

# Ongoing militarisation in southeast Myanmar

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**KHRG**

**Karen Human Rights Group**

Documenting the voices of villagers in rural Burma

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Karen Human Rights Group  
October 2016

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**Front cover photo:** This photo was taken by a KHRG community member on January 23<sup>rd</sup> 2016, in Chaung Kya village, Htantabin Township, Toungoo District/east Bago Region. It shows Tatmadaw vehicles transporting rations. More than 15 vehicles fully loaded with rations and soldiers were observed.<sup>1</sup> *[Photo: KHRG]*

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<sup>1</sup> See "Hidden Strengths, Hidden Struggles: Women's testimonies from southeast Myanmar," KHRG, August 2016, p. 30.

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# Introduction

Since 1949 different Karen ethnic armed groups have been fighting against the Myanmar government's army (Tatmadaw). Arguably it is the world's longest-running civil war. In 2011, former President Thein Sein opened the door for ethnic groups to negotiate peace with the government. Then, in January 2012, the Myanmar government, led by Railway minister U Aung Min, and the Karen National Union (KNU) met for the first time to have peace talks in Hpa-an. As a result, the KNU signed a preliminary ceasefire agreement with the Myanmar government on January 12<sup>th</sup> 2012.<sup>2</sup> Further talks between the government and the KNU were held and finally on October 15<sup>th</sup> 2015, a Nationwide Ceasefire Agreement (NCA) was signed between the government and eight of the fifteen ethnic armed groups originally invited to the negotiation table, including the Karen National Union/ Karen National Liberation Army (KNU/KNLA), KNU/KNLA-Peace Council<sup>3</sup> (KNU/KNLA-PC), and the Democratic Karen Benevolent Army<sup>4</sup> (DKBA Benevolent).<sup>5</sup> While embraced by the United Nations (UN),<sup>6</sup> the decision to sign the NCA was criticised by some members of the Karen armed resistance<sup>7</sup> and Karen civil society

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<sup>2</sup> See "Govt, KNU sign ceasefire," *Myanmar Times*, January 16<sup>th</sup> 2012; "KNU, Govt Reach Historic Agreement," *The Irrawaddy*, January 12<sup>th</sup> 2012. See also KHRG's analysis of changes in human rights conditions since the preliminary ceasefire in our report *Truce or Transition? Trends in human rights abuse and local response since the 2012 ceasefire*, KHRG, May 2014.

<sup>3</sup> The KNU/KNLA Peace Council (also called the Karen Peace Council or KPC), is an armed group based in Htoth Kaw Koh, Hpa-an District, which split from the Karen National Union (KNU) and signed a ceasefire agreement with the Myanmar government in 2007. The KNU/KNLA-PC subsequently refused to comply with orders from the government to transform into a Tatmadaw BGF in 2010. The KNU/KNLA-PC signed a preliminary ceasefire agreement with the Myanmar government on February 7<sup>th</sup> 2012, and the Nationwide Ceasefire Agreement (NCA) on October 15<sup>th</sup> 2015.

<sup>4</sup> The Democratic Karen Benevolent Army (DKBA Benevolent) was formed in 2010 as a breakaway group following the transformation of the majority of the original Democratic Karen Buddhist Army (1994-2010) into Border Guard Forces (BGF). This group was originally called the Democratic Karen Buddhist Army until it changed its name to the Democratic Karen Benevolent Army in April 2012 in order to reflect its secularity. This group is comprised of different divisions, including Klot Htoo Baw Battalion and DKBA-5, and was led for many years by General Saw Lah Pwe aka Na Khan Mway who died in March 2016 and was replaced by General Saw Mo Shay in April 2016. The DKBA (Benevolent) signed a preliminary ceasefire with the Myanmar Government on November 3<sup>rd</sup> 2011 and then signed the Nationwide Ceasefire Agreement (NCA) on October 15<sup>th</sup> 2015. The group is based in Son Si Myaing area, Myawaddy/Kawkaik Township, Dooطلا District/south Kayin State. This DKBA (Benevolent) (2010 – present) should not be confused with, either the original Democratic Karen Buddhist Army (1994-2010) which was transformed into the BGF in 2010, or with the DKBA (Buddhist) (2016 – present) which was formed in 2016 as a splinter group of the DKBA (Benevolent). See also footnote 55 below.

<sup>5</sup> See "Myanmar signs ceasefire with eight armed groups," *Reuters*, October 15<sup>th</sup> 2015. See also: "NMSP agrees with NCA but will not sign in October," *Mizzima News/Burma News International*, October 6<sup>th</sup> 2015.

<sup>6</sup> See "Myanmar: UN chief welcomes 'milestone' signing of ceasefire agreement," *UN News Centre*, October 15<sup>th</sup> 2015.

<sup>7</sup> See "Without Real Political Roadmap, Nationwide Ceasefire Agreement Leads Nowhere..." *Karen News*, September 1<sup>st</sup> 2015.

groups<sup>8</sup> in southeast Myanmar who felt that the NCA was a superficial agreement that risked undermining a genuine peace process. The current situation is that of a ceasefire; a long lasting peace is yet to be achieved, so the world's longest running civil war cannot be said to have ended yet.

We have all witnessed, in November 2015, a landslide victory of Daw Aung San Suu Kyi's National League for Democracy (NLD) party, which further heightened expectations for enduring peace and stability. It must be noted however that the military-drafted Constitution still appoints 25% of the Hluttaw (Parliament) seats to the military and the key security ministries of defense, home affairs, and border affairs are military-controlled.<sup>9</sup> Daw Aung San Suu Kyi, who now holds the offices of Myanmar State Counsellor, Minister of Foreign Affairs and Minister of the President's Office, met with the NCA Joint Monitoring Committee (JMC) for the first time on April 27<sup>th</sup> 2016.<sup>10</sup>

More recently, on August 31<sup>st</sup> 2016, the 21<sup>st</sup> Century Panglong conference began.<sup>11</sup> The new peace conference strived to include groups that have not yet signed the NCA, but only partially succeeded as the Arakan Army, Myanmar National Democratic Alliance Army (MNDAA), also known as the Kokang Army, and the Ta'ang National Liberation Army were barred from participation even though they expressed willingness.<sup>12</sup> A non-signatory group that did participate initially, the United Wa State Army (UWSA) reportedly withdrew from the conference because they were only given 'observer' status and not an equal status as the other participants.<sup>13</sup> Another major concern on the 21<sup>st</sup> Century Panglong conference was the lack of women's participation,<sup>14</sup> a trend which Karen Human Rights Group (KHRG) also pointed out in its recently published report 'Hidden Strengths, Hidden Struggles'.<sup>15</sup>

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<sup>8</sup> See "Karen Civil Society Has Lost Trust in the Nationwide Ceasefire Agreement (NCA) Negotiations as a Gateway to Political Dialogue", *Burma Link*, October 4<sup>th</sup> 2015.

<sup>9</sup> "Myanmar's 2015 landmark elections explained," *BBC News*, December 3<sup>rd</sup> 2015.

<sup>10</sup> See "Aung San Suu Kyi Tells Myanmar's Peace Stakeholders to Prepare For Conference," *Radio Free Asia*, April 27<sup>th</sup> 2016.

<sup>11</sup> See "21<sup>st</sup> Century Panglong Conference Kicks Off in Naypyidaw," *The Irrawaddy*, August 31<sup>st</sup> 2016.

<sup>12</sup> See "Myanmar Peace Talks Begin, High in Symbolism and in Skepticism," *The New York Times*, August 31<sup>st</sup> 2016.

<sup>13</sup> See "UWSA pulls out of Panglong," *The Myanmar Times*, September 1<sup>st</sup> 2016.

<sup>14</sup> See "As the Panglong Conference begins, where are the women?," *The Myanmar Times*, August 31<sup>st</sup> 2016.

<sup>15</sup> See "Hidden Strengths, Hidden Struggles: Women's testimonies from southeast Myanmar," KHRG, August 2016.



Locally defined Karen State,<sup>16</sup> which covers most of southeast Myanmar, has felt the continued presence of military actors despite these recent changes in the national framework. KHRG has documented militarisation and its impacts on local communities in Karen areas since 1992. Now, just after the NCA's first anniversary (October 15<sup>th</sup> 2016), in this detailed militarisation commentary, KHRG will highlight how the path towards a long lasting peace in Myanmar continues to be threatened by ongoing militarisation and clashes in southeast Myanmar. This commentary is based on reports and information gathered in Karen areas in southeast Myanmar since January 2012 up and until October 2016. The focus of the commentary is on the more recent reports, especially since 2014 and special attention is paid to the incidents which have occurred after the signing of the NCA in October 2015.

'Militarisation' in the context of this commentary is taken to mean any activity that villagers perceive as intended for military purposes. This category includes the building of new bases, including land confiscation, by armed groups, the strengthening of existing bases and military training exercises, as well as the ongoing rotation of troops, re-supply of rations, weapons and ammunition, ongoing landmine contamination, unexploded ordnance and remnants of war, and recurring skirmishes between armed actors. The ongoing displacement of communities and the effect militarisation has on their livelihoods is also described.

