



UPDATE ON THE HUMAN RIGHTS SITUATION IN BURMA

January to June
2018

Network for Human Rights Documentation - Burma



<https://www.nd-burma.org>



office@nd-burma.org

Cover photo: Trapped workers wait for a gate to open in Payin Maw,
Kachin State © KWAT

Published by the Network for Human Rights Documentation - Burma,
September 2018

GPO 315, Chiang Mai 50000, Thailand
+66 (0) 53 304 404
office@nd-burma.org
www.nd-burma.org

Acknowledgement

We are extremely grateful to the interviewees for their courage in speaking the truth. We are also grateful to the ND-Burma member organisations and their fieldworkers who collected the information at great personal risk.

We would like to express our gratitude to the numerous people and institutions that provided critical support and input for the production of this report. We would also like to thank our donors for their generous financial support, without which this report would not be possible.

About us

ND-Burma is a 13-member organisation whose members represent a range of ethnic nationalities, women, and former political prisoners. We have been documenting human rights abuses and fighting for justice for victims since 2004.

Members:

- Assistance Association for Political Prisoners – Burma
- Human Rights Foundation of Monland
- Kachin Women’s Association - Thailand
- Ta’ang Women’s Organization
- Ta’ang Students and Youth Organization
- Tavoyan Women’s Union

Affiliate Members

- All Arakan Students’ and Youths’ Congress
- Chin Human Rights Organization
- EarthRights International
- Pa-O Youth Organization
- Association of Human Rights Defenders and Promoters
- Progressive Voice
- East Bago - Former Political Prisoners Network Progressive Voice

Methodology

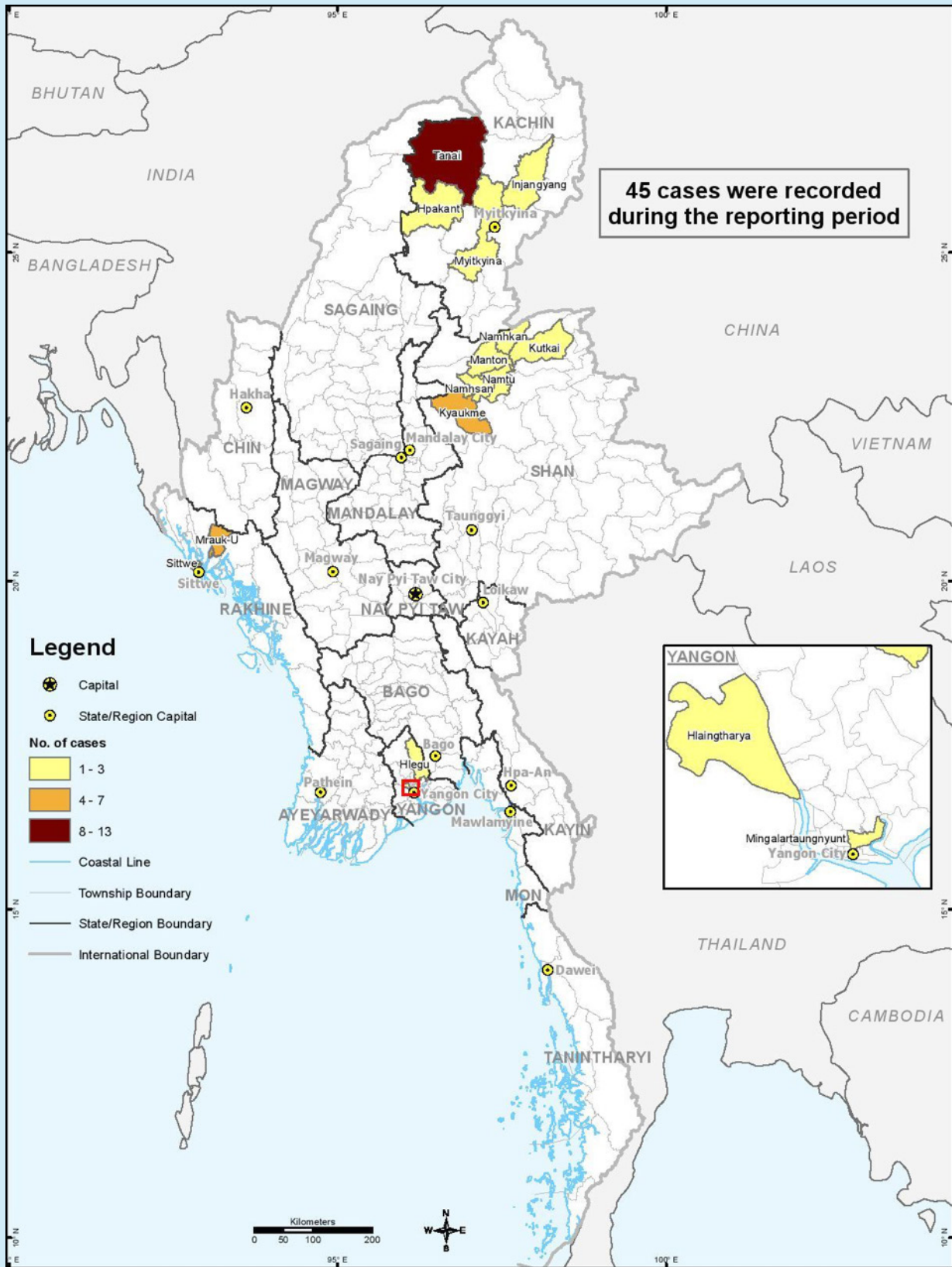
Fieldworker Situation: ND-Burma members' fieldworkers put themselves at great risk to document human rights violations. Due to security concerns, human rights monitoring cannot take place openly. Thus a representative sampling of all violations that take place in Burma is not possible. Fieldworkers and the people who communicate with them face security risks even in ceasefire areas, as government security forces and ethnic armed organisations (EAOs) often intimidate victims into keeping quiet. Documenting human rights violations can lead to arrest under repressive laws, harassment, and violent retribution.

