

Report on the Human Rights Situation in Burma

March 2011 - March 2012



**Network for Human Rights
Documentation - Burma**

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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 from March 2011 - March 2012 the period marking President Thein Sein and his government being in office. The ND-Burma periodic report provides up-to-date information on human rights violations (HRVs) and highlights pressing issues and trends within the country. The information gathered covers 16 categories of human rights violations (HRV's), documented in all 14 states and regions across Burma.

During this reporting period, significant political events have taken place in Burma. President Thein Sein granted amnesties to a number of political prisoners; however list of 473 still remain in prison, 465 political prisoners whose whereabouts are currently under verification. A by-election was held on 1st April 2012, in which 45 seats in parliament were contested. The pro-democracy opposition party, the National League for Democracy, won 43 of those seats with leader Daw Aung Suu Kyi being elected into government for the first time in history. The elections were hailed by the international community as a success, and subsequently the European Union is set to approve a one-year suspension of sanctions while the United Kingdom, Norway, Australia and the United States have announced an easing of sanctions. However, the fundamental conditions for which the sanctions were initially imposed remain, and the steps taken by the government towards reform have been modest, ineffective and have yet to lead to any real change.

There is still a serious concern for the human rights situation in Burma. The ongoing civil war in ethnic areas has directly resulted in killings, land confiscation, forced labour, child soldiers, forced relocation, torture and ill treatment. Fighting in Karen State intensified after the 2010 election, until a ceasefire agreement was reached between the KNU and the government's peace negotiation team in January 2012. The Burmese armed forces continue to launch offensives against the Shan State Army (south) and the Shan State Army (North) even though a ceasefire agreement was signed more than four months ago. Finally, a seventeen year ceasefire agreement between the Kachin Independence Army (KIA) and the Burmese armed forces fell apart when the military attacked a strategic KIA post on June 9 2011, despite President Thein Sein ordering the army to halt offensives in Kachin State.

Western governments made the ending of conflict between the Burmese Army and ethnic groups a requirement for the lifting of sanctions, however as fighting is still occurring, many sanctions have been lifted prematurely. In spite of the civilian government working towards ceasefire agreements with organisations such as the Karen National Union, New Mon State Party, Chin National Front and Arakan Liberation Party, fighting still continues between the military and the Kachin Independence Organisation. The move to transform these bilateral ceasefire agreements into a nationwide ceasefire still remains unfulfilled.

The United Nations Special Rapporteur recently visited Burma and in his progress report to the Human Rights Council in March this year, he stated that “at this crucial moment in the country's history, remaining human rights concerns and challenges should be addressed, and justice and accountability measures, as well as measures to ensure access to the truth, should be taken.” ND Burma supports the Special Rapporteur and believes a truth commission is the best solution for unity, peace and national reconciliation during the transition and rehabilitation period in Burma. The Commission should be composed of independent and respected individuals from different fields and should undertake action on truth-seeking, compensation and reparation, public apologies and the re-occurrence of human rights violations.

ND-Burma believes that seeking the truth does no harm and yet it will significantly contribute to establishing justice, liberty and equality in Burma. It will help to create an environment in which individuals, institutions and government entities can work together towards an open and free society, while decreasing the amount of human rights violations and the perpetual abuse of power. ND-Burma believes that ignoring past human rights violations will abet in the protection of perpetrators and embolden future violations. A truth and justice commission is necessary for reconciliation and the future unity of Burma and therefore is greatly required during this transitional period.

Methodology

Fieldworker 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 March 2011 to March 2012. 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.

March 2011 - March 2012

No	Categories	Frequency
1	Arbitrary/ illegal arrest/ detention	39
2	Confiscation/ destruction of property	114
3	Disappearances	3
4	Forced labour	60
5	Forced relocation	6
6	Human trafficking	1
7	Killings	32
8	Obstruction of freedom of expression/ Assembly	11
9	Obstruction of freedom of movement	20
10	Use of Child soldiers	3
11	Torture	86
12	Arbitrary Taxation	40
	Total	415

Human Rights Violations Documented by ND-Burma (March 2011-March 2012)

ND Burma has documented 415 cases of human rights violations committed by the USDP-led government and its supporters during the period of March 2011- March 2012. The HRV's documented in this period took place in the fourteen states and regions through Burma.