## **Military presence in and near villages**

Since the preliminary ceasefire,<sup>17</sup> and later the NCA, KHRG has seen a significant decrease in reports of attacks on civilians and civilian objects, and other abuses that are the direct result of armed conflict. Villagers have also reported to KHRG

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<sup>16</sup> In order to classify information geographically, KHRG organises information according to seven research areas: Thaton, Toungoo, Nyaunglebin, Mergui-Tavoy, Hpapun, Dooplaya, and Hpa-an. These seven research areas are commonly referred to as 'districts' and are used by the Karen National Union (KNU), as well as many local Karen organisations, both those affiliated and unaffiliated with the KNU. KHRG's use of the district designations to reference our research areas represents no political affiliation; rather, it is rooted in KHRG's historical practice, due to the fact that villagers interviewed by KHRG, as well as local organisations with whom KHRG seeks to cooperate, commonly use these designations. The seven districts do not correspond to any demarcations used by the Myanmar government, but cover all or parts of two government-delineated states and two regions, as well as parts of Nay Pyi Taw Union Territory. Toungoo District includes all of northern Kayin State and small portions of Bago Region and Nay Pyi Taw Union Territory, while Nyaunglebin District covers a significant portion of eastern Bago Region. Hpapun District corresponds to northeastern Kayin State; Hpa-an District to central Kayin State; Thaton District to northern Mon State and parts of Kayin State; and Dooplaya District corresponds to southern Kayin and Mon states. Mergui-Tavoy District corresponds to Tanintharyi Region. See also the maps of southeast Myanmar in the back of this commentary.

<sup>17</sup> On January 12<sup>th</sup> 2012, a preliminary ceasefire agreement was signed between the KNU and Myanmar government in Hpa-an. This preliminary ceasefire was succeeded by a Nationwide Ceasefire Agreement (NCA) on October 15<sup>th</sup> 2015, between the Myanmar government and eight of the fifteen ethnic armed groups originally invited to the negotiation table, including the KNU. See "Myanmar signs ceasefire with eight armed groups," *Reuters*, October 15<sup>th</sup> 2015.

that they can travel more freely in Karen areas. These are both positive developments, however, villagers still have concerns for their security due to the heavy military presence of Tatmadaw and BGF in and around their villages. See the maps in the end of this commentary. Based on KHRG's past reporting, the presence of armed actors in an area can lead to restrictions on movement,<sup>18</sup> forced labour,<sup>19</sup> forced recruitment, sexual assault,<sup>20</sup> torture, killing and an increased risk of being injured by landmines, unexploded ordnance (UXO) or other remnants of war (ROW).<sup>21</sup>

The following was reported by a young woman interviewed by a KHRG community member in K'Ser Doh Township:

*"After the ceasefire was signed, women dared go to the jungle to collect firewood. [They felt scared before because] In the past the soldiers would usually lurk in the jungle. [...] The benefit is that after the ceasefire was signed, we can travel freely as we please. [...] I usually walk alone in my village. [...] I feel safe because it is my own village. [...] [But] I feel a little bit afraid [...], when we travel we feel afraid. [...] When we travelled on the road there were police check points, and they questioned us. [Question from interviewer: Were they police or army?] When I traveled I mostly saw the army. I do not know the name of the armed group."*

Naw S---, (female, 18), K'Ser Doh Township, Mergui-Tavoy District/  
Tanintharyi Region, November 2015<sup>22</sup>

Due to the history of the conflict in Karen State, the mere presence of soldiers continues to make villagers feel fearful and insecure, even when the soldiers do not commit abuses. A villager expressed her worries that she does not have any way to protect herself from the soldiers and that she wants the army camp that is based in her village to be removed.

<sup>18</sup> See Toungoo Interview, Htantabin Township, March 2012, Source #8 and Incident Report, Hpa-an District, 2010-2012, Source #12, both published in "Hidden Strengths, Hidden Struggles: Women's testimonies from southeast Myanmar. Appendix: Raw Data Testimony (January 2012 to March 2016)," KHRG, August 3<sup>rd</sup> 2016.

<sup>19</sup> See Hpapun Interview: Naw P--- (female, 30), November 2011, Source #4, published in "Hidden Strengths, Hidden Struggles: Women's testimonies from southeast Myanmar. Appendix: Raw Data Testimony (January 2012 to March 2016)," KHRG, August 3<sup>rd</sup> 2016.

<sup>20</sup> See Doooplaya Interview: Naw N---, Interview, received in January 2016, Source #158 and Doooplaya Interview: Naw E---, received in January 2016, Source #157, both published in "Hidden Strengths, Hidden Struggles: Women's testimonies from southeast Myanmar. Appendix: Raw Data Testimony (January 2012 to March 2016)," KHRG, August 3<sup>rd</sup> 2016.

<sup>21</sup> See Incident Report, Hpa-an District, 2010-2012, Source #12, published in "Hidden Strengths, Hidden Struggles: Women's testimonies from southeast Myanmar. Appendix: Raw Data Testimony (January 2012 to March 2016)," KHRG, August 3<sup>rd</sup> 2016.

<sup>22</sup> See Hidden Strengths, Hidden Struggles: Women's testimonies from southeast Myanmar, KHRG, August 2016, pp. 22-23.



*"I feel worried as a woman when we are travelling because they are soldiers. We are afraid of them. [...] We do not have any way to protect ourselves. I do not know how to protect [myself]. [...] What I want to ask is to remove the army camp that is based in my village."*

Naw P---, (female, 29) K--- village, Kawkareik Township, Dooplaya District/  
south Kayin State, March 2016<sup>23</sup>



These photos were taken on February 1<sup>st</sup> 2015 in Thandaunggyi Township, Toungoo District/north Kayin State. The photo on the left shows Tatmadaw soldiers patrolling the road near Shwe Nyaung Pin village. The photo on the right shows KNU soldiers passing over a road as they go from one village to another to meet with the local villagers. However, the Tatmadaw has put security patrols on the both sides of the road where the KNU soldiers are travelling and the local villagers report feeling afraid.<sup>24</sup> [Photos: KHRG]

The village head of K--- village in Kawkareik Township stated to KHRG that he is worried about an army camp placed in his village due to abuses that have occurred in the past. For that reason he fears that similar abuses could happen again.

*"I do feel worried because if any problem happens the civilians will be impacted. [...] [In the past] [w]hen Tatmadaw soldiers stayed in the army camp in the village they tortured people and fired guns and we had to flee in the middle of the night. [...] That is why we are worrying that such kinds of situations will happen [again]. It would be really great if this kind of thing will not happen [...] and we can live peacefully [...]."*

Saw M---, (male, 58), K--- village, Kawkareik Township, Dooplaya District/  
south Kayin State, May 2016<sup>25</sup>

<sup>23</sup> This information is taken from an unpublished report from Kawkareik Township, Dooplaya District/  
south Kayin State, March 2016.

<sup>24</sup> See "Toungoo Photo Set: Militarisation in Thandaunggyi Township, December 2014 to February 2015,"  
KHRG, October 2015.

<sup>25</sup> This information is taken from an unpublished interview from Kawkareik Township, Dooplaya District/  
south Kayin State, May 2016.

The village tract leader of H--- village tract in Lu Thaw Township, Hpapun District answered the following when asked if he has anything to mention about the Tatmadaw bases near the villages in his village tract.

*"All of the villagers want their [Tatmadaw] bases to be removed so that we will be able to work for our livelihood [freely]."*

Saw B--- (village tract leader), (male, 43), T--- village, H--- village tract, Lu Thaw Township, Hpapun District/northeast Kayin State, April 2016<sup>26</sup>

## **Ongoing rotation of troops, re-supply of rations, weapons and ammunition and the strengthening of existing bases**

Apart from the military presence in and around villages in southeast Myanmar, KHRG has received reports that the Tatmadaw and the BGF are mobilising and transporting troops, weapons and ammunition as well as strengthening army bases with zinc roofs, cement, and barbed wire. Over the years, while peace talks were held at tables far away from their villages, KHRG has spoken with local communities who – understandably – view any action that strengthen the military position of the Tatmadaw and BGF with extreme suspicion.



This photo was taken on January 16<sup>th</sup> 2015 in G-- village, Kyainseikgyi Township, Dooطلا District/south Kayin State. The Tatmadaw trucks were travelling on the road to resupply an army camp. In total, 11 trucks passed carrying rations and ammunition. The battalion number of the troops is unknown.<sup>27</sup> [Photo: KHRG]

The village tract leader of H--- village tract in Lu Thaw Township, Hpapun District spoke to KHRG in April 2016 about unusual military activity such as sending more rations and ammunition which has made villagers in his area question the genuinity of the nationwide ceasefire:

<sup>26</sup> This information is taken from an unpublished interview from Lu Thaw Township, Hpapun District/northeast Kayin State, April 2016.