Documentation: ND-Burma has provided training (with assistance from international human rights NGOs) to fieldworkers of member organisations who collected the information presented in this report. Fieldworkers collect interviews and other information across Burma's states and regions. Individual cases are documented depending on opportunity and circumstance. The cases presented here constitute first hand accounts of abuses perpetrated by government security forces and EAOs.

However, there are limits to our data collection. Fieldworkers are unable to document all human right violation cases due to access and security restrictions. The government restricts access to areas where human rights violations are taking place, in particular active conflict zones. Field officers do not enter active conflict zones for security reasons. Fear of harassment, arrest and retribution from perpetrators makes many victims of human rights abuses reluctant to report violations, even when given the opportunity. Our documentation is therefore unable to capture every human rights violation case.

Data Management: Fieldworkers send documents to their mother organisations, whose staff upload the information to ND-Burma's database. ND-Burma's data management team organises each document and has selected case studies from events that were recorded over the period January to June 2018. Any other information collected during this period regarding historic human rights violations is saved in order to build a robust record of Burma's history.

Human Rights violations documented by ND-Burma (January- June 2018)



Executive summary

- ❖ ND-Burma documented **45 cases of human rights violations** across four states and regions over the period January - June 2018. ND-Burma recorded 24 cases over the same six-month period in 2017, and 50 cases over the whole of 2017.
- ❖ The **uptick in human rights violations** recorded is the result of an intensification in conflict in **Kachin and northern Shan states**. Three quarters of the human rights violations ND-Burma documented were in Kachin (17 cases) and northern Shan (17 cases). In these areas civilians have been subjected to shelling, arbitrary arrest, torture, and death and injury by landmines.
- ❖ The reporting period also saw the **curtailment of fundamental freedoms**. In Arakan State (8 cases) a police crackdown on a protest resulted in the death and injury of civilians and an unclaimed bomb explosion resulted in the arbitrary arrest of a former political prisoner. An anti-war protest in Rangoon (3 cases) led to the detention of a number of demonstrators.
- ❖ The **majority of human rights violations were committed by government security forces** (31 cases). Several instances of death and injury by **landmines** were recorded (7 cases). ND-Burma also documented **human rights violations committed by ethnic armed organisations** (5 cases), including arbitrary arrest and detention, forced recruitment and labour, and death as a result of fighting between armed groups in civilian areas.
- ❖ **None of the cases in this update have seen justice**. In one case, the Burma army gave 200,000 kyats (approx. 150 USD) to the family of a woman raped by a soldier in northern Shan State.
- ❖ ND-Burma's documentation shows that **as long as there is impunity for human rights violations, they will continue**. Government security forces continue to show little respect for human life, in particular in conflict zones, and armed groups also commit human rights abuses. Civilians are the victims and urgently need a **government reparations programme** to address the impact of human rights violations and end impunity.

OVERVIEW

Conflict and displacement

The reporting period saw approximately 78 armed clashes, with some 18,000 people becoming newly displaced as a result.¹ At the time of writing there were approximately 106,000 people displaced in northern Shan and Kachin states. In a widely criticised move the government announced it would start closing IDP camps in Arakan, Kachin, Shan and Karen states, where over 160,000 IDPs are currently staying.