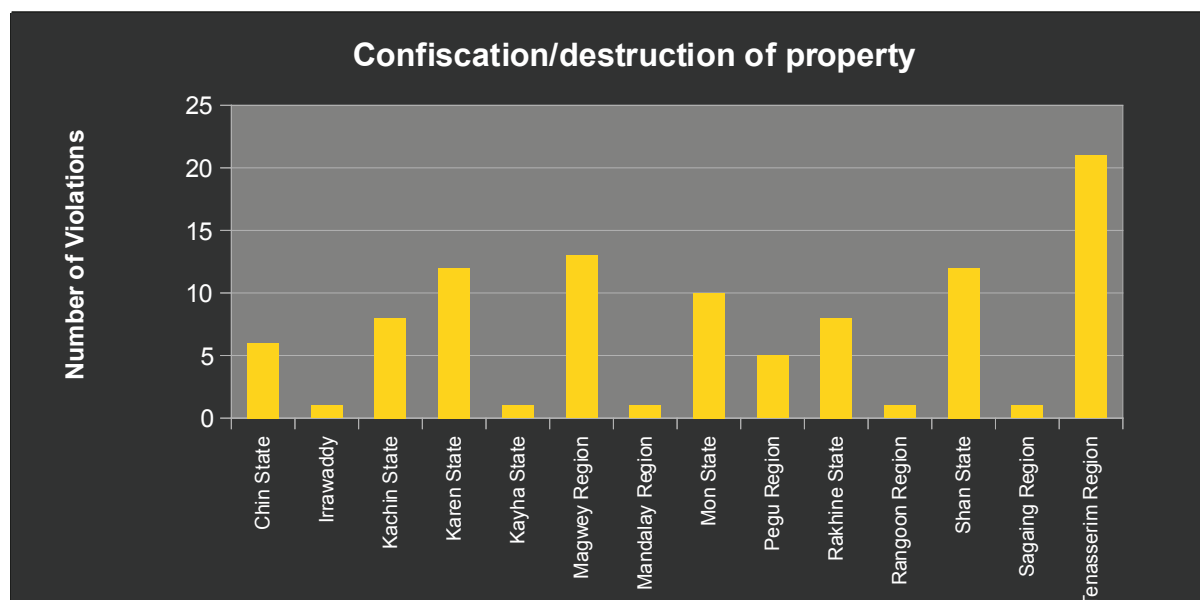
There have been 85 cases of torture, 59 cases of forced labour and 114 cases of confiscation/ destruction of property reported. These are a direct result of militarisation and the on-going armed conflict between the Burmese Army and ethnic armed groups in ethnic areas across Burma.

The information gathered by ND-Burma's member organisations are cannot be wholly reflective of the human rights situation in Burma, due to the covert nature of gathering data. In this period the greatest number of violations documented by ND Burma occurred in Karen State (74), followed by Shan state (67) and Kachin state (58).

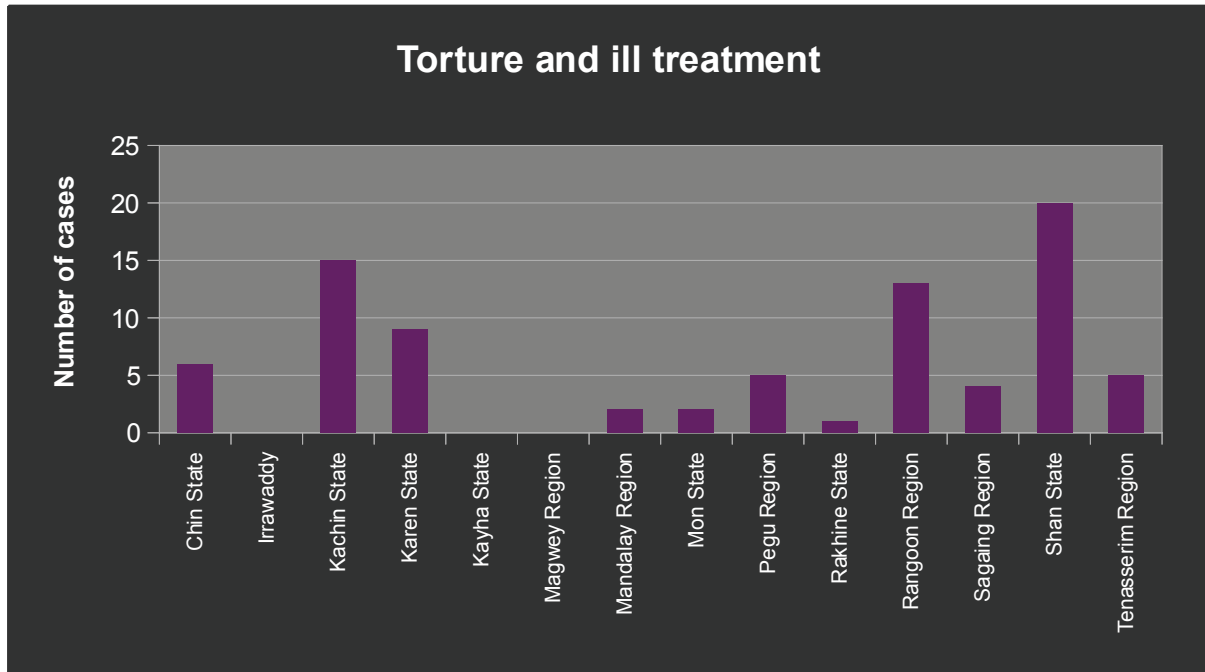
The high number of HRVs in Karen State is related to the ongoing violence between the Burmese armed forces and the Karen opposition armies (The Karen National Liberation Army and battalions of the Democratic Karen Buddhist Army) The conflict has caused thousands of Burmese refugees to flee across the border to Thailand, and has led to an increase in forced labor demanded by army troops.

