posed a risk of arrest and torture for villagers thus, temporary evasion, in the form of displacement, was a key strategy that villagers employed in order to be free from human rights abuses. Naw Ac---, a villager residing in Bq--- IDP camp, Bu Tho Township, Mu Traw District, explains: *"Villagers just tried to avoid being seen [by Burma Army soldiers]. Villagers were spread out in many places near their farm and there were not many people [KNU soldiers] to protect us. Therefore, as soon as we received bad news [the*

410 KHRG, "'Development Without Us': Village Agency and Land Confiscations in Southeast Myanmar", August 2018.
411 KHRG, "Village Agency: Rural Rights and Resistance in a Militarized Karen State", November 2008.
412 KHRG, "Foundation of Fear: 25 Years of Villagers' Voices from Southeast Myanmar", October 2017.
413 Ibid.
414 KHRG, "Village Agency: Rural Rights and Resistance in a Militarized Karen State", November 2008, p. 110.

news that Burma Army soldiers were coming], we would pack our things and be prepared to run. After that, we would flee to the forest as soon as we were informed that the route that Burma Army soldiers took and their footsteps were found near us. The only way for us to solve the issue is by fleeing. We never stayed to face them and let ourselves suffer from their abuses."

In January 2005, local SPDC officers ordered the people of K--- village in Dwe Lo Township, Mu Traw District to cut teak logs and float them downriver to the SPDC Army camp so the officers could sell them. The villagers failed to comply, so on January 25th 2005 SPDC soldiers came to their village and started firing off their guns. The villagers ran in all directions. This photo shows a group of them hiding in some bushes outside the village, checking to see if any soldiers are following them. *[Photo: KHRG]*

The villagers of M--- village in Mu Traw District had to harvest their paddy at night during late November 2001 because of the presence of units of LID #33 about a half hour away. The villagers had to hurry to harvest their paddy before the SPDC soldiers arrived and destroyed it, leaving them with no food for the year. All of the villagers, men, women, children and the elderly worked together in the hill fields all day and all night to finish the harvest. *[Photo: KHRG]*

Such displacement, however, was accompanied by the loss of livelihood security and disruptions to farming practices. Occasionally villagers would wait until the end of the harvest before fleeing, dealing with the risk of abuse in order to secure sufficient food supplies to sustain themselves during displacement. Alternatively, villagers would harvest their crops at night to avoid being seen by armed actors, risking being shot-on-sight by troops.[415]

KHRG has emphasised the need to understand voluntary displacement not just as a coping strategy but as active resistance: "When villagers perceive that the restrictions and exploitative local governance of SPDC rule are a fundamental threat to their livelihoods, subsistence, freedom and dignity, they often choose displacement into hiding as a means of resisting the State's efforts to control and extract resources from them."[416] Villagers have, therefore, also adopted a range of strategies that support a life in hiding.

KHRG received reports that villages developed early warning systems to inform villagers when Burma Army troops were approaching. Village volunteers were employed as guards and messengers to monitor the activity surrounding the village and warn the community if soldiers were approaching. Naw Ac--- reports, *"It was villagers themselves who tried to protect each other. Villagers informed each other about the situation. If any villagers thought that Burma Army troops might be near because they saw many footsteps following each other, they came back and informed other villagers."* The advanced warning of the presence of soldiers enabled villagers to flee and allowed them to work on their plantations. Links to KNLA units were also established to share information back and forth.

415 KHRG, "Foundation of Fear: 25 Years of Villagers' Voices from Southeast Myanmar", October 2017.
416 KHRG, "Village Agency: Rural Rights and Resistance in a Militarized Karen State", November 2008, p. 132.

Informed by decades of agency under military abuse where avoidance was the primary agency tactic, the strategy of evasion continues to be used in communities. Since the 2021 coup, with the re-emergence of the human rights abuses that villagers suffered from in the past came strategic displacement to avoid contact with SAC troops. A villager in Dooplaya District stated in February 2021: *"Some people dare not to stay home anymore. They go to stay at their huts. […] They heard that Tatmadaw soldiers will patrol so they are afraid and go to sleep in other places. Then, they come back to their houses in the morning. Some people hide food in the jungle. If anything happens, they can go and hide there and they will have food."* [417]

B. Bribes

Bribing officials often accompanied negotiation efforts to reduce the requirements imposed on a village. KHRG received reports of an attempt by a village head from southern Mu Traw District in May 2009 to reduce a demand made by DKBA soldiers. The soldiers arrested two villagers for violating curfew and requested 2,000,000 kyats [USD 2,000.00] for their release. The village head negotiated with the DKBA, offering to bribe the commander, telling him: *"I've tried to follow the order as much as I can, but now my villagers have many problems with their livelihoods. And as it's now the rainy season, the villagers don't have work to earn a [cash] income. So, we don't have money to give you. However, we've brought you a goat and one viss [1.6 kg/3.52 lb] of chicken [valued together at about 30,000 kyats (USD 30.00)]."* [418] This strategy brings savings for the community as long as the cost of bribery is lower than the cost of compliance.

The bribery offers, however, were not always successful and commanders would occasionally insist on obtaining what they demanded from villages. In 2006, Daw K---, a village head from B--- village, Dooplaya District, explained: *"For the villagers, they have to do both their own work and forced labour and they are also having food problems. The villagers are in trouble now. They come frequently to discuss it with me [the village head]. They came and asked, 'If we have to do the broadcasting [tossing seeds out in a wide arc into a fertilised nursery field] and transplanting [moving paddy seedlings from the nursery to a larger agricultural field], can we hire people to go instead of us? Or can we pay them money instead?' But the Operation Commander won't take money. He said he needs only people to do the work."* [419]

C. Confrontation

Direct confrontation of armed actors was one of the most overt forms of resistance, involving a rejection of the legitimacy of particular demands. As KHRG previously pointed out, the cost of compliance had to be weighed by villagers against the risk of retaliation, adding that "[v]illagers familiar with particular local SPDC or DKBA officials are, therefore, in a better position to predict the possible responses which their actions may incur".[420] Confrontation was most often undertaken by village heads and served to refuse demands and/or reduce compliance, as well as to uphold villagers' dignity.

In some situations, brave villagers confronted armed actors in order to prevent looting. For example, Saw Ab---, in recounting the situation in the 1990s, describes female villagers' response

[417] KHRG, "Military Atrocities and Civilian Resilience: Testimonies of Injustice, Insecurity and Violence in Southeast Myanmar during the 2021 Coup", November 2021.
[418] KHRG, "Supporting Local Responses to Extractive Abuse: Commentary on the ND-Burma Report Hidden Impact", September 2010.
[419] KHRG, "Village Agency: Rural Rights and Resistance in a Militarized Karen State", November 2008.
[420] Idem, p. 99.

to Tatmadaw soldiers trying to confiscate their chickens in Htee Hsee Baw village tract, Bilin Township, Doo Tha Htoo District. The interviewee explains, *"The women tried to grab some of their chickens from Burma Army soldiers and the Burma Army soldiers also tried to get the chickens at the same time. Therefore, out of five chickens they had and then they could restore only one or two chickens like that."*

Confrontation strategies were risky and could lead to retaliation and further threats and punishment, or simply fail to result in a reduction in abuse. In 2006, a 30-year-old male village head from G--- village, Dooplaya District, described the dismissal of his appeal by a SPDC official. *"Some villagers came to report to me that the soldiers had stolen their chickens. So I went to report it to their battalion commander. Then he said to me, 'did you yourself see the soldiers steal the villagers' chickens?' I told him, 'I didn't see it myself, but my villagers reported it to me and asked me to report it to you.' Then he replied, 'When the soldiers enter the village, I don't have time to look after them all the time. What they do or eat is up to them. I don't have time to look after or talk to them. Even my bodyguard has stolen people's things,'"* he said.[421]

D. False and non-compliance

Villagers managed to maintain the appearance of compliance without meeting demands in full by delaying compliance, supplying poor quality handiwork on construction projects, ignoring order documents, providing incomplete labour, money, or supplies, or providing low quality paddy.[422] According to KHRG, in response to the SPDC regime's paddy procurement policy in the early-to-mid-2000s, farmers often delivered their lower quality paddy to soldiers and sold their better paddy to the free market.[423]

The most common form of false compliance used by villagers in Karen State was meeting demands for money, labourers, food, or other supplies below what the Burma Army initially demanded. One male villager from Doo Tha Htoo District explained to KHRG in 2007: *"We finished [preparing bamboo poles] for them [SPDC] and delivered [the bamboo poles] to them this morning. We had to carry [the bamboo poles] by ourselves. One piece of bamboo was more than one arm span long and two inches wide. We delivered only 1,100 pieces [of the initial 2,000 demanded]. We left out 900 pieces. If they order us to send the remainder, we'll have to send it later."* [424]