Kachin State

The reporting period saw a dramatic escalation of conflict in Kachin State. The military ramped up its operations against the Kachin Independence Army (KIA) in the heaviest onslaught since the KIA took up arms in 1961.² Attacks took place throughout the reporting period and were most intense between mid-April and the end of May, when the military launched simultaneous attacks on three KIA-controlled areas. This included shelling of civilians areas, which resulted in some 7,000 people becoming displaced during this short period.³ In Kamaing Township, civilians who had been warned that the military was about to attack fled to the jungle, where they were accosted by Burma army soldiers and forced to march through the jungle for two days. They were used as human shields and minesweepers.⁴ In Tanai Township the military used fighter jets to attack civilians, killing one 21-year-old man and injuring several more (Case 1 and Case 2). Civilians fleeing the fighting hid in the jungle to avoid the Burma army, where some became trapped for over two weeks.

-
1. Data from Myanmar Peace Monitor 2018 Dashboard, <http://www.mmpeacemonitor.org/mpm/211>
 2. Anthony Davis writing in Asia Times 'A vision for war without end in Myanmar', 30 May 2018, <http://www.atimes.com/article/a-vision-for-war-without-end-in-myanmar/>
 3. Joint Strategy Team, 'Humanitarian Situation Update in Kachin State 14th to 28th May 2018', 28 May 2018, <https://reliefweb.int/report/myanmar/humanitarian-situation-update-kachin-state-14th-28th-may-2018>
 4. KWAT, 'Burma Army commits war crimes against Kachin IDPs', 16 May 2018, <https://reliefweb.int/report/myanmar/update-kachin-women-s-association-thailand-kwat-burma-army-war-crimes-against-kachin>

Civilians fleeing conflict were subjected to degrading behaviour, with soldiers stealing IDPs' property, forcing men to strip, and touching women's breasts (Case 2). Soldiers drew lots to decide who would be able to keep their property and who would have it confiscated.

The escalation of conflict led to anti-war protests in Myitkyina. A Kachin youth movement emerged demanding protection for IDPs and an end to conflict. A number of solidarity rallies took place across the country, with some 300 people demonstrating in Yangon. A number of protest organisers were arrested and are facing charges (see Freedom of Expression section).

International humanitarian aid continues to be blocked to KIA-controlled areas. In June the government sent a letter to the Myanmar Council of Churches (MCC), an organisation of local religious groups, threatening to charge its members under 17/1 of the Unlawful Association Act if they continued to deliver aid to KIA-controlled areas. The Kachin Baptist Convention (KCB), one of the most active humanitarian organisations, said it would obey the order and try to find alternative ways to get aid to IDPs. Other local humanitarian groups have said they provide assistance in small quantities so as not to arouse suspicion.

A large number of IDPs are unable to go back home as Burma army soldiers have set up camp in their villages. People are also frightened of freshly laid mines after the fighting (Case 3).⁵ At the time of writing some 10,000 new IDPs had arrived in Myitkyina and were staying in churches and temporary shelters. Conditions were crowded with a lack of access to clean water and blankets. Local and international humanitarian assistance was getting through.

A number of Kachin civilians were disappeared during the reporting period. Two Kachin IDPs were arrested by Battalion #206 in January and found dead in March. A police investigation into the killing went nowhere after the military said it would conduct its own inquiries. The military has claimed the men were members of the KIA and sued one of their family members under Article 17/1 of the Unlawful Association Act. She has gone into hiding to escape detention.

Father of five Wadu Hkun Awng, was arrested by LIB #423 in March and is presumed dead by his family.

5. According to documentation by the Halo Trust, an NGO, there were 119 mine explosions in Burma during the period January - May 2018, killing 52 people and injuring 124, quoted in The Irrawaddy: 'Landmine Blast Kills One, Injures Two in Shan State', 25 July 2018, <https://www.irrawaddy.com/news/landmine-blast-kills-one-injures-two-shan-state.html>

Northern Shan State

In northern Shan State the military continued to clash with the Ta'ang National Liberation Army (TNLA). Offensives against the TNLA were ramped up after the group attacked a security outpost and casino, killing 19 people. Civilian areas were targeted with Burma army shelling and villagers injured (Case 4). The police and military continued to charge civilians with Article 17/1 of the Unlawful Association Act without having to provide evidence. A man in northern Shan State was charged under 17/1 after liaising with the TNLA in his role as Village Secretary, with the police telling him they cannot do anything about his case as it concerns the military (Case 8).

