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## News Bulletin

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### Thaton Situation Update: Hpa-an Township, January to June 2012

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*This report includes a situation update submitted to KHRC in June 2012 by a community member describing events occurring in Thaton District, during the period between January to June 2012. Specifically, it describes villagers' education, their livelihood and explains how some of the villagers who have to go and work in other countries because of the lack of opportunities in their area. This report also presents detailed information about companies that have cooperated with KSDDP leaders (formerly DKBA) and BGF Battalion #1014 soldiers to confiscate land for rubber and teak plantations and, consequently, have forced the civilians to clear and plant trees in the plantation without providing wages. Also reported, is forced recruitment committed by one former DKBA leader, Moe Nyo. This report describes changes in the activity of the Tatmadaw and contains information on the villagers' concerns about Tatmadaw troop movement following the 2012 ceasefire.*

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### Situation Update | Hpa-an<sup>1</sup> Township, Thaton District (January to June 2012)

*The following situation update was written by a community member in Thaton District who has been trained by KHRC to monitor human rights conditions. It is presented below translated exactly as originally written, save for minor edits for clarity and security.<sup>2</sup> This report was received along with other information from Thaton District, including five incident reports, five interviews and 139 photographs.<sup>3</sup>*

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<sup>1</sup> As of January 2013, KHRC began to use the common spelling for "Hpa-an" District to reflect the standardized transliteration developed in 2012; past KHRC reports used "Pa'an."

<sup>2</sup> KHRC trains community members in eastern Burma to document individual human rights abuses using a standardised reporting format; conduct interviews with other villagers; and write general updates on the situation in areas with which they are familiar. When writing situation updates, community members are encouraged to summarise recent events, raise issues that they consider to be important, and present their opinions or perspective on abuse and other local dynamics in their area.

<sup>3</sup> In order to increase the transparency of KHRC methodology and more directly communicate the experiences and perspectives of villagers in eastern Burma, KHRC aims to make all field information received available on the KHRC website once it has been processed and translated, subject only to security considerations. As companion to this, a redesigned website will be released in 2012. In the meantime, KHRC's most recently-published field information from Thaton District can be found in the report, "Torture and killing in Thaton District," KHRC, October 2012.

## **Introduction**

This report is written by a community member who works in his own community and it is written about his community situation, his experience, surveys and what he faced. Upon the incidents that occurred in the villages, they were surveyed, and after confirming them carefully, they were written down. There are three main [categories of] information, and they are:

- (1) the situation of the civilians;
- (2) the situation of the armed groups and the rich people;<sup>4</sup> and
- (3) the situation of the changing of the military government

## **The situation of the villagers' livelihood**

In Hpa-an Township, most of the villagers in the area earn their livelihood by farming flat fields, hill fields and by cultivating rubber plantations. Nowadays, as the environment is being emptied [deforested] and the fertility of the land has decreased, the climate is abnormal and it lessens the production of rice farming and cultivation, so that the insufficient food situation, which the civilians are faced with, increases yearly. Because [villagers from] these places do not have any other opportunities to earn money, some of the people leave their young children with old parents, then go and work in other countries, such as Malay [Malaysia], Bangkok, and most of their children become orphans.

## **The situation of education**

In this district [Thaton], there are three types of schools, such as: (1) public schools, (2) mission schools, and (3) government schools. Public schools are built by the public, and the salary for the teachers and the different kinds of [things] required for the students are provided by the public. For the mission schools, the salary for the teachers is provided by the missionaries who go to and fro, but the food and the teachers' requirements are provided by the public. For the government schools, the government chooses the teachers and sends them [to the village], and it also provides the salary for the teachers and the materials for the school. This year [2012], according to a teacher's statement, the Township Education Coordinator from Hpa-an [Township] said that, there should be

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<sup>4</sup> In the context of this report, it is likely that the community member uses the term "rich people" to refer to individual people and people affiliated with companies that have the resources to fund business enterprises in the area.

*“Learning, free of charge, in primary schools,”* in all of the government schools. However, nothing was discussed related to private schools or the mission schools.