Villagers have typically had to combine forms of resistance, as strategies of non-compliance were often unsuccessful. In a 2008 report from Doo Tha Htoo District, KHRG reported that villagers "initially ignored order documents that have been delivered by messengers to their villages. If subsequent orders have followed and some level of compliance has appeared inevitable, village heads have negotiated with local military authorities for a reduction in demands, stressing the already burdensome obligations imposed by army units on their communities. These local villagers have become deft at finding ways to resist abuse and minimise compliance without incurring violent retribution by soldiers."[425]

Divisions within the Burma military also made possible non-compliance. The founder of KHRG has emphasised that "there is a risk that the 'State' will be mistakenly seen as a homogeneous

[421] KHRG, "Village Agency: Rural Rights and Resistance in a Militarized Karen State", November 2008, p. 107.
[422] Ibid.
[423] Ibid.
[424] Idem, p. 108.
[425] KHRG, "Villagers' Responses to Forced Labour, Torture and other Demands in Thaton District", October 2008.

entity without internal dissent or other fissures. Not only would such an understanding be inaccurate, but it would also miss many of the ways in which villagers, especially those living under SPDC control, have found openings through which to minimise their compliance with particular demands."[426] Interviews with deserters showed that some soldiers and low-ranking officers were willing to overlook non-compliance with military demands or negotiate with villagers to create the illusion of compliance. One SPDC deserted reported to KHRG in 2008: *"If the villagers couldn't pay, the soldiers would frighten or torture the villagers until they got what the battalion commander wanted. If not, when they returned to the battalion, they would be tortured as well. For me, I didn't do that [torture villagers] because I empathised with them."* [427]

E. Village arrangements to reduce burden

As villagers faced regular demands of forced labour by the Burma Army, this situation had a negative impact on their livelihoods. Therefore, in some cases villagers chose to establish arrangements to simultaneously reduce the individual burden of demands and prevent the livelihood challenges accompanying repeated displacement. Villages devised rotating rosters to distribute the burden of forced labour and asset pooling systems for larger or wealthier families to subsidise poorer or smaller families to deal with extortion demands.[428] KHRG received reports of communal fishponds being used as a form of insurance against SPDC demands for taxation. If villagers could not afford to meet the demands, they would offer to pay the soldiers in fish from the communal pond or sell the fish for money.[429]

Villagers from K--- village in Bilin Township, Doo Tha Htoo District performing forced labour for the SPDC. These villagers were ordered by LIB #3 Battalion Commander Thu Aung Zaw to porter rations to the SPDC Army camp at Kaw Heh village. This photo shows the villagers dividing the load up between themselves. Kindly disregard the incorrect date stamped on the photo. *[Photo: KHRG]*

In the pond shown here villagers from T'Nay Hsah Township, Hpa-an District raise fish as a form of insurance against SPDC demands for 'taxation'. If villagers cannot afford the costs of such demands, they offer to pay the soldiers in fish raised in the communal pond, or sell the fish for money, then restock the pond. *[Photo: KHRG]*

Villagers also hired other people to be porters in order to replace them when they received orders of forced labour from the Burma Army as they were afraid to be porters for the army.

426 KHRG, "Village Agency: Rural Rights and Resistance in a Militarized Karen State", November 2008, p. 150.
427 KHRG, "Interview with an SPDC deserter", July 2008.
428 Kevin MALSEED, "Networks of Noncompliance: Grassroots Resistance and Sovereignty in Militarized Burma", Journal of Peasant Studies, July 2009, p. 15.
429 KHRG, "Forced Labour, Extortion, and Festivities: The SPDC and DKBA Burden on Villagers in Pa'an District", December 2006.

Saw Ad--- from Mu Traw District reports that in the mid-to-late 1990s, *"[I] was hesitant to be a sentry or messenger so I had to hire someone else to be my replacement. I was also afraid to go and meet with the commander."* This agency was often used in communities, especially when villagers had strong security concerns to serve as porters for the Burma Army.

F. Hiding food

Looting and confiscation carried out by armed actors has had a negative impact on the livelihood and survival of villagers in Southeast Burma. To prevent and limit the impacts of looting and confiscation, villagers tried to keep their belongings safe by hiding their food and money in the forest. Villagers usually used this strategy when they heard that troops were approaching their villages. Saw Ab---, a villager from Htee Hsee Baw village tract, Bilin Township, Doo Tha Htoo District, explains: *"The important thing is that, when there is an air strike in the village or attack on our home, we need to prepare food. It is really important to be prepared as soon as we receive the information. We hid our food in the jungle and put some into the ground. Some of the money that we have, if we bring all of it together with us, when the Burmese [Burma Army] see it, they will take it all. Thus, we hid some under the ground. We hid the important food. When we fled, we went to that place."* Hiding food and other belongings has become very common during the height of conflict periods.

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. Villagers face the SPDC but they are afraid of them. The soldiers do whatever they want to the villagers and the villagers do not dare to say anything to them. *[Photo: KHRG]*

In 1997, villagers in Le Nya Kee area, in Mergui-Tavoy District were forced to relocate by SPDC Battalion #358 and Column 1 and 2 to an area near the Hsaw Maw River. By 2007, many villagers fled the relocation site to the forest and built paddy storage huts to hide their food in the forest. The photos of the secret huts were taken in 2007. *[Photos: KHRG]*

Military tactics of destroying food, cooking materials, and infrastructure were deliberate attacks on villagers' livelihoods and often caused long-lasting hardships for villagers. If villagers were

aware of an impending attack, they hid supplies, built temporary shelters, or buried food supplies in the forest to ensure that they would have emergency supplies and shelter should they be forced to flee. However, given the heavy movement restrictions and long periods of displacement and hiding that many villagers are often forced to endure, any hidden food and supplies are quickly exhausted.

KHRG reported in 2006 that villagers in Taw Oo District, not long after the renewal of heavy offensives, had developed 'jungle markets' to try to maintain food supplies: "The villagers staying under SPDC control in the plains and civilians staying in the mountain areas who have fled from SPDC control have also been supporting each other through a secret food trading system. Displaced villagers in the hills bring forest products and cash crops to temporary 'jungle markets' at secret locations, which they barter for goods like salt, processed foods and medicines brought up into the hills covertly by villagers in SPDC-controlled areas."[430] 'Markets' such as these are occasional, shifting and temporary and must be established with the utmost secrecy, and in some areas, only at night. If SPDC authorities were to find one of these markets, all of the villagers in attendance would be accused of being KNU sympathisers, and would be detained and possibly tortured or summarily executed.

This photo shows villagers from Moo Township, Kler Lwee Htoo District buying food and dry goods at a secret 'jungle market' where the villagers from the plains and SPDC-controlled villages can sell their goods to villagers and IDPs from the hills. In many areas across Karen State, the SPDC has 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. This photo was taken in October 2003. *[Photo: KHRG]*

Villagers from northern Tenasserim Division [Mergui-Tavoy District] established this temporary and covert 'jungle market' in July 2007 for trading among displaced communities. As the SPDC Army enforces strict movement and trade restrictions between civilians living in hiding and those under SPDC control, such markets provide one of the few means for many IDPs to access supplies that are not available locally. *[Photo: KHRG]*

KHRG reports indicated that the use of this strategy reduced in the post-ceasefire period as military attacks against civilians and fighting diminished in several districts.[431] However, since the 2021 coup, villagers have taken up this strategy once again.

430 KHRG, "Toungoo District: The Civilian Response to Human Rights Violations", August 2006.
431 KHRG, "Foundation of Fear: 25 Years of Villagers' Voices from Southeast Myanmar", October 2017.

G. Communication with armed groups to gather information

To be safe from landmines, villagers tried to get information from armed groups who they felt safe approaching about where landmines had been planted. Then, villagers informed each other to avoid landmine-contaminated areas. For instance, Saw Aa--- from Taw Oo District explains: *"The KNLA already informed me about how many landmines they were going to plant in the area. So, I wanted to know where they were going to plant landmines. They planted nine landmines. Then, I asked one of my villagers to go with them so he could know where the landmines were planted. Then, we can inform other villagers where the landmines were planted."*

Despite efforts of villagers to keep up to date on the locations of landmines, KHRG continues to receive information on landmine injuries and deaths. While the KNLA sometimes notifies villagers about the location of landmines, the laying of landmines by armed actors has generally not been routinely mapped and tracked by the armed groups themselves.[432] In addition, the use of posters and community announcements about contaminated areas cannot be systematically carried out without the cooperation of all responsible armed actors. Villagers have also dealt with landmines by self-limiting their movement and travel in suspected landmine sites, which restricts access to livelihood areas and villagers' ability to generate income.