Fighting continued between the TNLA and Restoration Council of Shan State/ Shan State Army-South(RCSS/SSA-S), resulting in civilian deaths from shelling and gunfire (Case 5). ND-Burma documented instances of forced recruitment and labour by the KIA (Case 9 and Case 10). ND-Burma also documented a case of arbitrary arrest by the RCSS (Case 12). It was reported that the Myanmar National Democratic Alliance Army (MNDAA) arrested 16 villagers in Theinny Township, northern Shan State on 17 March following fighting between the armed group and military.⁶ The escalation of conflict in northern Shan State between a number of actors resulted in an increasing number of civilians being injured and killed by landmines (Case 13 and Case 14).

Arakan

The reporting period saw the government sign a Memorandum of Understanding with U.N. agencies to work towards the repatriation of refugees in Bangladesh. Over 700,000 Muslims fled a campaign of military violence last year and remain in camps in Bangladesh.

An unclaimed bomb attack in the state capital Sittwe in February led to the arrest of seven people, including former political prisoner Naing Soe (Case 16). He has been released on bail and cannot leave Sittwe, despite not having been charged with a crime.

6. VOA Burmese, 21 March 2018, <https://burmese.voanews.com/a/theinni-shan-villager-16-got-arrested-/4307637.html>

Karen State

Burma army soldiers entered territory controlled by the Karen National Liberation Army (KNLA) to start upgrading a military road. The KNLA is a signatory to the Nationwide Ceasefire Agreement (NCA) and the military did not receive permission to enter the area, making the incursion a violation of the accord. Clashes between the KNLA and military caused 2,000 civilians to flee the area. At the time of writing the military had agreed to halt the road building.

Conflict and peace process

The government held its third session of the 21st Century Panglong Peace Conference 11 - 16 July. The conference brought together representatives from the Union government, military, political parties, and armed groups to negotiate the draft Union Accord, which should become the basis of a future federal union. 14 points were agreed at the latest conference, bringing the total number of agreed points to 51. Challenging issues such as constitutional reform and resource-sharing were not discussed.

Ten armed groups have signed the Nationwide Ceasefire Agreement (NCA), with two new groups signing in February.⁷ Although these groups are the only ones permitted to formally negotiate at the Panglong peace conference, non-signatories were invited as observers to the latest session. This included all seven members of the Federal Political Negotiation and Consultative Committee (FPNCC) - a political alliance that includes several groups in active conflict with the military.⁸ The reporting period saw a number of informal talks take place between the military, government, and armed groups.⁹

7. Signatories at the time of writing were: New Mon State Party (NMSP), Lahu Democratic Union (LDU), Karen National Union (KNU), Karen National Liberation Army – Peace Council (KNLA-PC), Democratic Karen Benevolent Army (DKBA), Restoration Council of Shan State/Shan State Army – South (RCSS/SSA-S), All Burma Students Democratic Front (ABSDF), Chin National Front (CNF), and Pa-O National Liberation Organization (PNLO).

8. Members at the time of writing were: United Wa State Army (UWSA); Kachin Independence Army (KIA); National Democratic Alliance Army (NDAA); Shan State Progress Party (SSPP); TNLA; Arakan Army (AA); and Myanmar National Democratic Alliance Army (MNDAA).

9. For example the military and KIA held two bilateral meetings in February and the government's Peace Commission held meetings with the Shan State Progressive Party (SSPP) in May. Source: Myanmar Peace Monitor 2018 Dashboard, <http://www.mmpeacemonitor.org/mpm/211>

NCA-signatories faced obstruction from the military when trying to hold 'national-level dialogues.' These political dialogues allow NCA-signatories to bring together different stakeholders in their constituencies to discuss input to upcoming peace negotiations. Although they are enshrined under the terms of the NCA, the military obstructed preparations for dialogues in Mon and Shan states.

Freedom of expression

The reporting period saw the government continue to stifle freedom of expression through legal harassment and violence.

Two Reuters reporters who were arrested at the end of 2017 in a suspected case of entrapment were charged with seven years in jail each under the colonial-era Official Secrets Act in September 2018. Wa Lone and Kyaw Soe Oo were arrested after being invited to dinner by police, who gave them documents relating to a mass grave in Arakan State. A request to dismiss the case on account of there being no substantive evidence was rejected in April. Shortly after one of the policeman who had arrested the journalists confirmed that officers had been ordered to "trap" the pair. He was promptly charged with violating the Police Disciplinary Act and jailed. Wa Lone told the court that he and Kyaw Soe Oo have been hooded, forced to kneel on the floor for long stretches of time, and deprived of sleep for up to three days during interrogation.