<sup>27</sup> See "Dooطلا Field Report: Military conflict, violent abuse, and destruction caused by development projects, January to December 2015," KHRG, October 7<sup>th</sup> 2016.

*"The villagers reported to me that they [Tatmadaw] have the unusual activity after the ceasefire as they send more rations. Although we do not encounter with them, we looked from [far] away and saw that they sent more of their rations and ammunition. Therefore, the villages dare not go back [to their village] to work [on their fields]. [...] There is no activity like patrolling and burning [houses] like they did before. There is activity like sending their rations and ammunition. [...] The opinion of the villagers is that although there is the ceasefire, it is not a genuine ceasefire so the villagers do not go back to live in their village."*

Saw B--- (village tract leader), (male, 43), T--- village, H--- village tract, Lu Thaw Township, Hpapun District/northeast Kayin State, April 2016<sup>28</sup>

Another example reported by one KHRG community member in Bu Tho Township is that the Tatmadaw and BGF started patrolling Htee Lah Beh Hta bridge and checking villagers who were travelling in Bu Tho Township, Hpapun District from April 21<sup>st</sup> 2016. According to the researcher it was not clear why the Tatmadaw and BGF started patrolling at the bridge and asking villagers questions. Previously the DKBA (Benevolent) used to be based there and reportedly they were responsible for the bridge's construction together with Sayadaw U Thuzana.<sup>29</sup>



The above photos were taken on May 6<sup>th</sup> 2016 at Htee Lah Beh Hta Bridge, Htee Tha Daw Hta village tract, Bu Tho Township, Hpapun District/northeast Kayin State. They show the bridge that was commissioned by Sayadaw U Thuzana and the DKBA (Benevolent) and the checkpoint set up by the Tatmadaw and BGF after the DKBA (Benevolent) left the area.<sup>30</sup> [Photos: KHRG]

The village tract secretary of another village tract in Lu Thaw Township, Hpapun District, also spoke to KHRG in April 2016 and mentioned that the Tatmadaw are strengthening their bases instead of removing them, as well as sending rations, materials and ammunition:

<sup>28</sup> This information is taken from an unpublished interview from Lu Thaw Township, Hpapun District/northeast Kayin State, April 2016.

<sup>29</sup> See "Hpapun Situation Update: Bu Tho Township, March to May 2016," KHRG, September 2016.

<sup>30</sup> *Ibid.*

*"Regarding their activity currently, although they signed the ceasefire, they do not follow the ceasefire's policies [NCA and Code of Conduct]. We are not satisfied with the ceasefire. We are not satisfied with their activity. We always have to worry for our living, travelling and working for our livelihood. [...] They [the villagers] have the same opinion as I have. They are not satisfied with the ceasefire. For example, our leader [KNU/KNLA] asked them [Tatmadaw] to remove [their camps]. However, they did not remove [their camps] and they even repaired their camps. The nearest Tatmadaw camp is M[---] camp which we can see from a distance when we travel. In the past, it was just a simple camp but now they have repaired their camp and it is built with cement so that it will be stronger and bigger than it was. After 2015, they built a phone tower [in their camp]. As villagers see it, it is a big concern for them. [...] They currently have more military activity. It was difficult for them to send rations in the past. They now send more of their rations, materials and ammunition. They also store more food than they used to. They also have taken over two more places on the Salween River bank to store their food. They did not have these [bases] in the past. [...] In the past, they sent [their rations] by trucks on the road. Since the road is closed now [by KNU/KNLA], they send their food by boat on the Salween River. They then sent rations to their army camps by horses."*

Saw S--- (village tract secretary), (male), H--- village, K--- village tract, Lu Thaw Township, Hpapun District/northeast Kayin State, April 2016<sup>31</sup>



The above photos were taken on December 21<sup>st</sup> 2014 in T---, Thandaunggyi Township, Toungoo District/north Kayin State. They show the Tatmadaw transporting horses, which were then used to transport rations to the frontline, where transport by truck over the rough terrain is not possible. The local community reported that this occurred while they were celebrating the Karen New Year on December 21<sup>st</sup> 2014. As it is during the preliminary ceasefire period, the local villagers reported being worried for the stability of the ceasefire after witnessing this activity by the Tatmadaw.<sup>32</sup> [Photos: KHRG]

<sup>31</sup> This information is taken from an unpublished interview from Lu Thaw Township, Hpapun District/northeast Kayin State, April 2016.

<sup>32</sup> See "Toungoo Photo Set: Militarisation in Thandaunggyi Township, December 2014 to February 2015," KHRG, October 2015.



L--- village tract leader Saw H---, also from Lu Thaw Township, further confirmed the above concerns and specifically pointed out the villagers' distrust that follows from ceasefire rules allegedly being broken frequently by the Tatmadaw:

*"Our leaders [KNU] set up the rules [the NCA and Code of Conduct] that the Tatmadaw army camp based in H--- in L--- village tract cannot transport rations by [armed] trucks. However, they send their rations almost every day with their [armed] trucks. That is why we do not trust them. [...] After the ceasefire and up until now, H--- camp which is in B--- [village] was roofed with zinc. They do not have more soldiers sent to their camp but they sometimes rotate once a month or once after two months."*

Saw H--- (village tract leader), (male, 42), M--- village, L--- village tract, Lu Thaw Township, Hpapun District/northeast Kayin State, April 2016<sup>33</sup>

A recent example of the negative effect the military activity can have on villagers took place on May 3<sup>rd</sup> 2016 in Thandaunggyi Township, Toungoo District. The incident took place when a military truck hit a motorbike with two villagers, who were killed instantly. The truck kept driving and the incident is still under investigation.<sup>34</sup>



This photo was taken on May 3<sup>rd</sup> 2016 in Thandaunggyi Township, Toungoo District/north Kayin State by a KHRG community member. It shows two bodies on the road after the collision with the two villagers' motorbike and one of LIB #124's trucks. The trucks were transporting their monthly rations from the Southern Command Headquarters to Thandaunggyi Town for their frontline soldiers on May 3<sup>rd</sup> 2016.<sup>35</sup> [Photo: KHRG]

<sup>33</sup> This information is taken from an unpublished interview from Lu Thaw Township, Hpapun District/northeast Kayin State, April 2016.

<sup>34</sup> See "Collision between Tatmadaw military truck and a villager's motorbike in Thandaunggyi Township, Toungoo District, May 2016," KHRG, September 2016.

<sup>35</sup> *Ibid.*



These photos were taken on March 1<sup>st</sup> 2015. They show the Tatmadaw Transportation and Support Unit #930, which is situated in Thandaunggyi Township, Toungoo District/north Kayin State and transports rations to army camps and frontline troops that are under the Southern Command Headquarters. These rations are transported once a month with 10 to 15 army trucks. These truck columns do not face any obstacles as they did prior to the signing of the ceasefire, so they can transport their cargo easily, without setting up security troops. However, as a result of this, villagers expressed that they have greater concern for their security than before the ceasefire, when they did not have to worry about Tatmadaw trucks passing through.<sup>36</sup> [Photos: KHRG]

## Military trainings, unexploded ordnance and remnants of war

Additional concerns raised by local communities are military trainings conducted near farms and villages. This is directly related to the presence of military camps near and in villages. Villagers have reported to KHRG that the Tatmadaw has been conducting heavy weapons target training on their lands and as a result crops and rubber plantations have been destroyed. An example is in Win Yay Township, Dooplaya District in January 2015 when the Tatmadaw fired heavy artillery close to a monastery and farm – including at night – without informing the local community:

*"They fired the heavy artillery behind a monastery in a farm and did not inform the villagers that they would conduct target training during the night. One villager stated, 'They have never done night time target training before.' [...] They have conducted heavy weapons target practice in the past, but this time it is more serious due to an increase in the number of soldiers and damage caused."*

KHRG community member, Win Yay Township, Dooplaya District/  
south Kayin State, June 2015<sup>37</sup>

<sup>36</sup> "Toungoo Situation Update: Thandaunggyi Township, March to July 2015," KHRG, March 2016.

<sup>37</sup> See "Dooplaya Photo Set: Tatmadaw conduct heavy weapons target practice in Win Yay Township, January 2015," KHRG, June 2015.





These photos were taken on January 19<sup>th</sup> 2015 in Win Yay Township, Dooplaya District/south Kayin State. The first photo shows LIB #310 engaging in heavy weapons target training. The second photo shows a farmer's durian and betel nut trees which were hit by shrapnel from previous heavy weapons target practice in 2014 by LIB #310. These photos form part of a larger published photo set.<sup>38</sup> [Photos: KHRG]

Another military training was reported in and near P'Soh Oo and P'Nweh Hpoh Kloh villages in Ler Muh Lah Township, Mergui-Tavoy District. It was reported to KHRG that the training lasted for three months from November 2015 until January 2016. It included patrols through the named villages.<sup>39</sup> Apart from these target trainings being dangerous for the villagers and damaging their crops during the time they are conducted, they are also dangerous afterwards because unexploded ordnance and packaged shells are left behind on the villagers' lands.