## **Civilians face difficulties related to the income of the rich people**

In this year, 2012, starting from January to June, more companies entered our area; the companies are the Shwe Than Lwin Company, Hein Naing Win Company, and Thein Lay Myaing Company. These companies came into the area and confiscated the civilians' land as “uncultivated land,”<sup>5</sup> and they planted rubber and teak. Starting in April, the companies, Shwe Than Lwin and Thein Lay Myaing, worked with the former DKBA [Democratic Karen Benevolent Army] leaders who are U Tha Htoo, U La Ba, U Kyaw Than, U Hein Soe. These people called themselves [members of] Karen State Democracy and Development Party (KSDDP). The companies gave them [KSDDP] money and they used the Border Guard Battalion #1014 people, Tin Win, Thaw Ma Na and Moe Nyo. Tin Win and Thaw Ma Na, from the Border Guard, went in and confiscated 500 acres of land from V--- village, T--- village, and W--- village. Starting in April until now, they forced the villagers to go and clear the bushes, clear the fields and plant rubber and teak. They did not give any wages for this. Food and all the materials have to be brought by the villagers themselves. For the Hein Naing Win Company, they confiscated the KNU's [Karen National Union] forest reserve, the land that they bought and got documentation from the government. Then, they planted rubber and made the land theirs. We have known and have seen that the companies came into the area by working together with the armed groups, and they have authority over the civilians and abuse the rights of the civilians a lot. Due to the companies' coming and confiscating the land where the villagers work, villagers from T--- village, W--- village and V--- village do not have places to do cultivation or herd their livestock, and it causes a great problem for their livelihood.

## **Forced recruitment**

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<sup>5</sup> The perpetrator of this abuse may have been claiming authority under one of the Burma government laws that allows rights to land to be transferred from villagers to private entities. The Wasteland Instructions Law (1991) enabled both domestic and foreign investment in large-scale commercial enterprises through transfer of use rights to designated "wasteland" (or "vacant, fallow and virgin land"). This practice was recently reaffirmed by the Vacant, Fallow, Virgin Land Law (2012). As development has increased in southeastern Burma since the signing of the government-KNU ceasefire in January 2012, KHRG has received an increasing number of complaints of confiscation of "uncultivated land" or "wasteland". For KHRG documentation of land confiscation arising from development projects, see: *Losing Ground: Land conflicts and collective action in eastern Myanmar*, KHRG, March 2013. For summary and analysis of the legal and policy framework relating to land management in Burma, see: *Legal Review of Recently Enacted Farmland Law and Vacant Fallow and Virgin Lands Management Law*, Food Security Group - Land Core Group, November 2012.

On May 29<sup>th</sup> 2012, the leader of *Tha Ka Hsa Hpa* (*Thaung Kyaun Thu San Kyin Yay*) [anti-insurgency group], who is called Moe Nyo, called five villages to a meeting in F--- village, and he said that his soldiers from *Tha Ka Hsa Hpa - Thaung Kyaun Thu San Kyin Yay* should not get lost, so he gave the order to select five people from the five villages. On the same day, he held a meeting in H--- village and he ordered that if the villagers cannot send the people, they have to give 50,000 kyat (US \$58.34)<sup>6</sup> each month. The villages that are forcibly being asked for soldiers are: (1) D---, (2) B---, (3) F---, (4) E---, and (5) H--- villages. The villages are in Kyon Mon Thwe village tract, Hpa-an Township.

In the past, the leader of the people's militia, Moe Nyo, was a leader in the DKBA. In 2010, after the election, the DKBA was transformed into the Border Guard and he came back and lives as he wants and formed *Tha Ka Hsa Hpa- Thaung Kyaun Thu San Kyin Yay* [anti-insurgency group] from 2011 until now, because he was old and was not registered on the Border Guard age list.<sup>7</sup> The second thing was, because he was not interested much [with the Border Guard]. However, he later worked together with the leaders from DKBA, who are U Tha Htoo Kyaw and U Kyaw Than, and he later became one of the Border Guard advisors. He worked on both sides, to have more benefits for himself.

The villagers from the five villages complained because they have to give their children to *Tha Ka Hsa Hpa* (*Thaung Kyaun Thu San Kyin Yay*), or they have to give 50,000 kyat (US \$58.34) monthly for one year if they do not send their children. Therefore, the villager who is called Saw S---, reported that there are four or five households that left their village and went to live secretly in another country. The villagers who are left do not want to follow [the order], but they said that they would discuss it together and they would go report [what is written] above. However, some of the villagers felt afraid and they did not accompany their friends [to report it]. Moe Nyo became hostile and, therefore, the village head and some of the villagers [who left to report] had to return.

## **Changes in the military government's activities**

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<sup>6</sup> As of February 26th 2013, all conversion estimates for the kyat in this report are based on the official market rate of 860 kyat to the US \$1. This reflects new measures taken by Burma's central bank on April 2nd 2012 to initiate a managed float of the kyat, thus replacing the previous fixed rate of 6.5 kyat to US \$1.

<sup>7</sup> Border Guard battalions of the Tatmadaw 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 formalized ceasefire agreements with the Burmese government and agreed to transform into battalions within the Tatmadaw. Border Guard battalions are assigned four digit battalion numbers, whereas regular Tatmadaw infantry or light infantry battalions are identified by two or three digit battalion numbers. For more information, see "DKBA officially becomes Border Guard Force" Democratic Voice of Burma, August 2010, and, "Exploitation and recruitment under the DKBA in Pa'an District," KHRG, June 2009.