Photo: Wa Lone outside the courtroom | Credit: Reuters

April saw the release of 36 political prisoners under a mass government amnesty. This included two Kachin pastors who had been detained in December 2016 and charged with Article 17/1 of the Unlawful Association Act after helping media document military attacks in northern Shan State. Lahpai Gam, a Kachin farmer who had been arrested in 2012 and badly tortured, was also released. Former political prisoners do not receive redress following incarceration and the government has no formal definition of the term 'political prisoner', meaning they are not formally recognised as such.

The right to protest was severely restricted over the reporting period. In January, a police crackdown on a protest of some 4,000 people in Arakan State led to death of seven people, with a further 12 being injured (Case 15). The demonstrators were protesting a local government decision to withhold permission for an annual event commemorating the fall of the Arakan kingdom in the 18th Century.



Photo: Police restrain a protester in Rangoon on 15 May 2018 |
Credit: Victoria Milko

In Kachin State anti-war demonstrations started at the end of April and continued throughout the beginning of May. The Northern Command of the Burma army sued three of the organisers for defamation after they accused the military of committing human rights violations against Kachin civilians. Two further organisers of the protest were fined for having violated Article 19 of the Peaceful Assembly Law. A solidarity protest held in Rangoon in mid-May was violently dispersed by police and 17 organisers charged with disturbing the public and holding a protest without permission.¹⁰

10. For more background on the repression of the Myittha and Yangon protests see: Progressive Voice: 'Time to Hear Our Voices, Freedom of Assembly and the Youth Peace Movement in Myanmar', July 2018, https://progressivevoicemyanmar.org/wp-content/uploads/2018/07/PV_Briefing_Final_Web.pdf

In June, Yangon authorities banned all events marking the seven years since war resumed in Kachin State. Organisers of a prayer event in the Kachin capital Myitkyina to commemorate the anniversary were charged under Article 19 of the Peaceful Assembly and Procession Law despite having received prior permission from authorities.

In June, three reporters for a local news organisation were briefly detained in Irrawaddy Region by the Burma army while researching a story on the alleged recruitment of a disabled child soldier.



Justice

The reporting period saw a renewed international push to hold government security forces accountable for mass human rights violations. The European Union and Canada imposed sanctions on seven senior figures from the military, police, and Border Guard Force (BGF).¹¹ The military did not respond directly to the sanctions but allowed one of the sanctioned Generals to resign, while another was dismissed for apparently unrelated reasons.

The UN Special Rapporteur on the situation of human rights in Myanmar, Yanghee Lee, urged for Burma to be referred to the International Criminal Court (ICC) so those responsible for mass human rights violations can be investigated and prosecuted. She proposed the establishment of an international accountability

11. Council Implementing Regulation (EU) 2018/898 of 25 June 2018 implementing Regulation (EU) No 401/2013 concerning restrictive measures in respect of Myanmar/Burma, <https://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX%3A32018R0898>

mechanism to prepare for an ICC investigation.¹² Yanghee Lee continues to be banned from entering the country, as were investigators from a UN-mandated fact finding mission, which in August declared that senior military figures should be investigated for genocide, crimes against humanity, and war crimes.¹³ The government created another internal commission to investigate allegations of human rights violations, comprised of two local and two international members. Previous such commissions have absolved soldiers of serious misconduct.¹⁴

The military also took legal action against a number of low-ranking soldiers accused of committing human rights violations. In January six soldiers were sentenced to 10 years in jail with hard labour for killing three Kachin civilians. In April seven soldiers were sentenced to ten years in jail for killing of Muslim men in northern Arakan State. The murdered men were found in a mass grave that the Reuters journalists currently on trial had been investigating (see Freedom of Expression section). All cases were heard in secret military courts.

The reporting period saw no meaningful government action on reparations for victims of human rights violations. Domestic civil society instead continues to provide assistance to victims. In February a healthcare centre offering free treatment for former political prisoners opened in Rangoon. It is run by activists



Photo: A new memorial commemorating the 8888 uprising is being built in Bago | Credit: Democracy Monument Committee, Bago

12. Oral update by Ms. Yanghee Lee, Special Rapporteur on the situation of human rights in Myanmar at the 38th session of the Human Rights Council, 27 June 2018, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23268&LangID=E>

13. United Nations Human Rights Council, 'Independent international fact-finding mission on Myanmar', accessed 7 September 2018, <https://www.ohchr.org/en/hrbodies/hrc/myanmarffm/pages/index.aspx>

14. Human Rights Watch: Burma: National Commission Denies Atrocities, 7 August 2017, <https://www.hrw.org/news/2017/08/07/burma-national-commission-denies-atrocities>

and former political prisoners. A monument commemorating the 8888 uprising was erected in August 2018 on the 30 year anniversary of the protests.

