

# Report on the Human Rights Situation in Burma

January – September, 2011

Photo by : KWAT



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# Introduction

The periodic report of the Network for Human Rights Documentation–Burma (ND-Burma) documents the human rights situation in Burma during the period January–September 2011. The ND-Burma periodic reports provide up-to-date information on human rights violations (HRVs) and highlight pressing issues and trends within the country. The information gathered covers 16 categories of human rights violations (HRVs)<sup>1</sup>, documented in all 14 states and regions across Burma.

During this reporting period, some early positive signs of reform emerged in the political arena. Pro-democracy leader Daw Aung Suu Kyi met four times with government liaison and Labor Minister Aung Kyi and once with President U Thien Sein. The government released nearly 200 political prisoners under an amnesty program for over 6,000 prisoners. New legislation was introduced on freedoms of association and media restrictions were relaxed. The government also introduced the National Human Rights Commission and, perhaps most significantly, suspended the development of the Myitsone Hydropower Dam Project.

ND-Burma welcomes these developments as positive moves towards change. As a network of human rights organizations, monitoring the situation in Burma's prisons, cities, villages, and rural areas, our primary perspective is the human rights situation in the areas where we work. This report serves as a call to not rush to judgment too quickly that the Burmese government is serious about improving the human rights situation in the country, particularly in the areas of ethnic nationalities. The information coming from our fieldworkers demonstrates an ongoing human rights crisis in the country and communities unaffected by the elite political maneuvers in Naypyidaw and Rangoon.

The ongoing civil war in ethnic areas is a serious concern that needs to be at the center of any analysis about political developments in Burma. Fighting in Karen states has intensified since the November 2010 election, and a 17-year ceasefire between the Kachin Independence Army (KIA) and the Burmese armed forces fell apart when the Burma Army attacked a strategic KIA post on June 9, 2011. Ongoing fighting in ethnic areas has meant ongoing human rights violations against the ethnic nationalities in conflict areas by the Burma Army, including killings, land confiscation, torture and ill-treatment, and forced relocation, among others. In addition, Burma Army soldiers have committed human rights violations related to mega-development projects and natural resources extraction projects in ethnic areas, including Arakan, Kachin, and Shan States. The Burma Army continues the recruitment and use of child soldiers, in direct violation of international prohibitions on the practice and its own obligations under the Convention on the Rights of the Child (1989).

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1. ND-Burma has developed a documentation manual series consisting of violation-specific manuals and a general documentation manual.

# Methodology

**F**ieldworker Situation: ND-Burma members' fieldworkers put themselves at great risk to document human rights violations. Human rights workers in Burma are routinely targeted by the government and face surveillance, intimidation, arrest, and imprisonment. Due to security concerns human rights monitoring cannot take place openly; thus, a representative sampling of all HRVs that take place in Burma is not possible. Also, the security risks have increased as the government has mounted pressure on local communities, especially in remote areas and conflict areas. Fieldworkers there rely largely on networks of individual contacts for information. Many of these contacts within the fieldworkers' networks were responsible for gaining additional contacts and conducting interviews with individuals, village leaders, and government staff members.

**Documentation:** ND-Burma has provided training, with assistance from several international human rights NGOs, to fieldworkers of member organizations who collect the information presented in these reports. Fieldworkers collect interviews and other information from Burma's 14 states and regions (see Appendix 1, 2 & 3).

**Individual cases** are documented depending on opportunity and external circumstances. The cases presented here constitute first-hand accounts of abuse perpetrated by the military regime during this period. The information supplied by eyewitness observers confirms concerns of widespread government violence perpetrated primarily by Burma Army soldiers.

**Data Management:** Fieldworkers from ND-Burma member organizations send documents to their mother organizations, who have staff that upload the information to ND-Burma's network database. ND-Burma's data management team organizes each document and has selected reports from events that took place from January to September 2011. Any other information collected during this period regarding earlier periods will be saved for historical records and will be used as necessary to seek accountability during a democratic transition period.