These photos were taken on January 19<sup>th</sup> 2015 in Win Yay Township, Dooplaya District/south Kayin State. The first photo shows an unexploded rocket that was carelessly left after the Tatmadaw military training exercise. In total seven rockets were seen, some of which were fired, some of which were not. The second photo shows the shells in their packaging which were left by LIB #310 near U M---'s farm. A villager said that it is not the first time that they have left shells in their packaging.<sup>40</sup> [Photos: KHRG]

<sup>38</sup> See "Dooplaya Photo Set: Tatmadaw conduct heavy weapons target practice in Win Yay Township, January 2015," KHRG, June 2015

<sup>39</sup> See "Mergui-Tavoy Situation Update: Ler Muh Lah Township, November 2015 to January 2016," KHRG, August 2016.

<sup>40</sup> See "Dooplaya Photo Set: Tatmadaw conduct heavy weapons target practice in Win Yay Township, January 2015," KHRG, June 2015

Apart from unexploded ordnance due to military trainings, KHRG has also received reports of unexploded ordnance and remnants of war left on villagers' land due to recent clashes between armed actors.



The above photos were taken by a KHRG community member in C--- village, Kawkareik Township, Dooplaya District/south Kayin State on March 2<sup>nd</sup> 2015. These photos show mortars which did not explode during the clash between the BGF and Tatmadaw battalions from Kyaikdon Town and DKBA (Benevolent)'s Na Ma Kya unit, which later became part of DKBA (Buddhist) splinter group.<sup>41</sup> The first photo shows the unexploded mortar at the scene that was fired by Na Ma Kya's unit. The second shows the unexploded mortar that was fired by Tatmadaw soldiers.<sup>42</sup> [Photos: KHRG]



This photo was taken on March 23<sup>rd</sup> 2016 by a KHRG community member in Kaung Moo village in Kawkareik Township, Dooplaya District/south Kayin State. It shows a mortar that did not explode during the recent fighting between the BGF and Na Ma Kya.<sup>43</sup> [Photo: KHRG]

<sup>41</sup> Na Ma Kya is a Burmese phrase which directly translates as 'Deaf Ear'. Na Ma Kya in this context refers to the name of a DKBA (Benevolent) unit under Kyaw Moh aka Bo Na Ma Kya, which later became part of the DKBA (Buddhist) splinter group (see footnote 55 below). According to local villagers, this group often acted with impunity, ignoring both the local people's input as well as the higher DKBA (Benevolent) authorities' orders. Commander Kyaw Moh was reportedly killed by the BGF on August 29<sup>th</sup> 2016. For more information see DKBA Splinter Group Confirms Leader's Death, *The Irrawaddy*, August 31<sup>st</sup> 2016. According to unpublished KHRG information from Kawkareik Township in Dooplaya District the circumstances surrounding his death remained unconfirmed.

<sup>42</sup> See "Two separate clashes between armed actors in Kawkareik Township, Dooplaya District, February 2015," KHRG, May 2015.

<sup>43</sup> *Ibid.*



## Landmines

A great danger which has affected southeast Myanmar for decades – antipersonnel landmines – is still very prominent. The placement of landmines and reluctance to remove landmines is intrinsically linked to the ongoing militarisation in southeast Myanmar. Villagers have continuously reported to KHRG about their concerns for landmines used by different armed actors.

*"Since the ceasefire [the 2012 preliminary ceasefire agreement] has taken place, the [armed groups have stopped] planting landmines. Because they have stopped planting landmines it is very good [safe] for human beings [the local community members to travel]. [...] At the present time, we can say that in Toungoo District the KNU military [KNU/KNLA] have no plans to plant new landmines. The Myanmar government [Tatmadaw] do not plant new landmines either. But the old landmines still exist and they have not been cleared yet. The villagers do not dare to travel in the places where the old landmines still exist."*

KHRG community member, Thandaunggyi & Htantabin Townships, Toungoo District/  
east Bago Region & north Kayin State, January 2016<sup>44</sup>

Not everyone is so positive, a villager in Kawkareik Township, Dooplaya District stated:

*"We can't travel freely. We are not able to go around and work that much. [...] We have to be afraid of the landmines."*

Saw H---, (male, 30), K--- M--- village, Kawkareik Township,  
Dooplaya District/south Kayin State, March 2016<sup>45</sup>

Landmines were still being used in Nyaunglebin District/east Bago Region in 2014 by the KNU/KNLA with the justification that they want to protect themselves from Tatmadaw attacks as the Tatmadaw have not removed their soldiers from frontline areas. A KHRG community member also reported that landmines are also used by local civilians to protect the forest against deforestation and themselves from potential attacks by placing landmines around their own villages.<sup>46</sup> As a result many villagers have stepped on landmines:

<sup>44</sup> See "Toungoo Situation Update: Thanndaunggyi and Htantabin Townships, November 2015 to January 2016," KHRG, July 2016.

<sup>45</sup> This information is taken from an unpublished interview from Kawkareik Township, Dooplaya District/south Kayin State, March 2016.

<sup>46</sup> "Nyaunglebin Field Report: Changes since ceasefire, the land conflicts and local civilians concerns with military activities, January to December 2014," KHRG, 2016

*"...there are 29 people who have stepped on landmines [in Mone Township] since the [preliminary] ceasefire between the KNU and the government. It [landmines] restricted the civilians of Moo [Mone] Township from their traveling. The Myanmar government army has not withdrawn their troops, and more than that they are active in the frontline area. Some of the responsible people [KNU administrators] said that the soldiers of the KNU [the KNU/KNLA] are using landmines for their security. As a result, some of the villagers stepped on landmines when they were finding vegetables, cutting bamboo and cutting wood."*

KHRG community member, Mone Township,  
Nyaunglebin District/east Bago Region, July 2014<sup>47</sup>

A more recent example in Nyaunglebin District is Maung A---, a villager from C--- village, who went to his farm to collect firewood:

*"On April 26<sup>th</sup> 2016 Maung A---, who is a C--- villager, went to his farm to collect firewood. When he went by bullock cart on his way, the landmine exploded and injured his cart, a cow and his right leg. Maung A--- did not feel happy with the incident but he could not do anything. He himself said that 'I thought it is my land compound and I thought people do not plant landmines beside my compound.'"*

KHRG community member, Mone Township,  
Nyaunglebin District/east Bago Region, May 2016<sup>48</sup>



The above photos were taken on May 10<sup>th</sup> 2016, in C--- village, Mone Township, Nyaunglebin District/east Bago Region. The photos show Maung A--- and his cow who were injured by landmine shrapnel when Saw A--- went to collect firewood beside his land compound.<sup>49</sup> [Photos: KHRG]

<sup>47</sup> This information is taken from an unpublished situation update from Mone Township, Nyaunglebin District/east Bago region, July 2014.

<sup>48</sup> See "Nyaunglebin Situation Update: Mone Township, April to May 2016," KHRG, August 2016.

<sup>49</sup> *Ibid.*

Another villager who stepped on a landmine was Saw B---, 42 years old, from C--- village. He stepped on a landmine on March 16<sup>th</sup> 2016 at his hill farm at K--- (also known as L---), C--- village, between K'Ter Tee and Lay Hpoh Hta village tracts, Dwe Lo Township, Hpapun District/northeast Kayin State. His right leg was blown off and his side was injured by the landmine shrapnel, which rendered him unconscious. The villager had gone to clear his hill farm with two friends, but only he stepped on the landmine. After he sustained the landmine injury, he was sent to hospital in Kamarmaung Town, Hpapun District. However, since the injuries he sustained were serious, he was later hospitalised for treatment at the International Committee of the Red Cross (ICRC) hospital in Taung Ka Lay Town, Hpa-an District/central Kayin State. Saw B--- was hospitalised for one week and after he was discharged the hospital provided him with a prosthetic leg. He returned to his village and a trained medic treated the remaining injury there. Saw B--- is married and has five children. He earns a living by working on a hill farm, and when he did not have enough food for his family, he did casual daily work; due to his landmine injury, his family will now face difficulty.<sup>50</sup>



This photo was taken by a KHRG community member on May 25<sup>th</sup> 2016, in C--- village, Lay Hpoh Hta village tract, Dwe Lo Township, Hpapun District/northeast Kayin State. The photo shows Saw B---, who stepped on a landmine while he was clearing his hill farm in the jungle, receiving treatment from a trained medic in his village after he was discharged from the hospital.<sup>51</sup> [Photo: KHRG]



This photo was taken on June 6<sup>th</sup> 2015 in Hpapun Ka Tin Ta Ya Hospital, Hpapun Town, in Bu Tho Township, Hpapun District/northeast Kayin State. The picture shows Saw A---, 40 years old, who lives in B--- village, Hkaw Poo village tract, Hpapun District. He was hospitalised after stepping on a landmine while out hunting between Y--- forest and Z--- forest.<sup>52</sup> [Photo: KHRG]

A woman expressed landmines as a main concern in her village, also affecting her livelihood because the villagers' buffalos step on the landmines.