January saw the death of San Zaw Htay and Zaw Min, two former political prisoners who died of liver ailments. Their illness has been ascribed to the poor prison conditions they endured over years of incarceration. Both died without receiving government recognition or redress.

CASE STUDIES

Case 1: Five civilians injured after Burma army shelling of their home, Tanai Township, Kachin State, 26 January 2018

Five civilians were injured after Burma army shells hit their temporary shelter in Tanai Township, Kachin State. The family had been staying in a wooden house while some of them worked in the Tanai amber mines. The victims were two sisters, aged 18 and 31, a 18-year-old man, and two children. The injured fled to a clinic some four hours' away, where they still were at the time of interview.



Photo: Trapped workers wait for a gate to open in Payin Maw, Kachin State | Credit: KWAT

Case 2: Burma army mistreats IDPs fleeing fighting in Tanai Township, Kachin State, 27 January 2018



Photo: 21-year-old man killed by Burma army shelling | Credit: KWAT

On 27 January the Burma army used two military jets to drop bombs on a KIA-controlled village in Tanai Township, Kachin State. One civilian was killed and two were injured. Several homes were also destroyed. Some 500 people fled the attack while others were blocked from escaping by Burma army soldiers. Those fleeing faced abuse from soldiers at checkpoints.

A 57-year-old Kachin man who had fled the fighting and was interviewed by ND-Burma said that fighter jets started dropping bombs and shooting at villagers without providing prior warning. He said that the military deliberately targeted civilians and shot at them “so that KIA soldiers would show up”.

Those who managed to flee the attack had to first pass through a border gate manned by Burma army soldiers. Border gates separate government and EAO-controlled territory. The displaced were searched and interrogated by soldiers. Women had their breasts touched and men were forced to take off their trousers. Soldiers confiscated motorbikes, phones, and money from villagers; the interviewee had 100,000 kyats (approx 75 USD) taken from him. Soldiers drew lots to decide who would be able to keep their property and who would have it confiscated. The interviewee said between 30 and 40 people were arrested after being interrogated, with some being beaten. Those allowed to pass were told not to look back as they would be shot.

Case 3: One woman killed and two men injured by landmines in Tanai Township, Kachin State, 18 January 2018

After fighting between the military and KIA in Tanai Township, two landmine blasts killed one woman and injured two men. Both mines had been laid near the victims’ villages, which led the interviewee to believe they had been laid by the military. The woman’s corpse could not be found after she was killed by the mine.

Case 4: Two villagers injured by Burma army shelling in Namkham Township, northern Shan State, 8 March 2018

A 65-year-old man and his wife were at home in Man Sat Village, Namkham Township, northern Shan State when a Burma army shell hit their house. Both were injured and hospitalised for a week. The military had been shelling the village as part of an operation against the Ta'ang National Liberation Army (TNLA).

Case 5: Armed group shelling and gunfire kills and injures villagers in Kyauk Mae Township, northern Shan State, 10 March 2018

Fighting between the TNLA and Restoration Council of Shan State (RCSS/SSA) in two villages in Kyauk Mae Township resulted in the death and injury of villagers. Civilians who had fled told ND-Burma that 20 shells were dropped on the villages, killing one man. A 52-year-old woman and a 70-year-old man were shot dead by RCSS/SSA soldiers after returning to their property to check on their cows. Another male villager was killed by a mine after fleeing the fighting.

Case 6: Burma army burn down villagers' homes and steal their property, Namsan Township, northern Shan State, 14 January 2018

Civilians who had fled fighting between the military and TNLA near their village in Namsan Township, northern Shan State, returned back home on 14 January to find that soldiers from Burma army Battalion #504 had built a camp at the entrance of their village and destroyed and looted their property. Three homes had been burnt down while the rest had been severely damaged.

Case 7: Burma army soldiers arrest and torture ethnic Kachin man, Tanai Township, Kachin State, 2 February 2018

A 41-year-old Kachin farmer was transporting rice back from his paddy farm in Tanai Township, Kachin State, when he and three other men were detained by soldiers from Battalion #318. The soldiers proceeded to beat them with a bamboo stick. The interviewee told ND-Burma: "They beat us as if they were pounding sticky rice to become powder." Then their eyes were covered and they were brought to the military camp, where they were beaten with a piece of wood, buttstocks, and rope. Soldiers separated the interviewee from the other men and dug him a grave. They sat him down next to it and said they were preparing to shoot. The



Photo: A 41-year-old Kachin man who was tortured by Burma army soldiers in Tanai Township | Credit: KWAT

soldiers accused him of supporting the KIA through providing them with food supplies. The interviewee told them that KIA soldiers sometimes came to his house as he lived in the forest. The men were shackled overnight and denied food and water.