HRV Categories by month	Arbitrary/ illegal arrest/ detention	Confiscation/ destruction of property	Disappearances	Forced labour	Forced marriage	Forced prostitution	Forced relocation	Human trafficking	Killings	Obstruction of freedom of expression/ Assembly	Obstruction of freedom of movement	Other sexual violence	Rape	Use of Child soldiers	Torture	Taxation	Total
<b>Jan</b>				4					1	1				2	1		9
<b>Feb</b>	2			6			2				1		1	1	1	2	16
<b>Mar</b>	2	13		16			1		1	1	4		1	2	6	1	48
<b>Apr</b>	1	11		3			1		2	1	2				2	1	24
<b>May</b>	2	7	1	3			2							1	7	1	24
<b>Jun</b>	2	1		3				1							1		8
<b>Jul</b>	3	4		7					3	2	4				21	2	46
<b>Aug</b>	6	3		8					6	1	2			1	13	4	44
<b>Sep</b>	7	5		7			1		4		1				16	1	42
<b>Total</b>	25	44	1	57	0	0	7	1	17	6	14	0	2	7	68	12	161

# Human Rights Violations Documented by ND-Burma

January – September 2011

ND-Burma has documented 261 cases of human rights violations committed by the regime and its supporters during the period January to September 2011. The HRVs documented in this period took place in 14 states and regions throughout Burma (see Appendix 1).

68 cases of torture, 57 cases on forced labour, and 44 cases on confiscation/destruction of property were direct results of militarization, ongoing armed conflict, and mega-development projects in ethnic areas. In July 2011, China National Petroleum Corp (CNPC)/ The China National Offshore Oil Company (CNOOC), and Asia World Company destroyed palm plantations owned by local people in Wah Nat Chain village in Arakan State, near the companies' base camps. Villagers were not given any notification beforehand and were not offered any compensation. According to the field workers of the All Arakan Students and Youth Congress (AASYC), similar incidents are likely to occur along the Kyauk Pyu-Rangoon super highway.

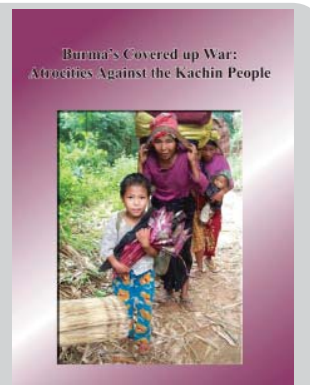
In this period, the greatest number of violations documented by ND-Burma occurred in Karen State (95 cases), followed by Shan State (33) and Arakan State (25). The high number of HRVs in Karen State during this period is related to violence between the Burmese armed forces and Karen opposition armies (the Karen National Liberation Army and battalions of the Democratic Karen Buddhist Army that have refused to transform into a Burma Army-controlled Border Guard Force). The fighting between the KNLA and the Burmese Army has been ongoing for decades. The conflict caused thousands of Burmese refugees to flee across the border to Thailand, and has led to an increase in forced labor demanded by army troops. Some of the conditions include: work as porters, mine sweepers, human shields, carrying ammunition, carrying drinking water, giving and carrying food, and building barracks for the army. In addition, villagers are forced to stay in their villages; anyone who ventures outside of their village is subject to being shot by the army before clarifying if that person is a civilian or armed opposition member. The Burma Army has continued to implement its four-cuts policy, cutting funds, food, information, and recruits in village located in areas of armed conflict.

The human rights situation in Kachin State has deteriorated significantly since armed conflict resumed in June 2011. The Kachin Women's Association of Thailand (KWAT), an ND-Burma member, recently published the report, "Burma's Covered up War: Atrocities Against the Kachin People." Because of the armed conflict, fieldworkers face much more severe security challenges in Kachin State and KWAT staff have focused on distributing the information they receive through their report, so data coming to ND-Burma is slower than it has been in the past and is not reflected in this periodic report. KWAT's report documents 37 cases of rape and sexual violence, 13 of which resulted in death, as well as killings, torture and ill-treatment, forced labor (including as human mine-sweepers), and forced relocation.

This survivor's account from KWAT's report gives a picture of the common villagers' experiences:

*"We fled our village to a hiding site before the fighting began. I went back to my home to feed the animals and get some food for my family. The soldiers were in my house and when I tried to enter they yelled at me to get out. I told them 'this is my house' but one soldier pointed a gun at me and asked me 'do you want to die?' I was frightened and ran away. All our crops and livestock have already been taken by the soldiers. We are worried that when we are able to go back to our village there will be nothing left. How will we survive?" –*

*Roi Nan, 56 year old grandmother from Mansi Township.*



We applaud our KWAT colleagues for their brave work and by highlighting it, we hope to remind readers that the developments in Naypyidaw seem to have little impact on conflict areas such as Kachin State.