<sup>50</sup> See "Two separate landmine incidents happened in Hpapun and Nyaunglebin districts, March and April 2016," KHRG, August 2016.

<sup>51</sup> *Ibid.*

<sup>52</sup> See "Hpapun Short Update: Bu Tho Township, May and June 2015," KHRG, January 2016.

*"We dare not go around as we are afraid of landmines. If the buffalo goes, the buffalo gets hit by the landmine. [...] If there are no BGF and landmines, we do not have to be afraid. We would be able to go around freely. [...] If there is no fighting anymore, we would like to know what will the armed actors do with the landmines."*

Naw M---, (female, 46), K--- M--- village, Kawkareik Township, Dooplaya District/  
south Kayin State, March 2016<sup>53</sup>

## Ongoing skirmishes between armed actors and impact on villagers

In many districts of southeast Myanmar, the situation is complicated due to the different armed actors in the region such as the Tatmadaw, BGF, DKBA (Benevolent), KNU/KNLA and splinter groups KNU/KNLA Peace Council<sup>54</sup> (KNU/KNLA PC) and Democratic Karen Buddhist Army (DKBA Buddhist).<sup>55</sup> During the ceasefire process in these regions there have been continued skirmishes between these groups, most prominently around the area of the Asian Highway between Kawkareik and Myawaddy and in the larger area surrounding the Hatgyi Dam site (Hpapun and Hlaingbwe Townships) which also includes Meh Th'Waw area where clashes broke out recently in August-September 2016.

In July 2015, fighting took place between Tatmadaw and a splinter faction of the DKBA (Benevolent), who in January 2016 became the DKBA (Buddhist),<sup>56</sup> over control of a recently completed section of the Asian Highway. As a result of the

<sup>53</sup> This information is taken from an unpublished interview from Kawkareik Township, Dooplaya District/south Kayin State, March 2016.

<sup>54</sup> The KNU/KNLA Peace Council (also called the Karen Peace Council or KPC), is an armed group based in Hto Gkaw Ko, Hpa-an District, and split from the Karen National Union (KNU) in 2007 because they entered into ceasefire negotiations with the Government of Myanmar without permission from the KNU. The KNU/KNLA PC refused to transform in a BGF. The KNU/KNLA PC have signed the Nationwide Ceasefire Agreement.

<sup>55</sup> The Democratic Karen Buddhist Army (DKBA Buddhist) was re-formed on January 16<sup>th</sup> 2016 as a splinter group from the Democratic Karen Benevolent Army (2010 – present). During fighting between the Tatmadaw and some units of the DKBA (Benevolent) throughout 2015, there was internal disagreement within the DKBA (Benevolent) which resulted in a number of commanders being dismissed in July 2015. These former commanders then issued a statement in January 2016 declaring the formation of a new splinter group. This organisation has phrased the formation of this group as the revival of the original Democratic Karen Buddhist Army which was formed in 1994 until it was broken up in 2010 into the BGF and the still-active DKBA (Benevolent). The DKBA (Buddhist) splinter group is led by General Saw Kyaw Thet, Chief of Staff and General Saw Taing Shwe aka Bo Bi, Vice Chief of Staff. Other lower ranking commanders in the DKBA (Buddhist) splinter group are Bo San Aung and late Bo Kyaw Moh aka Na Ma Kya (reportedly killed on August 26<sup>th</sup> 2016). The group is currently based in Myaing Gyi Ngu area in Hlaingbwe Township, Hpa-an District/central Kayin State. This DKBA (Buddhist) splinter group (2016 – present) should not be confused with the DKBA (Benevolent) (2010 – present) from which it broke away in January 2016, or with the original DKBA (1994-2010) which was broken up in 2010 into the BGF and the DKBA (Benevolent). Importantly, as it is relatively new, the DKBA (Buddhist) splinter group has not signed the preliminary or nationwide ceasefire with the Myanmar government, whereas the DKBA (Benevolent) has signed both agreements. See also: "DKBA sacks Brigadier General Saw Kyaw Thet and Colonel Saw San Aung," *Mizzima*, July 2015.

<sup>56</sup> *Ibid.*



fighting, more than 1,000 villagers from more than five different villages in Kawkareik Township temporarily fled their homes and sought shelter at monasteries in Kawkareik Town. The villagers slept at the monasteries throughout the night, as they were afraid that they would be ordered to porter for the Tatmadaw soldiers if they stayed in their villages.<sup>57</sup>



These photos were taken by a KHRG community member in Dooplaya District/south Kayin State. The first photo shows a section of the Asian Highway and was taken on July 22<sup>nd</sup> 2015, between Myawaddy and Kawkareik Town, Dooplaya District. The second photo was taken on 21<sup>st</sup> July 2015 in Kawkareik Town, Kawkareik Township, Dooplaya District and shows G--- monastery, where the displaced villagers were staying, having fled the fighting between the Tatmadaw and DKBA soldiers.<sup>58</sup> [Photos: KHRG]

On July 7<sup>th</sup> 2015, a primary school building in Kawkareik Town was hit and damaged by a grenade reported to have been fired by two DKBA (Benevolent) soldiers. However, no students or teachers were harmed as the incident took place at 7:00 am before the school had opened for the day. The schools in these villages were forced to close temporarily out of fears over the safety of the students, who were consequently unable to attend their lessons.<sup>59</sup>



These photos were taken by a KHRG community member on July 11<sup>th</sup> 2015, in Kawkareik Town, Dooplaya District/south Kayin State. The first photo shows a section of roof that was damaged when a grenade fired by DKBA soldiers from an M79 grenade launcher hit the primary school building in Chaung Taung section. The second photo shows where another grenade hit the ground and exploded within the school grounds. No students were injured by either grenade.<sup>60</sup> [Photos: KHRG]

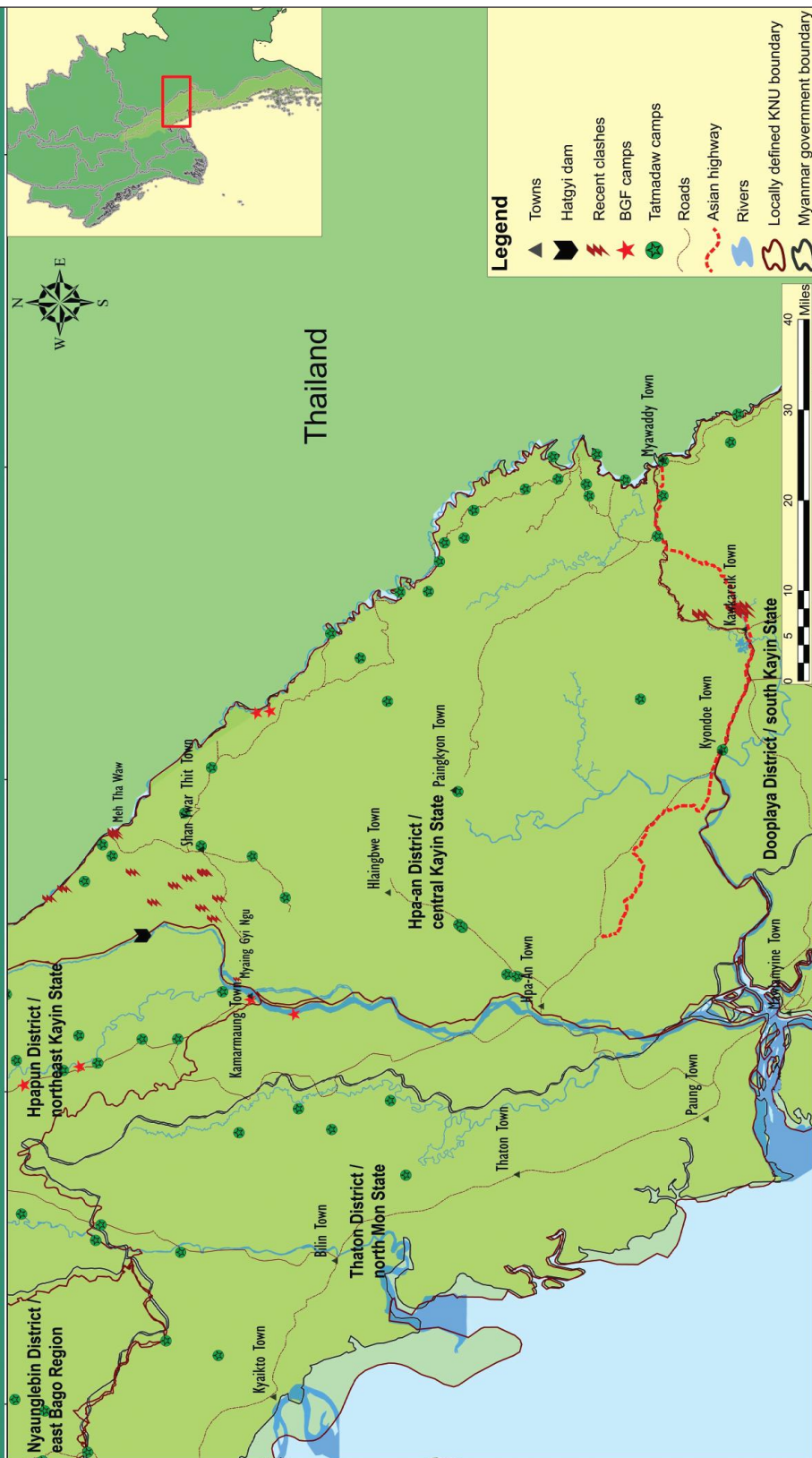
<sup>57</sup> See "Fighting between Tatmadaw and DKBA soldiers along the Asian Highway displaces villagers in Dooplaya District, July 2015," KHRG, September 2015.