H. Use of complaint letters

Between 2015 and 2018, complaint letters were one of the most common agency strategies utilised by villagers to confront land confiscation and property damage, according to KHRG reports. There was a notable increase in the use of complaint letters following the 2012 preliminary ceasefire, reflecting the rise in confidence of local communities to advocate for their rights. This became a community-based agency strategy used to document the negative impacts of corporate development projects and propose recommendations for remedial measures.[433] The recommendations included compensation, remediation, and the return of confiscated land. Following the ceasefire, villagers would often write complaint letters several years after an instance of land confiscation and property damage, frequently regarding military land confiscation. The letters, however, were unsuccessful in getting the military to return the land to its original inhabitants.

Saw R---, a villager from Htee Moh Pga [previously Hkaw Ta Kha] (Kyunsu) Township, Mergui-Tavoy District, sent a letter regarding the damage to his plantation caused by stone deposits from road construction. "This report is to ask for accountability of the compensation for 1400 damaged plants and to stop damaging plantations in the future by throwing ground waste in proper place," he wrote in the letter, which was received by KHRG in 2017.[434]

The complaint letters, however, rarely received a response from the KNU or the agencies in the quasi-civilian government. There was an absence of effective grievance mechanisms for cases of land confiscation and damage. KHRG pointed out that this had the negative impact of delaying the use of alternative agency strategies and undermining preventative agency strategies.[435] Additionally, there was a lack of transparency in who to direct the complaint letters

[432] Ibid.
[433] KHRG, "'Development Without Us': Village Agency and Land Confiscations in Southeast Myanmar", August 2018.
[434] Ibid.
[435] KHRG, "'Development Without Us': Village Agency and Land Confiscations in Southeast Myanmar", August 2018, p. 40.

to and which stakeholders held responsibility for overseeing development projects and enforcing relevant rules.

"We have responsible people [local leaders] in the community. They wrote a letter to the Township leader but there was no response from the Township leader. I heard that local villagers also reported it [goldstone mining] to the District leader but there was no reply so they [villagers] thought that [it was because] the information they wrote in the letter was not systematic or formal. Local villagers have already written this [complaint] letter [to the District leader]." – A female villager from Hsaw Htee Township, Kler Lwee Htoo District (interviewed in 2016)[436]

I. Informing local authorities or media agencies

Villagers have occasionally resorted to reporting or threatening to report the human rights abuses perpetrated by the Burma Army to media agencies to draw international attention and prompt naming and shaming by international actors. In 2007, Ko K---, a villager from Mu Traw District, described one such instance: *"They [the villagers] had to carry things for the SPDC and also had to cut bamboo poles for them. I didn't want to see it [the forced labour], so I warned them [SPDC authorities] that 'If you continue to order the villagers to do these things, the news [of the forced labour demands] will spread out from BBC [British Broadcasting Corporation] and VOA [Voice of America].' After that they reduced the forced labour. At first the villagers had to cut bamboo poles twice a month or once a month. After I confronted them the villagers didn't need to do this [particular type of] work anymore."*[437]

Naw Ag---, a former village head from Noh Neh village tract, T'Nay Hsah Township, Hpa-an District, interviewed in 2022, describes a case that took place while she was serving as a village head between 1980 and 1990. While villagers were forced to work for the Burma Army making bricks, the village head informed the Burma Army that photos of the materials demanded from villagers by the Burma Army were sent to the KNLA. *"After I told them [about KNLA taking photos], they didn't demand us to bring firewood anymore. They asked for money instead,"* says Naw Ag---. Informing local KNU/KNLA authorities of the demands by the Burma Army reduced the burden of forced labour on villagers.

Saw Aa---, a village tract leader in Daw Hpa Hkoh Township, Taw Oo District, states that in 2008 he documented and reported a shooting case involving the Burma Army. Army troops from MOC #10 opened fire at a light coming from a villager's hut at night. An older female villager was hit on her leg by the gunfire and she was sent to the military hospital in Ba Yint Naung Camp Town. The village tract leader visited her at the hospital, sneaking in a camera to record her injuries. *"It was not easy for me to take pictures in the hospital because soldiers were walking around in the hospital. […] When soldiers were away, I took my camera and took two or three pictures of the victim. [...] Then, I went to print out the pictures in Toungoo Town. Then, I sent pictures to the KNU. After that, I heard the news about the victim when I listened to the radio,"* he recalls.

KHRG documentation reveals that villagers had more opportunities and confidence to document and report cases of physical abuse, SGBV, and land confiscation after the 2012 preliminary ceasefire agreement. However, many barriers prevented villagers from achieving justice and compensation. The rise in access to communication devices, the internet, and social media

[436] Ibid.

[437] KHRG, "Supporting Local Responses to Extractive Abuse: Commentary on the ND-Burma Report Hidden Impact", September 2010.

networks has enabled villagers to share their experiences of abuse themselves with greater speed and reach, attracting the attention of news agencies.

J. Counter-narratives

Villagers employ counter-narratives when they provide accounts which differ from and challenge the discourse promoted by the regime. The SPDC promoted a narrative of a unified population supporting the leadership of the military as it brings peace and economic development for all. Villagers used jokes, sarcastic comments, rumours, and gossip to critique the SPDC and its allies and to illegitimise the system of military rule.[438]

"The SPDC never comes to our village to improve or develop the village. They never give us suggestions on how to improve the village. They never think to rebuild the school, the monastery or the village road. They come to the village only to eat the villagers' things." – A male villager from Dooplaya District (interviewed in 2006)[439]

This has continued under the SAC, with villagers criticising the regime and challenging the legitimacy of its rule.

Joking and humour have also been important strategies for dealing with the incredibly harsh and exploitive situations that villagers face. The strength of villagers to retain a sense of humour in a difficult situation can be seen as a partial victory over the oppression of a regime that seeks to control their every action.

On April 20th 2004, Brigadier General Myint Aung, commanding officer of MOC #9, stationed at the Lay Kay Army camp in Bilin Township, Doo Tha Htoo District gave the order for each village to contribute 30,000 cubic feet of stone for road construction. Villagers are standing on top of one of the piles of stone, clowning around at the end of the day's work. Smiling and laughter are just one of many coping mechanisms they deploy against despair and hatred. The joking in this photo does not mean that the villagers are providing their labour voluntarily, are enjoying it, or do not feel deep anger, resentment, and a will to resist the oppression they are undergoing. Rather, it is a sign of their resilience. The photo was taken in May 2004. *[Photo: KHRG]*

K. Village head strategies

"I have been village head in my village for four years now. I was elected by the villagers. The responsibility of the village head is to look after the villagers and to represent them. Before, the village heads in our village were men, but the SPDC soldiers tortured them, slapped, punched and kicked them until no man wanted or dared become village head any more. […] When the SPDC enters the village and demands porters, guides, or carts I usually go along with the

438 KHRG, "Village Agency: Rural Rights and Resistance in a Militarized Karen State", November 2008.
439 KHRG, "State Repression and the Creation of Poverty in Southern Karen State," February 2007.

villagers, because I am afraid they will abuse my villagers. Usually if the villagers who go with them cannot speak Burmese, they slap their faces, grab them by the hair and beat them." – A female village head from Dooplaya District (interviewed in 2006)[440]

Traditional Karen villages elect a village head who supervises the welfare of the group and serves as an intermediary between the village and the military. As the point person for communication with armed groups, the village head conveys military demands to the villagers and often attempts to negotiate for the reduction of demands or temperance of abuse.[441] Actions taken by village heads comprise a large part of village-level resistance to abuses committed by the Burma Army. Throughout the past 30 years, the position has come with a high degree of risk as it requires regular contact and communication with the Burma Army and other armed groups. Some villages opted for a village head rotation system that alternated the position every two weeks or every month. The Burma Army would send an order letter to the village head summoning them to meetings or demanding forced labour, intelligence, or money. Village heads frequently faced threats and abuse, leading some to flee and give up the position.

A variety of strategies were employed by village heads to reduce the burden of armed groups' abuses on villagers, including negotiating to release arrested villagers, bargaining with flattery, using bribes, partial compliance with demands, and confrontation.

As previously mentioned, village heads would often send or negotiate the sending of fewer porters and labourers than demanded by the Burma Army. Saw Aa---, a village tract leader from Taw Oo District, recounts: *"Tatmadaw also demanded porters including women and children. I needed to arrange things for them. Sometimes I felt very 'arr nar' to the villagers [in Burmese, means concern, pain, regret]. I felt very bad about it but I could not do anything to help them. However, if the Tatmadaw demanded 50 villagers as porters from me, I just provided them 30 villagers."* Village heads would also often accompany villagers forced to work as porters and negotiate better conditions for them, including the provision of food.