The human rights situation in Kachin State has deteriorated significantly since armed conflict resumed in June 2011. Due to the armed conflict, ND-Burma fieldworkers face more severe security challenges in gathering data in Kachin State, therefore the data in this report is not reflective of the severity of the human rights situation.

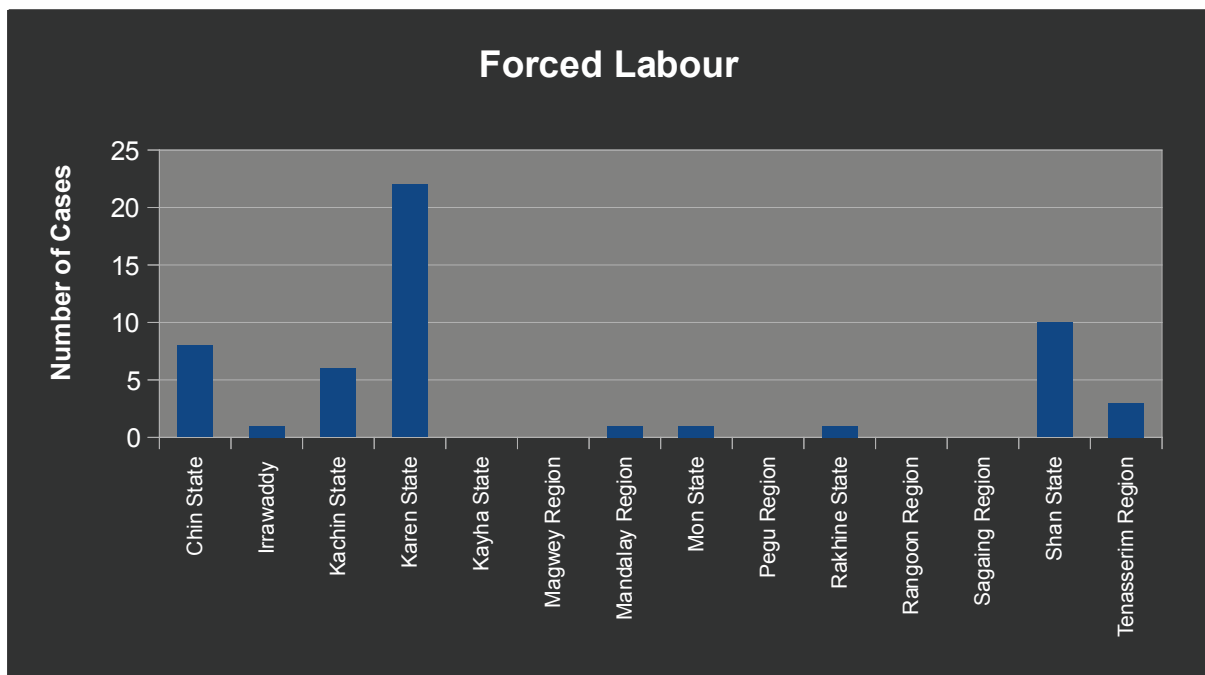
The confiscation and destruction of property was the most frequently reported violation of human rights documented by ND-Burma at 25% of all cases. Land confiscation is the topic of an up-coming ND-Burma report, so many fieldworkers were focused on it, however it is also the most frequently reported human rights complaint to the National Human Rights Commission. The geographic distribution of cases of land confiscation and destruction is as follows:



Torture and ill-treatment is the next largest percentage of human rights violations. Torture accounted for 19% of all human rights violations documented by ND-Burma. The geographic distribution of cases of torture is as follows:



The third largest percentage of cases documented by ND-Burma was forced labour, accounting for 16% of total violations. This is due to the fighting between government troops and the ethnic nationality forces. Forced labour includes the use of civilians to work as porters, minesweepers, human shields, and building barracks for the army. The geographic distribution of cases of forced labour is as follows:



Case Study

Land confiscation is the topic of an up-coming ND-Burma report so many fieldworkers were focused on it for that reason. The following case study presents examples of torture, inhumane and degrading treatment and forced labour in active conflict areas.

Event Date: 8/26/2011

**Torture, Inhumane & Degrading Treatment
A man was tortured by Burmese soldiers**



U Thura is an ethnic Burman from Myitkyina. He is married to an ethnic Kachin woman from Dabak village, Wai Maw District. He works as a carpenter and lives in Dabak Village with his family. After the fighting broke out in Dabak and Katsu villages, the villagers could no longer live in the area, so U Thura moved back to his home in Myitkyina. When the fighting became less intense he came back to Dabak village to finish up the construction of a kitchen owned by Dabak Baptist Church, which had been started before the fighting broke out. The torture incident took place on his way back to Dabak village. The reason he was tortured by the Burmese army was because on the day he came back to Dabak village, Lahtaw Lu (a villager from Dabak who is currently living in Myitkyina) requested him to take (18,000 Ks) and give it to Nlung Hka, who is caring for her paddy field. The money was put in an envelope along with a letter and on the envelope it was written (18,000 Ks). When U Thura arrived in Dabak village, he was stopped by Burmese soldiers from Infantry Battalion (No. 58) and questioned while his bag was checked. When the soldiers saw money in the envelope, they asked him whether the money would be used to support the KIA. He answered that the money had been sent by Lahtaw Lu and it had nothing to do with the KIA. When they opened the envelope the letter was written in Kachin, so they asked him to read it for them. U Thura advised that he could speak Kachin but he could not read, and since he did not read the letter the soldiers accused him of using the money to support the KIA. They punched him on his cheek until it started bleeding, then he was beaten 5 times on his back by guns. U Thura told them that he was ethnic Burman and from Myitkyina, but the soldiers kept on torturing him and told him they would kill him whether he is Burman or Kachin. While he was being tortured, an village elder came and when the soldiers saw, they stopped beating U Thura. The soldiers asked the village elder whether he knew U Thura or not. The village elder told them he knew U Thura and that he was carpenter from Dabak village. Shortly after the village elder went back, U Thura was released, except all the money and the items he brought with him were kept by soldiers. When U Thura was released, Ms. Yaw Win (Women Leader of Dabak Village) saw him and applied medicine to his wounds. U Thura said there were three soldiers who tortured him. The village elder said that Burmese Army Light Infantry Battalion (No. 58) has been stationed in Dabak Village since July 2011. They seized U Sau Naw Lung's house and made it as a check point to enter into the village.

Source: KWAT

Forced Labor

Event Date: 3/22/2012

Two villagers were forced to carry weapons and provisions with their horses by the Infantry Battalion 501

On March 22, 2012, two villagers were forced to carry provisions and weapons with their horses by the Kyautme's Infantry Battalion 501 in Naraunlay village, Manton Township, Northern Shan State, Burma. "The soldiers demanded to the village that they needed two people and two horses to carry their food supplies and weapons. Ah Naing, 26 years old and Sandaw, 34 years old, were therefore forced to go with their horses" said a local man. The were forced to carry very heavy weapons and provisions with their horses from Naraunlay village to Pan Yaung village where they went by foot. "Both of us have to bring our own food and even the horses we have to feed by ourselves. On the way they also asked several questions about Kachin Independence Army, Shan Army, Ta`ang National Liberation Army" said the victim.