<sup>58</sup> *Ibid.*

<sup>59</sup> *Ibid.*

<sup>60</sup> *Ibid.*

# Map showing area of recent clashes in 2015-2016



A villager named Naw E--- reported to KHRG that two villagers were shot and killed between Bway Moh Hklay and Beh Htee Hta villages by Tatmadaw soldiers on July 6<sup>th</sup> 2015, whilst they were on their way back to Beh Htee Hta village. According to Naw E---, neither of the villagers knew that Tatmadaw soldiers had taken up position for battle on the day that they travelled. One of the victims was a 17 years old boy and the other was 21 years old. The 21 years old villager left behind a wife and a child.<sup>61</sup>

There was also fighting between the KNU/KNLA and Tatmadaw in Hpapun District, near the Hatgyi Dam site, on September 30<sup>th</sup> 2015 as a result of members of the Tatmadaw entering KNU/KNLA territory, resulting in the torture of one villager by the Tatmadaw and the flight of approximately 10 families to the surrounding Myaing Gyi Nyu Town, Hpa-an District, for safety.<sup>62</sup> More clashes took place between the Tatmadaw, BGF and the DKBA (Buddhist) in January 2016 in Tha Nay Moo village. During that time 16 houses were burned down by the Tatmadaw and BGF.<sup>63</sup>



These photos were taken by a KHRG community member in March 2016 in Tha Nay Moo village, Kawkaareik Township, Dooplaya District/south Kayin State and show houses burned down by the Tatmadaw and BGF. Reportedly villagers were able to return to their village only after March 2016.<sup>64</sup> [Photos: KHRG]

A near clash took place on 23<sup>rd</sup> April 2016, when tensions heightened as Tatmadaw troops breached the NCA when they entered territory controlled by the Karen National Defence Organisation (KNDO),<sup>65</sup> in Oo Kray Kee Village in Waw Lay Sub-Township, Dooplaya District. This nearly caused fighting to break out and

<sup>61</sup> *Ibid.*

<sup>62</sup> See "Fighting between Tatmadaw and KNLA soldiers leads to violent abuse and displacement of villagers in Bu Tho Township, Hpapun District, October 2015," KHRG, October 2015.

<sup>63</sup> See "Beautiful Words, Ugly Actions: The Asian Highway in Karen State," KHRG/Thwee/KESAN, August 2016, p. 30.

<sup>64</sup> *Ibid.*

<sup>65</sup> The Karen National Defence Organisation (KNDO) was formed in 1947 by the KNU and is the precursor to the KNU/KNLA. Today the KNDO refers to a militia force of local volunteers trained and equipped by the KNU/KNLA and incorporated into its battalion and command structure; its members wear uniforms and typically commit to two-year terms of service.



KNDO Brig-Gen Saw Neh Dah, who spoke with Karen Information Center (KIC), stated that:

*"Even though we tried to stop them they tried to use the public as hostages when they came. We didn't fire at them because we were considerate of the public's lives."<sup>66</sup>*

Another clash was on May 11<sup>th</sup> 2016 in Pyar Pin village, Kawkareik Township, Dooplaya District, between Tatmadaw Light Infantry Battalions (LIB) #548 and #549, supported by BGF Battalions #1016 and #1019, on one side and DKBA (Buddhist) on the other side.<sup>67</sup> Renewed clashes around the Asian Highway on August 4<sup>th</sup> 2016 resulted in the injury of four villagers due to crossfire between the BGF and DKBA (Buddhist).<sup>68</sup> Most recently there were further clashes between the Tatmadaw and BGF versus the DKBA (Buddhist) in Meh Th'Waw area, Hlaingbwe Township, Hpa-an District. This led to the displacement of up to 4,000 villagers.<sup>69</sup>

## **Extrajudicial killings, human rights abuses and threats by armed actors**

Before the signing of the NCA there were more reports received by KHRG on physical human rights abuses and extrajudicial killings committed by armed actors, this noticeably decreased after the NCA was signed in October 2015. The following examples are of incidents taking place before the NCA was signed.

On March 15<sup>th</sup> 2015, a villager name Saw A---, also known as Saw C---, from R--- village, Htee Tha Daw Hta village tract, Bu Tho Township, Hpapun District, was shot and killed by a private under the control of Hpah Yuh Khay who is company second-in-command of BGF Battalion #1013. The battalion commander of BGF #1013 is named Maung Hla Kyaing and their army base is located in Noh Hpaw Htee village, Noh Hpaw Htee village tract, Bu Tho Township, Hpapun District. The BGF officer told the local villagers that they shot Saw A--- o'clock in the morning due to his injuries. After he passed away, the doctor performed an autopsy on his body and discovered that his internal organs had been torn by the bullets. He was buried in the Hkaw Taw Town graveyard.<sup>70</sup>

<sup>66</sup> See "Tensions High as Burma Army Violates NCA in KNDO Territory," KIC News, April 2016. This is not a KHRG source and KHRG cannot confirm whether or not any civilians were used as hostages/human shields.

<sup>67</sup> See "Myanmar Army Forces Clash with DKBA Splinter Group," KHRG, May 2016.

<sup>68</sup> This information is taken from an unpublished situation update received from Kawkareik Township, Dooplaya District/south Kayin State in August 2016. See also: "Karen Information Center September 2016 Newsletter," (in Burmese), KIC, September 2016, p. 11.

<sup>69</sup> This information is take from an unpublished short update received from Hlaingbwe Township, Hpa-an District/central Kayin State in September 2016. See also, "Displaced families in Kayin allowed to return home after landmine clearance," *The Myanmar Times*, September 2016, and "Fighting in Kayin drives 2,000 from their homes," *The Myanmar Times*, September 2016.

<sup>70</sup> See "Hpapun Incident Report: Villager killed by Border Guard Force (BGF) Battalion #1013 in Bu Tho



This photo was taken by a KHRG community member on April 6<sup>th</sup> 2015 in B--- village, Htee Tha Daw Hta village tract, Bu Tho Township, Hpapun District/northeast Kayin State. It is a still image from a video that was taken by his wife. It shows that his body was disfigured as a result of being hit by several bullets and the subsequent medical treatment and autopsy.<sup>71</sup>

[Photo: KHRG]

Additionally, on April 26<sup>th</sup> 2015, a villager named Maung D---, 42 years old, who lives in G--- village, Bu Tho Township, Hpapun District, was arrested and violently abused by Officer Hpah Tha Beh, whose rank is 2<sup>nd</sup> Lieutenant from BGF Battalion #1014. According to a KHRG community member, between April 23<sup>rd</sup> and 24<sup>th</sup> there was small-scale fighting between BGF Battalion #1014 2<sup>nd</sup> Lieutenant Hpah Tha Beh's soldiers and the local KNU/KNLA's soldiers. After the fighting, 2<sup>nd</sup> Lieutenant Hpah Tha Beh arrested Maung D--- and accused him of having contacts with, and being supportive of the KNU/KNLA soldiers. He then beat and kicked him until he fell unconscious. According to the KHRG community member, Maung D--- remains badly injured.<sup>72</sup>

On June 13<sup>th</sup> 2015, in Hpapun District, BGF Battalion #1015<sup>73</sup> launched mortars and fired small guns into P--- place, in G--- village, Bu Tho Township. Villagers' buffalos were hit and rubber plantations were damaged. The villagers were frightened and temporarily fled from the village. Later when the BGF soldiers explained the situation to the villagers, they told them that they fired their weapons because they were being haunted by a ghost.<sup>74</sup>

Another incident took place on June 17<sup>th</sup> 2015 when Second Lieutenant Tha Beh, platoon commander of BGF Battalion #1016 went to A--- village, Bu Tho Township,

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Township, March 2015," KHRG, September 2015.