Village heads would also attempt to negotiate a reduction in demands for construction materials, food, or arbitrary taxes. This could consist of highlighting the poverty in the village, the limited quantity of paddy supplies, or the existing heavy burden of military demands on the community.[442] This also involved underreporting of the village population, crop harvests, population of draught animals, and other resouces to reduce the material demands.[443] Military personnel used population or household numbers to determine a proportionate level of demands for arbitrary taxation, the production and delivery of building materials, and forced labour.[444] Underreporting numbers reduced the burden on the village.

"The SPDC soldiers demanded taxes for plantations, hill fields and flat fields. They also asked us for the number of households in our village. We told them we had only over 80 households, not over 100 households. We took out the widows' and orphans' households because we thought that if they demanded taxes from us, the widows and orphans shouldn't need to pay them." – A male villager from Dooplaya District (Nov 2006)[445]

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440 KHRG, "Dignity in the Shadow of Oppression: The Abuse and Agency of Karen Women Under Militarisation", November 2006.

441 Ibid.

442 KHRG, "Village Agency: Rural Rights and Resistance in a Militarized Karen State", November 2008.

443 Kevin MALSEED, "Networks of Noncompliance: Grassroots Resistance and Sovereignty in Militarized Burma", Journal of Peasant Studies, July 2009, p. 15.

444 KHRG, "Village Agency: Rural Rights and Resistance in a Militarized Karen State", November 2008.

445 Ibid.

Village heads would sometimes try to build rapport with Burma Army officers and commanders present in their village through flattery. Naw An---, a former village head from Dooplaya District, explains the situation when she met with the Burma Army in her village: *"When the Burma Army came to our village, we had to say that they were very good and kind. We had to flatter them very much. If you flatter them, it is better for you and your villagers. In front of them, we had to insult Kaw Thoo Lei [KNU/KNLA] in order to please them. Then, we had to praise them. Even if they did things wrong, we had to tell them that they are always right."* This could lead the officer to respond to the village head with more leniency.

Other village heads would employ more direct approaches by outright refusing demands from Burma Army soldiers if they had a method of holding the soldiers accountable. Saw Aa---, a long-time village tract leader in Daw Hpa Hkoh Township, Taw Oo District refused to allow villagers to serve as human shields for the Burma Army. He explicitly denied the demand from Burma Army MOC #7 for two villagers to serve as messengers or navigators. The army requested to be accompanied by villagers on a road that was known to be contaminated with landmines planted by the KNLA. Saw Aa--- tried to make the troops aware of the presence of landmines: *"I cannot give you my villagers. There is no life guarantee for villagers. I already informed you that KNLA planted landmines on this road but you did not listen to what I said."* After four Burma Army soldiers were injured by a landmine explosion, the troops suspected that Saw Aa--- was involved in the planting of the landmines. In retaliation, the MOC #7 battalion commander fired two mortar shells at the village tract leader's house, one of which hit the neighbouring house, and released gunfire into the village, damaging the church.

Often when the Burma Army arrested and detained villagers, the village head had to appeal for their release. Naw An---, a village head from Noh T'Kaw village tract, Noh T'Kaw Township, Dooplaya District, describes an instance in 2011 when the Burma Army, LID #32 and LIB #283, arrested four villagers. Following an attack by the KNLA on a Burma Army convoy transporting rations, army troops retaliated against villagers by gathering all the villagers in the Mah Kay D'Nee church. The soldiers arrested four villagers, accusing them of being KNLA soldiers. When the village head met with the Burma army commander, she tried to convince him that the villagers were not KNLA members. *"I asked 'Are you guys going to kill the four villagers or have you killed them already? If you are going to kill them or have killed them already, kill me, too. I am the village head. If I am not helpful to my villagers, being a village head will be just in vain [useless].' I repeated 'They are not KNLA soldiers. They are villagers,'"* she recounts. The villagers were transported to and imprisoned in Mawlamyine. Naw An--- traveled to Mawlamyine to advocate for their release. The four villagers had been badly beaten. The Burma Army said they would keep the two villagers imprisoned that were former members of the KNLA. The village head refused to return to her village until all four villagers were released, spending two months negotiating their release. The four villagers were forced to admit to attacking and burning the Burma Army's military truck transporting rice and the army demanded 50,000 kyats [USD 50.00] per villager to release them. At first the village head refused, but later she coordinated with the Seik Kyi village tract administrator to pay the Burma Army.

Village heads frequently faced demands for intelligence and information on the movements of resistance forces in the area. This was often accompanied by threats of punishment if the information proved to be inaccurate. The Burma Army would send orders demanding village heads to 'report information' or to attend meetings to discuss 'security matters' or 'control matters.' Village heads would routinely ignore order letters until second or third notices were sent, reinforced by threats of violence. Village heads utilised strategies of pretending to be absent from the village, feigning illness, or expressing inability to comply in order to delay the meeting

as long as possible.[446] If village heads reported nothing, they faced punishment if the opposition attacked military forces in the area, however, if they reported accurate information, they were accused of having contact with 'rebels'.[447] The punishment could include the arrest and torture of the village head, burning of houses, and the relocation of the entire village.

Saw Aa--- from Taw Oo District, describes the challenges he faced providing intelligence to the Burma Army. He also outlines the difficulties in navigating communication with both the KNLA and the Burma Army. He explains that in 2007, *"I told Tatmadaw, 'I heard that the KNLA will attack Tatmadaw today but I am not sure. I heard about their activity. They are leaving.' […] In fact, KNLA soldiers already arrived in our area. After one or two days, they attacked Tatmadaw soldiers. After the attack, I told Tatmadaw, 'See? I already informed you that the KNLA will attack Tatmadaw soldiers. It happened. You did not take my words.' I was like a messenger between KNLA and Tatmadaw. […] We, villagers, also provided information to Tatmadaw regarding KNLA activity. So, Tatmadaw did not arrest and beat us."*

This type of communication came with risks for local leaders. Saw Aa--- faced repeated arrest attempts by the Burma Army due to his suspected collaboration with the KNLA. In 2008, army troops accused him of failing to inform them of the presence of KNLA soldiers in the village. *"They tied my hands behind my back. They did not give me rice to eat. They put me in the foot stocks for one night. When they put me in the foot stocks, they went to search things in my house. […] I had a military phone and documents that the KNU gave me in my house. They knew that I had a military phone [Walkie Talkie]. So, they searched for it in my house. They knew it because they intercepted our communication,"* he recalls. He was eventually able to convince them that he was not the one communicating with the KNLA. He was put in foot stocks for three nights and was only given food that his wife brought him. The Burma Army attempted to coerce the village tract leader into signing a document committing to inform them of KNLA movements in the future, which he refused to do. He was later released. These agency tactics have developed over the past several decades and continue to be employed to protect villagers from abuses and prevent future human rights violations from taking place.

[446] Kevin MALSEED, "Networks of Noncompliance: Grassroots Resistance and Sovereignty in Militarized Burma", Journal of Peasant Studies, July 2009, p. 14.
[447] KHRG, "Demands for Intelligence", August 2003.

Challenging abuse: Naw Af--- as village head and human rights defender

Naw Af---, a 63-year-old female villager living in Cb--- village, Htee Hsee Baw village tract, Bilin Township, Doo Tha Htoo District, has served as a village head since 1977. She first became a village head at 18 years of age, just after getting married and having a child. Her village, which was under mixed control, saw a rise in the presence of Burma Army troops in the late 1970s, resulting in an escalation in human rights abuses and fighting between the KNLA and Burma Army. This situation prompted the village's adoption of a monthly rotating village head system, with village heads bearing the burden of responding to the multitude of demands from the Burma military and other armed actors, and of trying to reduce the abuses imposed upon local villagers. Naw Af--- states that *"villagers could not live in the community anymore and then villagers started discussing how to prevent [killing civilians] by letting village heads deal with this issue and the armed groups."* At that time, Naw Af--- was one village head among ten.