In other parts of Burma, 7 cases of recruitment and use of child soldiers were documented during the reporting period. The cases occurred in Rangoon Region, Irrawaddy Region and Pegu Region in which the children were forcibly recruited by the army recruiters after not being able to provide ID cards or in other cases, being lured in.

Torture and ill-treatment is the topic of a forthcoming ND-Burma report, so many of the fieldworkers focused on these cases, making this category of HRV the most common violation documented by ND-Burma at 31.5% of all cases. The geographic distribution of these cases of torture and ill-treatment is as follows:

Chin State	Irrawaddy Region	Kachin State	Karen State	Kayha (Karenni) State	Magway Region	Mandalay Region	Mon State	Pegu Region	Rakhine (Arakan) State	Rangoon (Yangon) Region	Sagaing Region	Shan State	Tenasserim Region	Total
5	4	1	14	1	0	2	2	7	3	8	4	14	3	68

The second largest percentage of cases documented by ND-Burma (26.4%) involved forced labour. One instance of forced labour was reported by the Chin Human Rights Organization (CHRO) on 7 September titled *"Burma's Chief Minister of Chin State Orders Forced Labour"*. As reported, in August civil servants in Hakha were forced to perform manual labour to clear various areas around the town, including the site of a Union Government guesthouse which is being rebuilt, and the roadside that leads up to the Burmese Army base of Light Infantry Battalion 266 on top of Mount Rung. (CHRO press released on 7 September 2011). Use of civil servants for forced labor was halted three weeks after the press release.