<sup>71</sup> *Ibid.*

<sup>72</sup> See "Violent abuse and killing committed by BGF soldiers in Bu Tho Township, Hpapun District, March to May 2015," KHRG, July 2015.

<sup>73</sup> KHRG has received numerous reports of human rights violations by BGF Battalion #1015, including arbitrary killing of civilians, arbitrary taxation and demands, forced labour, as well as additional cases of land confiscation. For detailed information see, "Human rights violations by BGF Cantonment Area Commander Kya Aye in Paingkyon Township, Hpa-an District, February 2013 to July 2014," KHRG, September 2014.

<sup>74</sup> See "Explicit threats and the indiscriminate firing of mortars and small arms by BGF soldiers in Bu Tho Township, Hpapun District," KHRG, June 2015.

Hpapun District and threatened to kill one or two villagers. The reason for the threat was their alleged support of the KNU/KNLA and lack of support for BGF soldiers.<sup>75</sup> The villagers are afraid of him, especially because Second Lieutenant Tha Beh is notorious in the area, as he was previously alleged to have violently abused villagers and ordered villagers to do forced labour.<sup>76</sup> There was also an incident on September 30<sup>th</sup> 2015 in Cc--- village also known as Dd--- village, Kyaw Pa village tract, Bu Tho Township when a Tatmadaw officer violently hit Saw Ee--- also known as U Ff---.<sup>77</sup>

Incidents such as above significantly decreased after the NCA was signed but the presence of armed actors in and near villages continues to have a negative affect on the physical safety and security of villagers as below examples illustrate.

In the night of November 12<sup>th</sup> 2015, Saw B--- (34 years old) and Saw C--- (32 years old) were violently abused by a Tatmadaw camp commander named Mo Hein from LIB #284 (Kwee Ler Ter camp) and an administration officer named Ya Za Pyo, who were allegedly under the influence of alcohol, in Kwee Ler Ter village, Kyainseikgyi (Noh T'Kaw) Township, Dooطلا District. According to a KHRG community member:

*"They picked up their gun and hit Saw B--- [on the] left [side of the] face with the gun barrel and also punched him three times. They split his cheek twice. They violently abused the two villagers without questioning them."*

KHRG community member, Kyainseikgyi and Kawkareik townships, Dooطلا District/  
south Kayin State, December 2015<sup>78</sup>

KHRG was able to interview one of the victims, Saw A--- (previously referred to under pseudonym Saw C---), on November 13<sup>th</sup> 2015:

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<sup>75</sup> *Ibid.*

<sup>76</sup> Saw Tha Beh is a Second Lieutenant in Border Guard Force (BGF) Battalion #1014 in Hpapun District. KHRG has received multiple reports of Saw Tha Beh committing human rights abuses in Hpapun District, including forced labour, arbitrary taxation and violent abuse. For more information see, "Hpapun Incident Report: Violent abuse in Bu Tho Township, April 2014," KHRG, November 2014; "Violent abuse and forced labour in Hpapun District, November 2013 – January 2014," KHRG, September 2014; "Hpapun Incident Report: Forced labour and violent abuse in Bu Tho Township, January 2014," KHRG, August 2014; and "Hpapun Situation Update: Bu Tho Township, November 2013 to February 2014," KHRG, August 2014. "Violent abuse and killing committed by BGF soldiers in Bu Tho Township, Hpapun District, March to May 2015," KHRG, July 2015; "Hpapun Incident Report: Forced labour and violent abuse in Bu Tho Township, January 2014," KHRG, August 2014. See also "Explicit threats and the indiscriminate firing of mortars and small arms by BGF soldiers in Bu Tho Township, Hpapun District," KHRG, June 2015.

<sup>77</sup> See "Hpapun Situation Update: Bu Tho Township, June to October 2015," KHRG, September 2016.

<sup>78</sup> See "Dooطلا Situation Update: Kyainseikgyi and Kawkareik townships, November to December 2015," KHRG, August 2016.



*"Can you tell me about the incident that happened to you?"*

*"This evening, my older brother came to [pick] me and my two little children up to visit my mother together. I went with my two little children and my brother by bike. They [Tatmadaw army camp leaders] stopped us and pointed a gun at us. We did not know anything and they did not question us [before they pointed the gun at us]. They directly pulled my hair and my two children cried. They [the children] then ran to my brother. They [Tatmadaw army camp leaders] kicked and pushed [my brother] with their gun and he was injured."*

*"Did he point at your brother with his pistol or riffle?"*

*"He pointed at him with a pistol. He not only pointed at him; moreover, he pushed [him] with a gun barrel to his head. His head was split and it bled."*

Saw A---(previously Saw C---), (male, 32), B--- village, Kawkareik Township, Doooplaya District/south Kayin State, November 2015<sup>79</sup>

Another incident reported to KHRG took place in Mone Township, Nyaunglebin District on 8<sup>th</sup> and 9<sup>th</sup> April 2016 and concerned threats to villagers who were previously displaced and returned to their village.

*"On April 8<sup>th</sup> 2016 Bo Gyi [Captain] Thet Naing Tun and three of his soldiers under the control of LIB [Light Infantry Battalion] #351 came up to B--- old village which had been abandoned in the 'four cuts' era.<sup>80</sup> The villagers who left from that village came back to build their houses in the village. When Bo Gyi Thet Naing Tun came up he asked them to leave the village in the coming week [in the third week of April]. If they did not leave the village he [said that he] will go to burn down their houses or destroy the buildings by [mechanical] backhoes. In the same month, on April 9<sup>th</sup> 2016, Battalion Deputy Commander Wa Na and three of his soldiers from [Light Infantry Battalion] #351 came up along with Ler Doh [Kyaukkyi Township] administrator and repeated the same words [forced villagers to relocate]."*

KHRG community member, Mone Township, Nyaunglebin District/  
east Bago Region, May 2016<sup>81</sup>

<sup>79</sup> See "Doooplaya Interview: Saw A---, November 2015," KHRG, September 2016.

<sup>80</sup> The scorched earth policy of 'pyat laey pyat', literally 'cut the four cuts', was a counter-insurgency strategy employed by the Tatmadaw as early as the 1950's, and officially adopted in the mid-1960's, aiming to destroy links between insurgents and sources of funding, supplies, intelligence, and recruits from local villages. See Martin Smith. *Burma: Insurgency and the Politics of Ethnicity*, New York: St. Martin's Press, 1999, pp. 258-262. See also: "Legal Memorandum: War Crimes and Crimes against Humanity in Eastern Myanmar," International Human Rights Clinic, Harvard Law School, November 2014, p. 25.

<sup>81</sup> See "Nyaunglebin Situation Update: Mone Township, April to May 2016," KHRG, August 2016.

According to the KHRG community member not all the villagers left the village and an NLD representative met the villagers on April 12<sup>th</sup> 2016 and told them "You did not have to leave the village. I will be attempting to consult with the Tatmadaw". Some villagers left and some stayed behind and are waiting to see what will happen while living in fear and worry.<sup>82</sup> The KHRG community member further reported:

*"On May 21<sup>st</sup> 2016 five soldiers led by deputy battalion commander [from Battalion #351] came up to the village and said, 'Whether you [the villagers] have to leave or not we are not going to say [threaten] anything. If some problems happen here you have to solve the issues by yourself'".*

KHRG community member, Mone Township, Nyaunglebin District/  
east Bago Region, May 2016<sup>83</sup>

As of yet KHRG has not received reports of houses actually being burned down or destroyed in that village.

## Land confiscations by armed actors

KHRG has continuously received reports of land confiscation by armed actors in order to build new camps, expand existing ones, and build housing for the families of soldiers, as well as for commercial projects to fund military activities. Villagers identified the Tatmadaw and BGF as the main perpetrators of these confiscations. Only in a few cases villagers were consulted prior to land confiscation and/or compensated for land seized which involved the deliberate use of misinformation to ensure villagers agreed to the land seizure. Although much decreased, even after the NCA there have still been reports of new land confiscations by armed actors.



This photo was taken on 24<sup>th</sup> October 2015 in Kawkaeik Township, Doooplaya District/ south Kayin State. It shows the Asian Highway, the construction of which led to the confiscation of many local people's lands without proper compensation. The land was confiscated by the Myanmar government with support of the Tatmadaw and BGF, one of the root causes of ongoing clashes between them and the DKBA (Buddhist) splinter group throughout 2015-2016.<sup>84</sup> [Photo: KHRG]

<sup>82</sup> *Ibid.*

<sup>83</sup> *Ibid.*

<sup>84</sup> See "Doooplaya Field Report: Military conflict, violent abuse, and destruction caused by development projects, January to December 2015," KHRG, October 2016.