During the SLORC and SPDC period, primarily women took on the role of village head across Karen State as men were at high risk of being killed and typically faced heavier violent abuse by soldiers than women. Female village heads were often able to take advantage of local gender norms requiring respect for older women in their dealings with military personnel. KHRG previously pointed out that "[n]egotiating power is augmented by appointing elderly women as village leaders. Exploiting the reverence for mother-figures in Burmese cultures, these women routinely scold or challenge the young military officers who give the orders, knowing that their sense of power and authority becomes confused when confronted with a mother-figure."[448]

Naw Af--- explains: *"We [women villagers] were asked to be village heads just like the [blind elephant], [who] walks through bushes without fear of dying because it does not see anything so it does not know that it will be killed."* She adds that village heads had to communicate regularly with both armed groups, and that navigating these interactions was very risky: *"[W]e had to be afraid of both of them [Burma military and KNLA/KNDO]."* She says that as the village head, *"I had to set up and determine my mind like this, 'being a dog must not be afraid of poo' as 'being a village head must not be afraid of death.'"*

Using norms of respect for women to their favour, female village heads were often able to negotiate reduced military demands. Some, like Naw Af---, became very adept at challenging the abusive demands: *"My villagers also did not face violations much compared to the villagers in other villages because I [as village head] had to try very hard to defend my villagers from violation."*

She recounts a number of stories of direct confrontation with soldiers and officers. In one case, she was able to negotiate the release of a villager and prevent villagers from being taken as porters to carry items looted from their village. At one point [date not mentioned], Burma Army troops rotating between camps had entered Cb--- village, looted villagers' food and livestock, and arrested a villager. Early the next morning, a soldier came looking for her as she had been summoned by the commander. In speaking with the soldier, she demanded the release of her villager and reprimanded him, highlighting that they did not ask to meet her when they came to loot the village. *"You came into the village since last night, but you did not need village head.*

[448] Kevin MALSEED, "Networks of Noncompliance: Grassroots Resistance and Sovereignty in Militarized Burma", Journal of Peasant Studies, July 2009, p. 16. See also KHRG, "Dignity in the Shadow of Oppression: The Abuse and Agency of Karen Women Under Militarisation", November 2006; KHRG, "Village Agency: Rural Rights and Resistance in a Militarized Karen State", November 2008.

You looted, confiscated and ate everything gone in Cb--- village, why do you need me now? You do not need the village head anymore. Go back and bring this villager [the one who was arrested] with you." Because she refused to meet with the commander, the villager was released. The commander then asked for 40 to 50 porters. In a bold act, she refused, stating: *"You do not need porters anymore because you already arrived here from very far places. […] Porters are used to carry ammunition and military materials. You currently ask my villagers to be porters […] but they will have to carry things such as pigs, chicken, cats and dogs that you looted [from them]. Therefore, I will not give you anything you asked for."* She added: *"I think it is not fair and you should not ask my villagers to carry their own things [properties you looted from them] for you, and you will suffer from the consequences of sin so I do not give [villagers to be porters] for you."* She then informed his superior, the LID commander, who subsequently ordered the troops to the frontline. While she was able to protect her own villagers from being taken as porters at that time, villagers from a nearby village were taken instead.

On another occasion, she publicly reproached a group of soldiers who punished her. When Naw Af--- was in her late 30s to early 40s, a DKBA commander punished her for what he considered insubordination. She had provided a recommendation for the release of a KNU prisoner, who then later escaped. The DKBA commander then ordered the village to pay them 6 million kyats [USD 6,000.00] in recompense, however, she failed to collect the required sum. As punishment, the commander told his soldiers to cut off her hair: *"He told [his soldiers who were based in the village via walkie talkie] that, 'Cb--- village head has got a strong brain [is stubborn] so make [cut] line hair design for her.' I could not do anything so I just let them cut my hair and then they cut my hair. I was 30 to 40 years old, and so I had very good and long hair [in Karen culture, hair is the beauty of women and they value their hair as representative of women's dignity]. My hair fell to the ground. […] They cut one line [of my hair] at the place near my ear, cut another line at the back of my head near my neck."*

After they cut her hair, instead of covering her head in shame, she yelled at the soldiers who cut her hair: *"We provided food for you with kindness and silence without spreading news or reporting to other [armed groups]. But now, I have got shorter hair so my heart is also short [short-tempered.] I will go!!! I will go to report you [to Burma Army leaders]. If you do not like me [to report the case], kill me now. Just shoot me dead in the centre of Cb--- village now. If I die, a new village head will replace me. As our ancient proverb says, 'Any new Khay Meh [types of grass] leaf that arises will be sharper!!' I do not know whether the new village head will be sharp [strong and brave], but the story of [the DKBA] killing the Cb--- village head in the centre of Cb--- village because of her strong words where nobody dared to help her will be talked about from generation to generation."*

Women serving as village heads had to walk a fine line in challenging military officers, as they could still face threats and violent abuse if they were perceived to overstep.[449] KHRG previously noted that villagers' resistance strategies to military abuse served to reshape gender norms in both positive and negative ways. While women may have been able to transcend many traditional gender restrictions by taking on the role of village head and other positions of authority, norms themselves changed, leading to deteriorating respect for women. As KHRG reported: "The hierarchical model of a society run by an all-male military which the SPDC is trying to create cannot function properly if the respect for women ingrained in all of Burma's cultures is retained; as civilians, women must be dehumanised and placed below the military."[450] Many women have

[449] KHRG, "Dignity in the Shadow of Oppression: The Abuse and Agency of Karen Women Under Militarisation", November 2006, p. 67.

[450] KHRG, "Dignity in the Shadow of Oppression: The Abuse and Agency of Karen Women Under Militarisation", November 2006, p. 46.

told KHRG of "their shock at the way SPDC officers and even ordinary soldiers address them, and at the lack of shame shown by soldiers who loot everything in front of them, even kitchen utensils and women's underwear. The disrespect of villagers in general and elderly women in particular, encouraged through the military's culture of impunity, has in turn served to promote a situation conducive to even further abuse."[451]

Women frequently had to face additional challenges while serving as village heads. Naw Af--- explains how she had to follow her husband who was arrested by the Burma Army in the early 1980s the day after giving birth to negotiate his release. Her husband was accused of keeping guns to assist the KNLA/KNDO. *"I also followed him [for his release] from place to place, until my newborn daughter's umbilical cord stump fell off in Noh Aww Hla village," she describes. She also explains, "I carried my daughter with me [when I met the LID commander in P'Nweh Klah army camp]. […] I always carried her with me on my back because she was our first daughter so my husband wanted his daughter to have enough milk whenever she needed it."* Female village heads had to maintain their role as mothers while negotiating the safety and survival of their villagers with armed groups. Naw Af--- repeatedly dealt with balancing these duties, highlighting that following the 1988 uprising and coup, *"I did not have time to look after my husband, my children and my mother because I had to go [complete the orders of the Burma Army]."*

Following the 2012 ceasefire, Naw Af--- stopped serving as a village head as the fighting in the area decreased. The position was replaced by a village administrator. Since the 2021 coup, she had to reassume the position of village head again as fighting, air strikes, arrests, and retaliation against civilians increased in Cb--- village.

[451] Ibid.

Chapter 9: Villagers' perspectives

"I hope to see the end of this military dictatorship and have a new government that brings peace in the country. There will be no peace in the country if the SAC continues to rule the country."
– Saw Ai--- Htaw Ta Htoo Township, Taw Oo District (interviewed in 2022)

Over the course of 30 years of living through conflict, displacement, and military abuse, villagers have developed clear perspectives on the military regime, the path forward, and the prospect for peace. Villagers interviewed for this report voiced their concern that the situation will only worsen if the military is allowed to hold state power, and if it is not held accountable for its crimes. They also expressed optimism for peace coupled with awareness of the unity and collaboration required to achieve a long-lasting and sustainable state of peace in Burma.

Naw Ac---, a villager from Mu Traw District who faced repeated and prolonged displacement throughout her life, accompanied by the loss of multiple family members at the hands of the Burma Army, describes the experience of countless Karen villagers. *"Every Karen person has to suffer under Burmese military oppression. Civilians in Burma have to go through the same thing. Many of our Karen people have been killed by the Burmese military since 1949. If we collect the bones of the people who have been killed and put them together, it might be as big as many mountains. I no longer want to see this kind of suffering. I don't want our people to be suffering like this anymore. I want the end of this military dictatorship. I want to see the change in our country. I want peace for every ethnic group in Burma,"* she expresses.

Villagers spoke of the degrading human rights situation and the lack of rule of law. *"Nowhere in the country is safe and SAC soldiers do whatever they want to civilians,"* says Saw Ai--- from Taw Oo District. Saw Aa---, also from Taw Oo District, adds, *"Our country will be better and peaceful only if the SAC gives the power back to the people. If not, our country will be worse and worse."* Testimonies from villagers show their desire for an end to the military ruling the country and for a civilian government that can build peace for future generations. *"We have been suffering under military dictatorship for many decades already and it's enough for us,"* says Naw Ac---.