The interviewee was released four days later after a relative in the Burma army came to the camp to guarantee was not a KIA soldier. The other three men were released with him. He continues to have pain all over his body from the torture and cannot chew or yawn. The soldiers did not treat his wounds and he takes traditional medicine to try and alleviate the pain.

When asked what he would like to say to the government, he told ND-Burma: “Now

they are torturing, killing, raping civilians. I did not want that kind of situation in my place. I hate Burmese soldiers who are doing those things.”

Case 8: Village official charged under Unlawful Association Act in Namsan Township, northern Shan State, 12 November 2017

The Secretary of Hike Tan Village was arrested by soldiers from Battalion #105 under command of LID #77, who accused him of being a TNLA soldier. He is being charged under 17/1 of the Unlawful Association Act. A man in a nearby village reportedly accused the interviewee of being a TNLA informer while himself being interrogated by the military. Police officers have told the Village Administrator they cannot handle this case as it concerns the military. Locals have pointed out that as Village Secretary the victim has to liaise with armed groups. His trial was ongoing at the time of writing.

Case 9: KIA detains villagers and subjects them to forced labour, Kutkai Township, northern Shan State, 9 - 24 February 2018

27 villagers were arrested by the KIA while cutting sugar cane. The individuals

arrested were Ta'ang, Kachin, Bamar, and Chinese. They were taken to a nearby KIA camp and ordered to perform tasks like fetching water and cleaning. They were also forced to attend military training. Their phones were confiscated and soldiers threatened to kill them if they tried to escape. All villagers had been released by 24 February.

Case 10: KIA forcibly conscripts 15-year-old girl, Kutkai Township, northern Shan State, 18 February 2018

A 15-year-old Kachin girl was playing at home with a friend when six KIA soldiers came and took her to a nearby camp. The girl's parents asked the village heads to request her release, which the KIA agreed to after she completed military training. However she remains at the camp and her parents have not been allowed to see her. A phone number they gave the parents to contact the girl goes through to somebody else.

Case 11: Burma army soldier rapes mentally handicapped woman, Kyauk Mae, northern Shan State, 7 January 2018

A soldier from IB #148 raped a 32-year-old mentally handicapped woman in Pan Htan Village, Kyauk Mae, northern Shan State. When the woman's brother walked in on the assault the soldier threatened him with his gun. The woman's brother complained to the Captain of the Battalion, who gave him 200,000 kyats (approx. 150 USD) in compensation. The Captain slapped the soldier's cheeks to punish him and told villagers the case was closed.

Case 12: RCSS/SSA detains five villagers in Namtu Township, northern Shan State, 15 March 2018

RCSS/SSA soldiers detained five Ta'ang civilians after fighting between the RCSS/SSA and TNLA had ceased. The five men were arrested after returning to their village from a monastery where they had been sheltering during the fighting. The men were still detained at an unknown location at the time of writing.

Case 13: Two villagers killed by landmines in Namsan Township, northern Shan State, 20 October 2017

A man and a woman were killed by separate mine blasts on the same day in Namsan Township, northern Shan State. The 20-year-old woman was going to visit her grandparents with her mother when she stepped in a mine, grievously injuring her leg. She died on the way to the hospital.

The same day a 32-year-old man was killed by a mine in a nearby village in the same Township.

Villagers said both the military and TNLA operate in this area and are unsure who planted the mine.

Case 14: Villager killed by mine blast, Nammatu Township, northern Shan State, 4 March 2018

A 39-year-old Ta'ang villager was killed by a landmine that villagers suspect was laid by RCSS/SSA troops. One villager said: "In my opinion this is the responsibility of the Shan troops. But if they knew what I said I fear they would respond to me in some way. Finally it is people who are the victims of conflict." Villagers said that there have been five mine blasts since November 2017, killing one villager and injuring two others. They requested the government de-mine their area.

Case 15: Police torture 23-year-old man to death, Mrauk-U, Arakan State, 16 January 2018

A 23-year-old ethnic Arakanese man was tortured to death by police in Mrauk-U after taking part in a protest demanding permission to commemorate the anniversary of the fall of the Arakan Kingdom. Some 4,000 people surrounded a government building calling on authorities to give them permission to hold the annual event, and police started shooting rubber bullets into the crowd. The victim was arrested and taken to the police station, where he was beaten to death. Police brought his body to hospital the next day. Police killed a total of seven people and injured a further 12.