Source: TSYO



Appendix 1 CHRV by State and Region (Mar 2011-Mar 2012)

Sr.	State & Region Vs. 16 Categories	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	Use of Child soldiers	Torture/ Ill Treatment	Arbitrary Taxation/ Extortion	Total
1	Chin State	1	6	-	9	-	-	1	6	-	-	6	8	37
2	Irrawaddy Region	4	1	-	1	-	-	2	-	2	1	1	4	16
3	Kachin State	2	8	1	6	3	-	16	1	6	-	15	-	58
4	Karen State	13	12	-	25	1	-	9	-	4	-	10	-	74
5	Kayha (Karenni) State	-	1	-	-	1	-	-	-	-	-	1	-	3
6	Magwey Region	1	14	-	-	-	-	-	-	-	-	-	-	15
7	Mandalay Region	-	2	-	1	-	-	-	1	-	1	2	-	7
8	Mon State	-	10	-	1	-	-	-	-	1	-	2	10	24
9	Pegu Region	4	5	-	-	-	-	-	-	-	-	5	1	15
10	Rakhine (Arakan) State	1	17	-	2	-	-	-	-	-	-	1	4	25
11	Rangoon (Yangon) Region	3	4	-	-	1	-	-	1	1	-	13	1	24
12	Sagaing Region	1	1	-	-	-	-	-	-	-	-	4	-	6
13	Shan State	6	12	2	12	-	1	4	-	1	1	21	7	67
14	Tenasserim Region	3	21	-	3	-	-	-	2	5	-	5	5	44
	Total	39	114	3	60	6	1	32	11	20	3	86	40	415

Appendix 2 Location of HRV (Mar 2011-Mar 2012)

ND-B Documented State & Region Vs. Month [Mar 2011 - Mar 2012]														
State & Region Vs. Monthly HRVs	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
Chin State	3	3	1	5	11	5	2	5					2	37
Irrawaddy Region	2		5		4	1		2	2					16
Kachin State				12	16	5	4	12		7	2			58
Karen State	5	5	3	15	3	15	6	8	3	7		4		74
Kayha (Karenni) State	2	1												3
Magwey Region	1		9			4	1							15
Mandalay Region	1		1		1		1	1			2			7
Mon State		2		4	1	3	7		5	2				24
Pegu Region		4	5	2		3	1							15
Rakhine (Arakan) State	10	1	2	6	1		5							25
Rangoon (Yangon) Region		1	4		4	2	2	1	2	2	2	3	1	24
Sagaing Region	1	1	2	1	1									6
Shan State	1	5	5	11	9	2	4	6	8	2	7	4	3	67
Tenasserim Region			9	14	4	6	1	4	6					44
Total	26	23	46	70	55	46	34	39	26	20	13	11	6	415

Appendix 3 CHRV by month. (Mar 2011-Mar 2012)

Monthly Vs 16 Categories	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	Use of Child soldiers	Torture/ Ill Treatment	Arbitrary Taxation/ Extortion	Total
Jan													0
Feb													0
Mar	1	10		6	1		1	1		2	3	1	26
Apr	2	5	1	3			1		1		7	3	23
May	7	19		2			2		2	1	10	3	46
Jun	5	16		9	1		5	3	6		17	8	70
Jul	7	6		9	1		4	2	5		18	3	55
August	6	8		8			6	1	2		9	6	46
September	2	13		1	1		2		1		8	6	34
October	4	14		7	1		4		2		4	3	39
November	3	12	1	1			1		1		4	3	26
December		4	1	7		1	3				3	1	20
Jan	1	5		2			2	1			1	1	13
Feb		2		4	1			1			1	2	11
Mar	1			1			1	2			1		6
Total	39	114	3	60	6	1	32	11	20	3	86	40	415

Conclusion

In March this year President Thein Sein addressed the nation to mark the anniversary of his government's first year in power. In his speech, he outlined the need for ethnic minorities to have greater representation in politics and for an end to the misunderstanding and mistrust between ethnic groups and the government. He confirmed that his government is working to ensure the rule of law is upheld in Burma, stating that "if the rule of law prevails in our society, human rights, liberty and democracy would flourish automatically."

However, in spite of the civilian government working towards ceasefire agreements with major ethnic armed groups, fighting still continues between the military and the KIA. As a result over 70000 Kachin people are living in an Internally Displaced Persons camp in Kachin state near the Chinese border, and there is a serious concern for human rights in relation to this on-going conflict.

Moreover, there is still no impartial rule of law in Burma and seeking justice and accountability for the past continues to remain a serious challenge.

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