Many villagers expressed the frustration of trying to end the abuse and oppression on their own. Saw Aa--- spoke of the inability to obtain justice under the military regime: *"How can we have justice? Think about it. Villagers could be arrested even when they went to their plantations and brought many cans of rice. They would be charged with the section [of the Unlawful Associations Act] regarding having a communication with rebels. Village heads also were afraid to advocate for their villagers because they would be arrested if they talk about it. Therefore, nobody dared to talk about what they were suffering. Even though we knew it is unjust and unfair, we were afraid to talk about [these matters]. If you got caught, you would have to suffer through it. Nobody would rescue you. […] Nobody dared to help villagers. Even though villagers asked for help, nobody could do anything."*

Naw Af--- from Doo Tha Htoo District highlights the difficulty of negotiating with the Burma Army despite efforts at the local level: *"They [Burma Army] have been killing and torturing a lot of people in Burma. Villagers are saying that the current Burma Army [SAC] will commit the same thing [human rights violation] against us as they have done to us in the past. […] We are really in deep fear so may foreign governments come and help us. Please go and tell the SAC to stop the violations. We will also face them and tell them [not to commit violations against civilians]. However, when they [SAC] commit violations against civilians, they do not listen to the village*

head anymore and they behave just like a tiger when it is about to be killed and bites everything [does everything to survive]."

Having lived through decades of oppression and civil war, Karen civilians are adamant about their desire and optimism for peace and stability, yet feel that external action from the international community is required. Naw Ac--- states: *"[E]veryone has to suffer under this military dictatorship. If the international community does not put pressure on the military and if there is no change in Burma, civilians will keep suffering and problems for the people in Burma will only increase. I only wish for the end to this military dictatorship."*

Villagers recognise the need for the international community to take measures against the SAC, ranging from sanctions to legal proceedings.

"We want them [the international community] to put pressure on countries that sell weapons, military jets, and things that can kill people to the Burmese military. Working together might be more effective to put an end to this military dictatorship," explains Naw Ac---. She adds: *"We have been calling for the Burmese military to withdraw their troops in our area and to stop shelling, to stop arbitrary arrest of villagers and using villagers for forced labour but they don't listen. There is no change. They [Burma Army] keep committing human rights abuses and there is plenty of evidence that shows they violate human rights. However, there is no legal action taken against them and they are not held accountable for the human rights violations that they have been committing. I want them [military leaders] who seized power to be held accountable according to human rights law and regulations."*

"I am begging them [world leaders] to help us, please help us. Can't they help us? If they cannot help us, our lives are just like a drop of water on arum leaf; it is calm when there is no wind blowing, but it will fall [to the ground] again and again when the wind is blowing," Naw Af--- says.

Villagers warn that if no action is taken on the international level, villagers will continue suffering abuse and devastating impacts to their security, livelihoods, and lives. The interviewees also expressed to KHRG their fear of retaliation by the SAC if civilians organise another uprising against the military junta, as villagers are the first to be harmed by attacks carried out by the military. This necessitates international intervention through peaceful negotiations and legal proceedings against the SAC, says Naw Af---.

Saw Ab---, a villager from Bilin Township, Doo Tha Htoo District, expresses the desire for a tribunal to be set up to ensure the perpetrators of abuses and atrocities in Southeast Burma to be held accountable. *"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,"* he insists. *"I wish the UN and other international organisations will act so that we can live peacefully without fear."*

Some villagers highlighted the inability to trust the military regime, and want to make sure that the international community is aware of this problem. Naw An--- from Dooplaya District states: *"Our parents had suffered in the past. We thought that the situation was better for us when they established the NCA. It turned out that they [Burma military] tried to deceive us. We cannot trust them anymore. […] It seems they just wanted to show off what they had done, the good things. Actually, they had seven fishing hooks in their hearts [which means the Burma Army had inhumanity in their hearts]. They pretended to be good in public. […] The Burma Army is clever in a bad way. […] I worry that they [international community] will only think that Min Aung Hlaing is good because they might hear only good things about him."*

While villagers are resolute in the toppling and replacement of the current regime, they also recognise that achieving sustainable peace will require more than simply removing the military from power. Naw Af--- recommends limiting the abuses taking place against civilians as a critical step forward: *"If the foreign states [authorities] cannot help us to get full peace in Burma, it will be great if they can help us to reduce [the human rights violations] […] for us to survive. It will be a little bit better if there are no attacks on us [civilians] and [the military] does not commit violations against us. You can do it [build peace in Burma] little by little because it is impossible to build peace completely in a state at the same time."*

Villagers have expressed their frustration with the inaction of the international community in a variety of ways. As with many villagers, Naw An---, spoke of feeling the need to take up arms herself: *"I heard no other country could intervene in the affairs of Burma. I was told it is all in their hands. How can we stand [remain strong] when the situation keeps going on like this? As villagers, sometimes, we wish we had a gun to shoot aircraft." Naw Af--- emphasised the need for an immediate resolution because she doesn't want to continue having to speak out about the rights violations: "It [human rights violations in Burma] has been happening for a long time so this interview to get information from me has to be the last time."*

Many rural villagers also remain distrustful of any government at the national level, including the NUG, as all previous national governments and regimes have consistently oppressed them and deprived them of their rights. Instead, they place a stronger focus on what local leaders and the KNU can do for them. So while the larger international community debates who to recognise as the legitimate government of Burma, many rural villagers are more focused on appeals to local ethnic leaders to ensure their rights and freedoms.

Villagers recognised however that factions within their own community could hinder peace efforts and the dismantling of military power. Villagers call for unity among Karen people, as well as broader efforts to unite civilians against the SAC. *"The leaders from above need to manage so that there is unity among the Karen people. […] If we are not united and do not win this time, our [next] generations will also be under the control of the military junta. If there is no unity among Karen people, there will be no development," warns Saw Ab---. "It is important for the political leaders and the administrative leaders to work for unity and I wish for a leader who can create unity. If our Karen people become one, there will be much progress in the future."*

Saw Ai--- from Taw Oo District, echoes this sentiment. *"Civilians also need to be united to put pressure on the SAC. They need to be united for the country to have peace,"* he says.

Naw Ac--- also advocates for transparency from ethnic leaders: "*I also want to tell ethnic leaders that if their goal is to end the suffering of their people, they should stick to their goal, do the right thing, and help free their people from oppression. I want to tell them to avoid following what is not right, be transparent, and don't be corrupted leaders. We want our leaders to have a self-evaluation and see whether what they are doing is right or not."*

Villagers' desire for their voices to heard and to be directly involved in decision-making is expressed clearly in Naw An---'s comment: *"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."*

Conclusion

The testimonies of oppression and violence presented in this report are, regrettably, only a small fraction of those in need of being heard. However, from these testimonies, the message is clear. The patterns of abuse that are evident in the Burma military's operational strategies, both past and present, warrant investigation and prosecution as war crimes and crimes against humanity. The rights of villagers will not be restored as long as the Burma military is able to exert control over political and economic resources and structures. The oppression and violence will also persist as long as the military is able to avoid accountability for its past and present crimes. And yet, time and time again, there has been a failure to break these ongoing cycles of abuse and impunity.

While villagers are hopeful for change, they are frustrated by the persistence of human rights violations and impunity, as Naw Af--- stressed in stating that *"this interview to get information from me has to be the last time".* Underlying villagers' stories is thus the larger question of why. 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 these 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.

Ongoing systemic and structural failures and the need for reform

The UN's failure to respond to the situation in Burma despite the overwhelming evidence of gross human rights violations has long been acknowledged, with The Irrawaddy referring to Burma as a "diplomatic graveyard" back in November 2007.[452] The article mentioned the UN's "lack of muscle", differing views within the UN Security Council on how to deal with Burma, and different approaches and personal interests of the UN envoys themselves.

Little has changed since then. In 2019, an independent inquiry undertaken to examine UN involvement in Burma from 2010 to 2018 pointed to "systemic and structural failures" rendering the UN system incapable of effectively addressing the massive human rights violations taking place.[453] The author cited the absence of a clear and unified strategy; cleavages and lack of coordination between different sectors of the UN; and profound divisions among the five permanent members of the Security Council. The report also acknowledged the mixed potential of a Special Envoy despite the Burma government's decision at the time to cooperate fully with the Special Envoy. Human rights organisations were already sceptical at that time of the successful implementation of the report's recommendations, noting that similar conclusions had been drawn in a 2012 report regarding Sri Lanka, yet the UN failed to act, setting the stage for the UN's subsequent failings in Burma.[454]

[452] Kyaw Zwa Moe, "Myanmar: Diplomatic Graveyard", *The Irrawaddy*, originally published 5 November 2007 (reprinted 18 June 2017).

[453] Gert ROSENTHAL, "A Brief and Independent Inquiry into the Involvement of the United Nations in Myanmar from 2010 To 2018", May 2019.

[454] "Joint Letter to UN Secretary-General on Rosenthal Report", Human Rights Watch, September 2019.