Photo: An 18-year-old Arakanese man shot to death by police during a protest in Mrauk-U | Credit: AASYC

Case 16: Former political prisoner arbitrarily detained after bomb blast in Sittwe Township, Arakan State, February 2018

On 24 February, three bombs targeting government buildings exploded in Sittwe, the capital of Arakan State. Nobody claimed the attack and eight people were arrested the following day, including former political prisoner Naing Soe. He told ND-Burma that police did not show him an arrest warrant and gave no explanation for his arrest. He was released on bail in March. Despite not having been charged with a crime, he must show up at the police office if he is summoned. He has subsequently been unable to leave Sittwe since his release.

CONCLUSION

Intense fighting between the military and EAOs over the reporting period resulted in ND-Burma recording a large number of conflict-related human rights violations perpetrated against civilians. The majority of human rights violations have been committed by government soldiers, who frequently use a great deal of cruelty against non-combatants. This can be seen in the many torture cases recorded by ND-Burma, which often relate to ethnic nationality civilians who have been accused of supporting EAOs. 'Support' can include a bag of rice or a bed to sleep for a night - things ethnic nationality civilians often feel pressured into providing for EAO soldiers. The military also uses legal harassment, in particular Article 17/1 of the Unlawful Association Act, to suppress ethnic nationality civilians.

EAO soldiers also commit human rights violations against civilians. This includes the laying of landmines, which are responsible for an increasing number of deaths and injuries in conflict zones. EAO troops also sometimes base themselves in and around civilian areas, attracting shelling and gunfire from government forces. EAO demands on civilians to provide them with food and shelter can also result in retaliation from the military.

A lack of respect for human life and dignity runs through all the human rights violation cases ND-Burma records. Weak rule of law and a culture of impunity means the vast majority of victims never see justice or receive redress for what they have suffered. This is despite the fact that victims of human rights violations often have immediate and significant needs, such as medical care or livelihood assistance. The Burmese government therefore needs to urgently implement a reparations programme to address victims' needs and build a system that respects human rights.

APPENDICES

Appendix 1: Human rights violations documented by ND-Burma January – June 2018

No.	Category	Number of Bulletins
1.	Arbitrary/illegal arrest/detention	6
2.	Confiscation/destruction of property	1
3.	Forced Labour	1
4.	Forced Relocation	2
5.	Human Trafficking	1
6.	Killing	16
7.	Rape	1
8.	Obstruction of Freedom of Assembly	1
9.	Obstruction of freedom of movement	1
10.	Torture	14
11.	Use As Child Soldier	1
TOTAL		45

Appendix 2: Human rights violations documented by ND-Burma January – June 2018, categories by month

Month vs. Category	Arbitrary/illegal arrest/detention	Confiscation/ destruction of property	Forced labour	Forced relocation	Human Trafficking	Killings	Obstruction of freedom of express/assembly	Obstruction of freedom of movement	Rape	Torture	Use as Child soldier	Total
January												
February	2				1	6			1	3	1	14
March	3		1			3	1	1		7		16
April				1		2				1		4
May						1						1
June				1		3				3		7
Total	6	1	1	2	1	16	1	1	1	14	1	45

Appendix 3: Human rights violations documented by ND-Burma January – June 2018, categories by state and region

No.	Region vs. State/Category	Arbitrary/illegal arrest/detention	Confiscation/Destruction of Property	Forced Labour	Forced Relocation	Human Trafficking	Killing	Rape	Obstruction of Freedom of Assembly	Obstruction of freedom of Movement	Other Sexual Violence	Torture	Use As Child Soldier	TOTAL
1.	Araakan State													
2.	Kachin State	1		1	2		7			1		5		17
3.	Rangoon Region					1						1	1	3
4.	Shan State	4	1				3	1				8		17
TOTAL		6	1	1	2	1	16	1	1	1		14	1	45

Breakdown of Perpetrators

Government security forces: 31

Military: 22

Police: 8

Military and Red Shan group: 1

Government: 2

Government Administration: 2

Unknown: 7

7 (all landmine cases)

EAO: 5

KIA: 2

RCSS/SSA: 2

Killed during fighting between TNLA and RCSS/SSA: 1



GPO 315
Chiang Mai 50000
Thailand
+66 (0) 53 304 404
office@nd-burma.org
www.nd-burma.org