After the 2010 election, because the SPDC [Tatmadaw]<sup>8</sup> military government changed its name [and turned] into a civilian government, we can say that the activities of the battalions under its control became less [and they do not] go and fight with an ethnic [people's] group, the KNU. However, there is no change regarding building [army] camps; it is still the same.

We know that, beginning when the KNU and the military government entered a ceasefire in Hpa-an District area,<sup>9</sup> their [the Tatmadaw's] army group, the Border Guard, which guards the border, they set up their camp in K--- village. Officers Tin Win and Thaw Ma Na, from Battalion #1014, manage this [area].

Since the KNU and the military government entered the ceasefire, each army has known the limited areas [of operation]. The military government permitted them to go no more than 100 miles [yards]<sup>10</sup> away from each side of the main road. However, we know that they do not follow [the boundary] as it is limited, but they violate some of the orders. On June 7<sup>th</sup> 2012, LIB [Tatmadaw Light Infantry Battalion] #211, which is from Ta Paw Camp, came to P--- village, and they did not let the KNU know, so one thing is that it might create conflict.

## **The military camps that the military government built, and their unit numbers**

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<sup>8</sup> In Karen, the Burmese phrases Na Ah Pa (SPDC) and Na Wa Ta (SLORC) are commonly used to refer to the Burmese government or to Burma's state army, the Tatmadaw. Many older Karen villagers who were accustomed to using the phrase Na Wa Ta (SLORC) before 1997 continue to use that phrase, even though the SLORC has not officially existed since 1997. Similarly, despite the official dissolution of the SPDC in March 2011, many Karen villagers continue to use the phrase Na Ah Pa (SPDC) to refer to the Burmese government or to the Tatmadaw; see: "Mission Accomplished as SPDC 'dissolved,'" Myanmar Times, April 4-10th 2011. The term Na Ah Pa was used by the villager who wrote this conducted this interview and interviewee and "SPDC" is therefore retained in the translation of this interview.

<sup>9</sup> The ceasefire agreement signed between the KNU and RUM officials on January 12th 2011 in Hpa-an Town, was an agreement in principle on '11 key points', to be followed by more in-depth talks after 45 days. Senior KNU officials had since announced that the deadline of 45 days was unlikely to be met; see: "KNU ceasefire meeting with government behind schedule," Karen News, February 23rd 2012. Meanwhile, as-yet-unpublished KHRG information received on February 19th 2012, suggests that there have been clashes between government forces and non-state armed groups in Hpa-an District in February 2012 and that recent re-supply operations carried out by Tatmadaw forces in Nyaunglebin District exceeded the amount of supplies usually sent, and included heavy artillery. Local media sources have also reported ongoing fighting in Hpa-an and Nyaunglebin Districts since January 12th 2012; see: "Killings and attacks between DKBA and BGF drives villagers from their homes," Karen News, February 24th 2012; "Ceasefires, Continued Attacks and a Friendly Encounter Between Enemies," Free Burma Rangers, February 3rd 2012. For information on KHRG's position regarding the 2012 ceasefire, see its commentary "Steps towards peace: Local participation in the Karen ceasefire process," KHRG, November 2012.

<sup>10</sup> Although the community member uses "miles," it is known that in other districts, troop movements are limited to 200 yards from the roadside. See "Papun Situation Update: Dweh Loh Township, January to March 2012," KHRG May 2012.

On January 26<sup>th</sup> 2012, LID [Light Infantry Division] #44 came and changed places with LID #11 in Pa'nw eh Klah camp.

On January 27<sup>th</sup> 2012, TOC [Tactical Operations Command] #442 came and changed places with TOC #111 in Meh Pray Hkee camp.

On January 28<sup>th</sup> 2012, TOC #443 came and changed places with TOC #112 in Ka'ter Tee camp.

Further background on the current situation in Thaton District can be found in the following KHRG reports:

- “Border Guard Force #1014 forced labour and forced recruitment, April to May 2012,” KHRG, May 2013
- “Incident Report: Forced recruitment in Thaton District # 2, May 2012,” KHRG, May 2013.
- “Incident Report: Forced recruitment in Thaton District # 1, May 2012,” KHRG, May 2013
- “Incident Report: Forced Labour in Thaton District,” KHRG, May 2013
- “Incident Report: Land confiscation and forced labour in Thaton District, April 2012,” KHRG, March 2013
- “Torture and killing in Thaton District,” (October 2012)