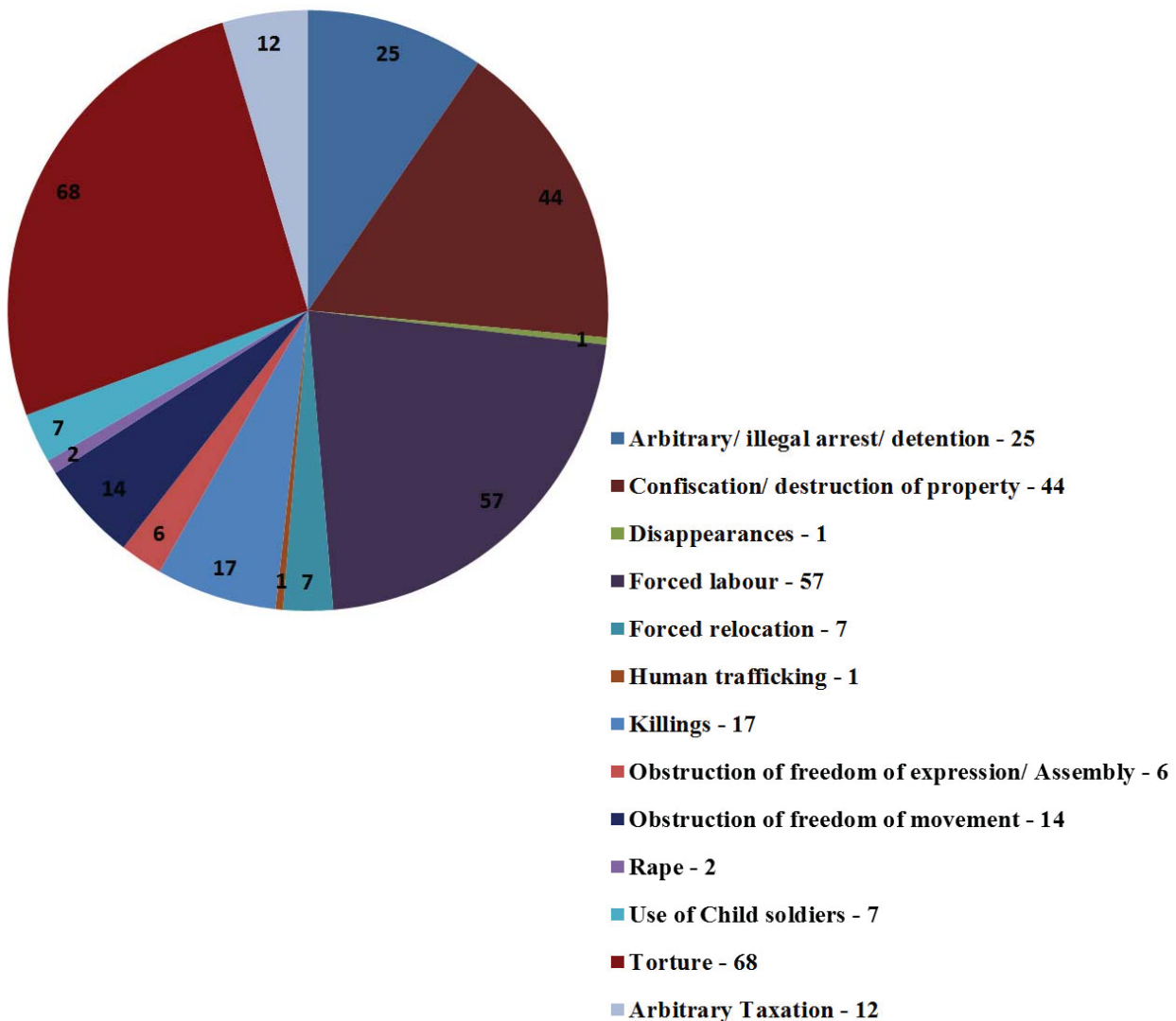


*The civil servants working to clear the site of the Union Government guesthouse in Hakha, which is being rebuilt. The red building in the background is the Chin State parliament building, where Hung Ngai has his office. (Source: CHRO)*

## Distribution of Human Rights Violations by Category

### Human Rights Violations Documented by ND-Burma

January to September 2011



# Case Study

## Land Confiscation

Fieldworkers from ND-Burma member organizations are currently collecting information for another report, due out in early 2012, on property and land confiscation related to forced displacement. We present this preliminary case study in anticipation of that report and also to demonstrate that violations like these occur in many ethnic nationalities areas (in this case, Lahu) just as Kachin, Shan, and Karen communities struggle to cope with the human rights violations in large-scale armed conflict areas.

Land confiscation is rampant in Burma and is often accompanied by other human rights violations, including cruel and degrading treatment of civilians.

Victim	: U Aik Moon
Age	: 49 years old
Religion	: Christian
Occupation	: Farmer
Address	: Naw Poe Shaw village, Tarlay Township, Tachilek sub-township, Tachilek District
Date of incident : 6 June 2011	
Perpetrator	: LIB 572 commander, Lieutenant Colonel Kyaw Lin Oo
Age	: 52 years old
Religion	: Buddhism
Occupation	: Army officer
Address	: LIB - 572, Tarlay sub-Township

On June 6, 2011, Light Infantry Battalion-572 commander Lieutenant Colonel Kyaw Lin Oo along with two captains and three soldiers from LIB-572 arrived at U Aik Moon's mango field in Naw Poe Shaw village in Tarlay sub-Township, Tachileik Township, Tachileik District. The owner of the land, U Aik Moon, was told that his land had been confiscated. When U Aik Moon asked why his land was confiscated, Kyaw Lin Oo explained that the army needed to extend its camp. Since his mango field was very close to the army camp, it was deemed appropriate to confiscate it. The army agreed to give compensation for his land according to the current land prices. Thus far, U Aik Moon has not received any compensation. The army has already cut the mango trees from the field. U Aik Moon has complained twice to the battalion commander, Kyaw Lin Oo, but still has not received a response. U Aik Moo has two daughters and one son. They sold their house at an undervalued price and migrated to a village in Mae Sai, Thailand. They felt forced to move because they were scared the military would confiscate their remaining property. As it stands, they have no recourse for complaints.

Light Infantry Battalion-572 is based in Tarlay Township and serves under the management of Brigadier General Than Tun Oo, Commander of Kengtung-based Triangle Region Command.

Source: Lahu Women Organization (LWO)

## Conclusion

As UN special rapporteur on the situation of human rights in Myanmar, Tomás Ojea Quintana, stated in his most recent report to the United Nations, he remains “concerned that a pattern of gross and systematic violations of human rights has existed for many years and continues today, although a new political system is being established.”<sup>2</sup> In a May 2011 statement, he echoed this view, finding that “the situation of ethnic minority groups in the border areas presents serious limitations to the Government’s intention to transition to democracy.”<sup>3</sup> In summary, hints of positive progress have not translated into any tangible improvement of the human rights situation, which remains dire.



A Karen child who was wounded in fighting between KNLA Battalion No. 16, column No. 2 and Burmese Army Light Infantry Battalion (LIB) No. 406, column No.1, in Maezali village, Kyainnseikyi Township of Karen State.

Photo by : HURFOM

2. UN General Assembly, Situation of human rights in Myanmar, Sept. 16, 2011, by the Special Rapporteur, par. 73, (A/66/365).
3. Office of the UN High Commissioner for Human Rights, Statement of the Special Rapporteur on the situation of human rights in Myanmar, May 23, 2011.