The recent coup is proof that the report's recommendations were not embraced. The ineffective visit of the UN Special Envoy on August 17th 2022 prompted *The Irrawaddy* to write: "Last week's meeting between UN special envoy Noeleen Heyzer and the Myanmar junta chief ended without any breakthrough, becoming yet another failed UN mission to the country, one of many involving the world body's diplomats and military rulers of Myanmar since 1990."[455] Min Aung Hlaing used the meeting to promote the legitimacy of the junta and denied his troops were torching civilian homes, despite overwhelming evidence of these acts.

Furthermore, the visit was evidence of the UN's dismissal of the concerns of the local people and of humanitarian and human rights organisations, who have consistently urged the international community not to engage the junta, and warned that the visit would give an appearance of legitimacy to the junta. Already in 2006, following Special Envoy Ibrahim Gambari's visit amidst systematic, flagrant and widespread violations of international humanitarian and human rights law in the form of targeted attacks against civilians in Karen State, KHRG criticised these visits as 'a diplomatic whitewash', "not intended to create action, but to simulate action while redirecting, undermining and stifling the possibility of real international action".[456] Following Heyzer's visit in August 2022, Burma Campaign UK called for the removal of the post, stating that it is "doomed to failure. UN Envoys are mandated to engage in dialogue with stakeholders and the military but if they speak out publicly and honestly about the situation, they will be denied access to Burma."[457]

Failure to act on the part of the UN Security Council also persists. Since the coup, the Security Council has not voted on a single resolution on Burma, not even in response to the continuing abuses perpetrated against the Rohingya. This is despite the detailed findings of the IIFFMM's 2018 report, and the IIMM's 2022 findings,[458] and despite the Burma military's failure to respect the legally-binding provisional measures issued by the ICJ to protect the Rohingya people from further acts of genocide until a final decision is made in the ICJ case. In a November 2nd 2022 *Washington Post* op-ed, former Special Rapporteur and co-founder of the Special Advisory Council for Myanmar, Yanghee Lee, stated: "It is true that any Security Council resolution demanding action to help end Min Aung Hlaing's attack through targeted arms embargoes and targeted sanctions, and to hold him accountable for international crimes, may well be vetoed by Russia or China. But for other members of the Security Council to not even try is, quite simply, a gross dereliction of duty. Meanwhile, the secretary general and his office have failed to show the same leadership on Myanmar that they have on Ukraine. U.N. agencies appear to have no coherent strategy for responding to the changing political and security dynamics amid the growing emergency."[459]

Despite the Burma military's long-standing threats to peace and security, the UN Security Council has also never used its authority under Chapter VII of the UN Charter with regard to Burma. Chapter VII allows the UN Security Council to "determine the existence of any threat to the

[455] "A Brief History of the UN's Failed Missions in Myanmar", *The Irrawaddy*, 22 August 2022.
[456] KHRG, "Covering up Genocide: Gambari's betrayal", May 2006.
[457] Burma Campaign UK, "UN Myanmar Special Envoy Post Should Be Withdrawn – UN Secretary General Must Take Lead", August 2022.
[458] Independent International Fact-Finding Mission on Myanmar, "Detailed findings of the Independent International Fact-Finding Mission on Myanmar", A/HRC/42/CRP.5, 19 September 2019; Independent Investigative Mechanism for Myanmar (IIMM), "Report of the Independent Investigative Mechanism for Myanmar", A/HRC/51/4, 12 July 2022.
[459] Yanghee LEE, "The United Nations is failing the people of Myanmar", *The Washington Post*, 2 November 2022.

peace, breach of the peace, or act of aggression" and to take military and non-military action to "restore international peace and security."

"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[460]

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. Offering recommendations for a course of action under such circumstances begins to feel like an exercise in futility.

It is thus not surprising that a hesitation to engage the international community was expressed by villagers as well, leading many to feel the need to defend themselves in other ways.

"I am not sure whether it is useful if I share what I want to say. I hope the international community will take action against the Burma Army. If not, more people will die and people will be facing more difficulties," says Naw An--- from Dooplaya District, adding, *"As villagers, sometimes, we wish we had a gun to shoot aircraft."*

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.

Recognising village agency

Further attention also needs to be paid to the earlier inability to move forward in addressing the widespread human rights violations taking place specifically in eastern Burma, including Karen State, that the UN has been aware of since the 1990s. While UN bodies may have had sufficient knowledge of crimes in Karen State to take action back in the 1990s and 2000s, the full extent of the military's abuse and oppression has been largely ignored. In addition to the systemic problems within the UN mentioned above, it is important to consider how other factors shape international perceptions of the human rights and humanitarian situation.

KHRG has repeatedly called attention to the failures to understand the nature of the abuse taking place in Southeast Burma, noting that overly restrictive or ambiguous definitions within reporting and monitoring mechanisms have contributed to an underestimation of the violence and abuse, and an underreporting of human rights violations at the international level. In particular, village agency strategies, like evasion and displacement, adopted to limit the impacts of abuse and destruction may make attacks less 'visible' from a reporting perspective. Even displacement numbers are hard to track in Karen State due to the high prevalence of internal displacement and to the particular displacement strategies villagers have adopted, like keeping hiding sites small, and limited to individual families or small clusters of villagers. In seeking to remain invisible to the Burma military, they also end up remaining invisible to larger rights and protection organisations. Attacks on these hiding sites are difficult to count and thus typically remain absent from reporting figures regarding attacks against civilians and other abuses. Likewise, pushbacks on the part of Thai authorities and other restrictive measures have meant that (more easily countable) 'refugee' numbers have remained low relative to the actual (and difficult to estimate) number of displaced persons and people with the need and right to protection.

[460] Damian LILLY, "The UN's Response to the Human Rights Crisis after the Coup in Myanmar: Destined to Fail?", International Peace Institute, June 2021.

Furthermore, as monitoring mechanisms and international pressure increased, junta forces adapted their operational strategies to limit the traceability of violations. The SPDC's shift to making written orders for forced labour less explicit after the ILO's crackdowns is a prime example of this. The Burma military has also systematically made false claims about its activities, and its denials of the commission of violations have typically received greater media attention than the reporting of credible evidence.

Broadening the scope of accountability and justice

As this report and KHRG's 30 years of documentation have shown, the Burma military has persistently engaged in widespread violations of international human rights and humanitarian laws and norms in Karen State that amount to war crimes and crimes against humanity. Thus far, no accountability proceedings to address crimes committed specifically in Karen State have been undertaken – all are focused on the crimes committed against the Rohingya. Akila Radhakrishnan, president of the Global Justice Center stated that, "The ICJ's proceedings are laying the groundwork for accountability in Myanmar – not only for the Rohingya, but for all others who have suffered at the hands of the military." There is no denying that these proceedings represent a positive step toward accountability, and may eventually help dismantle the Burma military's power and unbridled impunity. However, the extent to which the ICJ case, and the other proceedings under way, may help bring justice for other ethnic minorities and oppressed peoples in Burma is difficult to gauge at this point. 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? Will an end to their suffering only be a by-product of justice served for the Rohingya? And can the full extent of military abuse be understood if accountability fails to include the crimes committed against these other peoples?

There is thus a clear need to initiate accountability proceedings that are more inclusive, and broader in scope than those currently under way. Otherwise, justice for the Karen and other ethnic peoples is made to seem inconsequential. 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.

Since Burma has not ratified the Rome Statute, the possibilities for initiating an investigation through the ICC are limited. The current open investigation with the ICC only concerns alleged international crimes related to the 2016 and 2017 waves of violence against the Rohingya people in Rakhine State, and specifically crimes committed at least in part in Bangladesh since June 2010, the date Bangladesh ratified the Rome Statute, and only elsewhere if sufficiently related to these events. The National Unity Government (NUG) submitted a declaration in August 2021 accepting ICC jurisdiction to investigate and prosecute all international crimes committed in Burma. Only if the ICC accepts the NUG's declaration could the investigation be expanded to include other international crimes within Burma's territory not related to the Rohingya situation, as well as crimes dating back to July 2002, the earliest permissible date under the Rome Statute. The international community has however hesitated to take any concrete action that might give political legitimacy to the NUG or that might mean recognition of the NUG as the legitimate government of Burma. The ICC has thus still not accepted the declaration.

Acting under Chapter VII of the Charter of the United Nations, the UN Security Council could itself refer the situation to the ICC. A UN Security Council referral is another promising option for broadening the scope of investigations and proceedings to include Karen State, but is likely to be vetoed by China and Russia. Some international lawyers argue that use of the veto to

block action aimed at preventing or halting atrocity crimes is illegal.[461] The use of the veto in such scenarios prevents the Security Council from acting in accordance with the UN's purposes and principles, constitutes an abuse of rights on the part of the veto-wielding state(s), and violates state obligations in relation to atrocity prevention. Additional measures to address this problem have already been proposed, like suspension of veto power in cases of mass atrocity, or requesting an advisory opinion from the ICJ on the legality of unrestrained veto use.[462] Establishing more objective criteria and credible processes for determining referrals to the ICC could also limit the possibility of referral vetoes. Thus far, no solution has been implemented.