Appendix 1: Categories of Human Rights Violations Documented by ND-Burma by State & Region														
	Arbitrary/ illegal arrest/ detention	Confiscation/ destruction of property	Disappearances	Forced labour	Forced relocation	Human trafficking	Killings	Obstruction of freedom of expression/ Assembly	Obstruction of freedom of movement	Rape	Use of Child soldiers	Torture	Taxation	Total
Chin State				7	1		1	4			3	5	1	22
Irrawaddy Region	2			1			2					4	1	10
Kachin State							2		1			1		4
Karen State	10	11		31	5		9	1	11		1	14	2	95
Kayha (Karenni) State		2		1	1							1		5
Magwey Region	1													1
Mandalay Region		1		1							1	2		5
Mon State		6		4								2	3	15
Pegu Region	4	1		2								7	1	15
Rakhine (Ara-kan) State	1	19		1								3	1	25
Rangoon (Yan-gon) Region	4							1	1		2	8	1	17
Sagaing Region												4		4
Shan State	3	2	1	6		1	3			2		14	1	33
Tenasserim Re-gion		2		3					1			3	1	10
<b>Total</b>	<b>25</b>	<b>44</b>	<b>1</b>	<b>57</b>	<b>7</b>	<b>1</b>	<b>17</b>	<b>6</b>	<b>14</b>	<b>2</b>	<b>7</b>	<b>68</b>	<b>12</b>	<b>261</b>

<b>Appendix 2: Location of Human Rights Violations Documented by ND-Burma by Month</b>										
	January	February	March	April	May	Jun	July	August	September	Total
Chin State	2	2	1	1	2	0	6	4	4	22
Irrawaddy Region	0	0	0	0	1	0	5	3	1	10
Kachin State	0	0	0	0	0	0	0	1	3	4
Karen State	5	6	25	8	8	4	10	6	23	95
Kayha (Karenni) State	0	0	0	0	4	1	0	0	0	5
Magwey Region	0	0	0	0	0	0	0	1	0	1
Mandalay Region	0	0	1	0	0	1	2	0	1	5
Mon State	0	1	7	0	0	0	2	2	3	15
Pegu Region	0	2	0	1	3	0	3	2	4	15
Rakhine (Arakan) State	0	0	10	12	0	0	3	0	0	25
Rangoon (Yangon) Region	1	3	3	2	3	0	2	3	0	17
Sagaing Region	0	0	0	0	1	1	2	0	0	4
Shan State	1	2	1	0	2	1	11	12	3	33
Tenasserim Region	0	0	0	0	0	0	0	10	0	10
<b>Total</b>	<b>9</b>	<b>16</b>	<b>48</b>	<b>24</b>	<b>24</b>	<b>8</b>	<b>46</b>	<b>44</b>	<b>42</b>	<b>261</b>
	<b>73</b>			<b>56</b>			<b>132</b>			

**Appendix 3: Categories of Human Rights Violations Documented by ND-Burma by Month (Jan.-Sept., 2011)**

	Arbitrary/ illegal arrest/ detention	Confiscation/ destruction of property	Disappearances	Forced labour	Forced relocation	Human trafficking	Killings	Obstruction of freedom of expression/ Assembly	Obstruction of freedom of movement	Rape	Use of Child soldiers	Torture	Taxation	Total
January				4			1	1			2	1		9
February	2			6	2				1	1	1	1	2	16
March	2	13		16	1		1	1	4	1	2	6	1	48
April	1	11		3	1		2	1	2			2	1	24
May	2	7	1	3	2						1	7	1	24
Jun	2	1		3		1						1		8
July	3	4		7			3	2	4			21	2	46
August	6	3		8			6	1	2		1	13	4	44
September	7	5		7	1		4		1			16	1	42
<b>Total</b>	<b>25</b>	<b>44</b>	<b>1</b>	<b>57</b>	<b>7</b>	<b>1</b>	<b>17</b>	<b>6</b>	<b>14</b>	<b>2</b>	<b>7</b>	<b>68</b>	<b>12</b>	<b>261</b>

## Cover Photo

At a bout 8pm, a mortar shell from Battalion 74 landed on a home in ManJe Township, Je U village, a KIA - controlled area, where a teacher and 4 female students were studying. A Four-year-old kindergarten girl died and the teacher and the rest of the students were injured and taken to the Nam Lim Pa hospital. (KWAT)



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