An ad hoc tribunal could be created, as in the case of the former Yugoslavia and Rwanda. The possibility of creating a 'hybrid' court could also be explored if the NUG were to be recognised as the legitimate government, or if other measures are taken to establish a new government, legitimately constituted and democratically elected. While no such action is likely to be possible as long as the SAC exerts its power, exploring such possibilities could potentially push the international community to be more decisive and proactive in recognising another body as the legitimate government of Burma, with which it could work towards this end. Hybrid courts, given their flexibility, have the potential for a more lasting impact on the domestic justice system, and can be created alongside other purely international mechanisms.

More universal jurisdiction cases could be launched by other States. In addition to the Argentina case that has already been accepted, a case was filed in Turkey by the Myanmar Accountability Project on March 29th 2022. While the case in Argentina concerns the Rohingya genocide, the case filed in Turkey seeks to be broader by covering atrocity crimes committed by members of the military junta, including Senior General Min Aung Hlaing, and is the first case filed concerning crimes committed since the February 2021 coup. While universal jurisdiction cases have a number of limitations, including trying individuals when they are not already present on the territory of the court in question, and having a direct impact in the country where the crimes occurred, they do allow for a wider variety of cases and can bring increased public attention to issues that may otherwise be ignored.

Current efforts in Indonesia are promising, as a universal jurisdiction case on the part of an ASEAN member state is likely to have greater implications than those halfway across the world. In order to allow a case to be brought in Indonesia against perpetrators of atrocity crimes in Burma, local human rights advocates are pushing to change the language of Indonesia's Constitution to broaden the scope of the Human Rights Court to authorise the Court to "examine and decide cases of gross human rights violations outside the territory of Indonesia" regardless of the citizenship of the alleged perpetrator.[463]

Such initiatives by local human rights defenders and citizens could be replicated elsewhere. Thus, greater public awareness and knowledge about the way that international justice and accountability mechanisms operate could encourage more citizens to put pressure on their on their own government to ratify treaties and conventions, and revise national laws to be more compatible with international standards, as a means of addressing current limitations within and across these broader international justice systems.

[461] Rebecca BARBER, "Response to Myanmar coup shows need for UN reform", *The Interpreter*, 29 April 2021.
[462] Ibid.
[463] Myanmar Accountability Project, "Prosecuting Burmese Perpetrators of Serious Human Rights Violations in Jakarta: Indonesia's Constitutional Court Holds First Hearing into Law 26 of 2000 concerning the Human Rights Court", 27 September 2022.

Scaling up protection through local channels

Accountability mechanisms take time to deliver justice. Thus there is also the need to step up protection efforts, both with regard to safe, reliable reporting mechanisms and improved coordination of humanitarian protection between international stakeholders and local actors, as KHRG has repeatedly argued over the past 30 years, including since the 2021 coup. A neglect of not just villagers' concerns and priorities, but also village agency strategies can 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. KHRG has previously warned that providing support to the military's so-called 'development' projects typically furthers the military's tight control over land and its power to oppress.[464] Likewise, inappropriately directed funding for humanitarian programs, particularly if tied to the state or the military, can constrain villagers' choices and limit their options to mitigate the impacts of military abuse. KHRG has repeatedly stressed that these kinds of issues need to be considered when external stakeholders develop and implement protection strategies.

Since the coup, international funding is once again being primarily directed toward the military and through military-approved channels, often through claims of 'humanitarian neutrality' and hopes of reaching the widest span of people in need. The Burma military has long used humanitarian assistance as a weapon war, and its denial as part of a deliberate policy to target civilians and as a form of 'collective punishment'. The recent Organization Registration Law, enacted by the military junta on October 28th 2022, bans "indirect or direct" contact between aid providers and groups blacklisted by the military junta, essentially criminalising the provision of aid and placing it under the exclusive control of the junta. Hopefully those stakeholders who continue to believe that directing funds through the junta is consistent with humanitarian principles will finally change their course of action to work directly with local service providers, including EAOs. 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.

UN agencies, many of whom have signed agreements with the junta, have also been complicit in misrepresenting the situation on the ground, and of fuelling a false and dangerous sense that the military junta can be a responsible partner in addressing civilian needs and the humanitarian crisis. Karen Women's Organisation has recently called attention to the misinformation presented in OCHA Myanmar's humanitarian update reports. Their claim that "there is a lack of GBV services in areas outside SAC control in Mon and Kayin states and Tanintharyi region" is indicative of a disregard for the work of local ethnic service providers and a bias in information reporting.[465] UN agencies consistently highlight access constraints, emphasising the need for the removal of such constraints for the possibility of humanitarian response: "Immediate removal of access obstacles, particularly in conflict areas, and increased funding to the 2022 Humanitarian Response Plan are urgently needed for humanitarian partners to respond to escalating needs, provide protection and alleviate suffering."[466] In many of these areas 'inaccessible' to UN agencies within Karen State, local service providers are actively reaching populations in need, but are

[464] KHRG, "Development by Decree: The politics of poverty and control in Karen State", April 2007.

[465] Karen Women's Organisation, "Open Letter to OCHA regarding its failure to recognize community-run GBV programming in Kawthoolei", 3 November 2022.

[466] UN Office for the Coordination of Humanitarian Affairs (OCHA) Myanmar, "Myanmar Humanitarian Update No. 22", 1 October 2022.

heavily constrained in their operations by a lack of funding – funding from international stakeholders that could be directed to these actors instead of the SAC.

It is clear that justice for villagers and an end to the abuse and oppression will require action on multiple fronts and widespread critical reforms to existing international mechanisms and bodies. Given the longstanding impasses and repeated failures to rectify these problems, it may be easy for the international community to focus on other issues where solutions seem more tangible. KHRG hopes that this report, and more importantly the testimonies of villagers over the past 30 years, will inspire new efforts and revive ongoing ones. For over half a century, villagers have tirelessly fought against the Burma military's abuse and oppression, defending their rights and protecting each other, consistently developing new strategies to respond to the ongoing abuse. Villagers themselves have also been instrumental in KHRG's past 30 years of documentation, often risking their lives to provide and deliver this information. The international community must respond with the same relentless determination.

Photos: Front and back cover

Front cover photo:

A village head stands among the burned ruins of his village in 1997, holding in his hands the Tatmadaw unit scarf accidentally left behind by one of the soldiers who burned his village located in the hills between the Yunzalin and Bilin Rivers. The battalion number is marked on the scarf "391/4" for SLORC Light Infantry Battalion #391, Company #4. *[Photo: KHRG]*

Back cover photo:

Top row, left to right:

Htee Ler Hkee village, Kheh Pa village tract, Lu Thaw Township, Mu Traw District, after SPDC troops came to drive villagers out by shooting at and burning their homes in January 2000. This photo was taken right after the troops left, showing the village still on fire. *[Photo: KHRG]*

On October 6th 2022 at 2:15 am, 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]*

Bottom row, left to right:

Villagers in Doo Tha Htoo District go to carry thatch and bamboo to a nearby SPDC Army camp. Units of LID #44 came to set up camp in early 2002 and have demanded forced labour of the villagers, including building fences, cutting the brush beside the car road and sending thatch, bamboo and logs to the Army camp. The villagers have to go whenever the SPDC sends orders to them, or they will no longer be able to stay in their villages. *[Photo: KHRG]*

Villagers from Paw Hta village, Hkaw Po village tract, Bu Tho Township, Mu Traw District were forced to flee after SAC military fighter jets dropped bombs on the area on April 27th 2021. This photo was taken on April 28th 2021 and shows the villagers seeking refuge in a nearby cave. *[Photo: KHRG]*

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 by making civilians the primary target of its attacks. Since the 2021 coup, military violence has escalated once again.

This report presents 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. Drawing as well on 30 years of KHRG documentation, this report calls attention to ongoing patterns of abuse, including unlawful killings, torture, forced displacement, direct attacks on civilians, forced labour, starvation and denial of access to essential needs, and sexual violence, amounting to war crimes and crimes against humanity. Equally highlighted is the agency and resilience of villagers themselves as they develop solutions to mitigate the impacts of conflict and military abuse, and challenge the power relations that underlie military oppression.

For decades, the international community has been aware of the critical human rights situation in Karen State and elsewhere in Burma, but repeatedly failed to take concrete action. 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.

KHRG

Karen Human Rights Group (KHRG) was founded in 1992 and documents the situation of villagers and townspeople in rural Southeast Myanmar through their direct testimonies, supported by photographic and other evidence. KHRG operates independently and is not affiliated with any political or other organisation.