The village tract leader of H--- village tract stated that after the NCA was signed, the Tatmadaw gained increased freedom to travel in areas previously contested. This has led them to increase building bases:

*"After the [Nationwide] Ceasefire, as the Tatmadaw have more freedom, they increase building one more of their base which is in T--- place although we requested them to remove one or two of their camps. Since they have more freedom, they can build their bases freely. [...] The army camp in Ta May Hta in Hkay Poo [village tract] is located near our villager's working lands. Villagers are afraid of them. They also take the villagers' trees when they build their army camp; we can say that they forcibly take the villagers' trees. Since they stay near the villager's working land, the villagers dare not work on their land so we can say that they confiscate [restrict freedom to access] the villager's lands."*

Saw B--- (village tract leader), (male, 43), T--- village, H--- village tract, Lu Thaw Township, Hpapun District/northeast Kayin State, April 2016<sup>85</sup>

It was also reported to KHRG in December 2015, after the signing of the NCA:

*"Between November and December [2015] the BGF cooperated closely with Tatmadaw and took control [of] more areas in Kaw T'Ree [Kawkareik] Township. They confiscated the villagers' land along [Thai-Myanmar] border at A--- [village] and sold the land to the Tatmadaw for [them to] build their houses. Myanmar government troops [Tatmadaw] built a lot of houses and [other] buildings."*

KHRG community member, Kyainseikgyi and Kawkareik Townships, Dooplaya District/south Kayin State, December 2015<sup>86</sup>

Another issue is that past land confiscations by armed actors remain unresolved as to date. Although the Myanmar government acknowledges widespread land grabbing by the Tatmadaw,<sup>87</sup> they have been slow to follow through with commitments to restitution and compensation of land,<sup>88</sup> and have admitted that some land seized by the military will never be returned.<sup>89</sup>

<sup>85</sup> This information is taken from an unpublished interview from Lu Thaw Township, Hpapun District/northeast Kayin State, April 2016.

<sup>86</sup> "Dooplaya Situation Update: Kyainseikgyi and Kawkareik townships, November to December 2015," KHRG, August 2016.

<sup>87</sup> See "'With only our voices, what can we do?': Land confiscation and local response in southeast Myanmar," KHRG, June 2015, p. 68. See also: "Military involved in massive land grabs: parliamentary report," *The Irrawaddy*, March 2013; See: Zarni Mann, "Only Fraction of Land Seized by Military Will be Returned: Minister," *The Irrawaddy*, July 18<sup>th</sup> 2013.

<sup>88</sup> See "MPs urge prompt return of confiscated land," *The Irrawaddy*, September 26<sup>th</sup> 2014.

<sup>89</sup> The Myanmar government announced 50,000 acres of land where projects had already been constructed would not be returned, but that compensation would be arranged instead. See: Shwe Aung, "Ministry



This photo was taken on December 28<sup>th</sup> 2014 by a KHRG community member. It shows a Myanmar madaw fence and 'No Trespassing' sign in Thandaunggyi Town, Toungoo District/north Kayin State. The local villagers in Thandaunggyi Town cultivate the land that they inherited from their forefathers, passed down to the present day. But in the year 2000, Tatmadaw IB #124 entered Thandaunggyi Town and built a camp on the land belonging to the villagers. The villagers no longer have access to this land for their livelihoods. These photos form part of a larger published photo set.<sup>90</sup>

[Photo: KHRG]

A community member trained by KHRG to record the human rights situation in his area reported to KHRG that:

*"At the present time, [many of the] human rights issues occurring [in Toungoo District] are related to land issues. The Tatmadaw have [previously] confiscated 5,000 acres of land in Thandaunggyi area to build Bu Yin Naung military training school [which has been built]. Military LIB #124 also confiscated 1,500 acres of land in Thandaunggyi area. LID #603 and IB #73 confiscated 3,000 acres of land in Leik Tho area."*

KHRG community member in Thandaunggyi and Htantabin Townships, Toungoo District/east Bago Region and north Kayin State, January 2016<sup>91</sup>

## Ongoing displacement and livelihood issues of communities as a result of militarisation and land confiscations

As mentioned under 'Ongoing skirmishes between armed actors and impact on villagers' above, as a result of the fighting over the Asian Highway in July 2015, more than 1,000 villagers were temporarily displaced. They struggled to maintain their farms and plantations which they left behind, as well as to look after their livestock.<sup>92</sup> New clashes in the Meh Th'Waw area in September 2016 in Hlaingbwe Township, Hpa-an District have led to even more displaced villagers with an estimated number of around 4,000 villagers.<sup>93</sup>

Agrees to Return Meagre Fraction of Land Confiscated by Military," DVB, July 18<sup>th</sup> 2013.

<sup>90</sup> See "Toungoo Photo Set: Militarisation in Thandaunggyi Township, December 2014 to January 2015," KHRG, October 2015.

<sup>91</sup> See "Toungoo Situation Update: Thandaunggyi and Htantabin townships, November 2015 to January 2016," KHRG, July 2016.

<sup>92</sup> See "Fighting between Tatmadaw and DKBA soldiers along the Asian Highway displaces villagers in Doolaya District, July 2015," KHRG, September 2015.

<sup>93</sup> See: "Displaced families in Kayin allowed to return home after landmine clearance," *The Myanmar Times*, September 2016, and "Fighting in Kayin drives 2,000 from their homes," *The Myanmar Times*, September 2016.



These photos were taken on October 6<sup>th</sup> 2016 by a KHRG community member in an Internally Displaced Persons (IDP) camp in Myaing Gyi Ngu area, Hpa-an District/central Kayin State. It shows the villagers that were displaced due to the recent clashes in Meh Th'Waw area, Hlaingbwe Township, Hpa-an District/central Kayin State.<sup>94</sup> [Photos: KHRG]

The militarisation, land confiscations, armed clashes and resulting displacement have negative consequences for the villagers' livelihoods. They were left without their farms and plantations and therefore without their main means of subsistence and/or income, forcing them to work as day labourers in order to support themselves and their families.

*"According to the villagers, if they [the land owners] collect the crops from their plantations without getting permission from the superior officer [and if the soldiers catch them], they [the soldiers] ask them to leave the crops with them. They also say that the land no longer belongs to you [villagers] anymore. [Now] The villagers weave mats and sell them for their livelihoods. They [the villagers] said to help them [resolve this problem] if there are people who are willing to help them. [...] After the confiscation [of their land], the local people are now unemployed. Because of these issues, the land owners whose lands have been confiscated face problems with their economic and social situations, as well as their livelihoods."*

KHRG community member, Thandaunggyi Township,  
Toungoo District/north Kayin State, July 2014<sup>95</sup>

The village tract leader of L--- village tract stated more recently in April 2016 that:

*"In our area, there are about 20 paddy fields which villagers cannot work on yet. Their paddy fields are near the road. They dare not encounter with the Tatmadaw so they do not dare to work on their paddy fields. [...] When they [the Tatmadaw] construct the road, they also cut down the trees and they did not plant any new trees so they abused [restricted] the villager's rights regarding their livelihood issue."*

Saw H--- (village tract leader), (male, 42), M--- village, L--- village tract,  
Lu Thaw Township, Hpapun District/northeast Kayin State, April 2016<sup>96</sup>

<sup>94</sup> This information is taken from an unpublished photo set about an IDP camp in Myaing Gyi Ngu area, Hpa-an District/central Kayin State, October 2016.

<sup>95</sup> "Toungoo Situation Update: Thandaunggyi Township, July 2014," KHRG, December 2014.

<sup>96</sup> This information is taken from an unpublished interview from Lu Thaw Township, Hpapun District/northeast Kayin State, April 2016.





These photos were taken on March 3<sup>rd</sup> 2015 by a KHRG member at an IDP site in Thandaunggyi Township, Toungoo District/north Kayin State. The villagers living here were forcibly displaced from their villages in 1992 and 1993 due to Tatmadaw attacks. These villagers originate from Hpah Weh Doh Kah, Thay Yah Yoo, and Leh Hkoh Doh villages, as well as over 30 other villages in Thandaunggyi Township, Toungoo District. The people at these sites live in clusters of four or five temporary shelters and cannot live together with all their family members like they did in their villages. Even though Tatmadaw attacks have ceased following the signing of the 2012 preliminary ceasefire agreement, these IDPs feel that there is no guarantee for their safety and the stability of the security situation and so they are waiting for the time it will be safe to return to their villages.<sup>97</sup> [Photos: KHRG]

## Conclusion and Recommendations

While the situation of safety and security for communities in southeast Myanmar has noticeably improved after the NCA there are still legitimate concerns by villagers that need to be addressed before a real stable and long term peace can be achieved. Some of the most common recommendations coming directly from the affected communities are displayed below, after which KHRG will give its own recommendations.

- *"They [the villagers] want the Tatmadaw to remove [their camps]. If the Tatmadaw remove [from the villagers' area], they [villagers] will be able to return to their village. They [the villagers] want us [village tract leaders] to talk to the Tatmadaw to not disturb them when they work in their working places so that they will be able to have freedom and live peacefully. They report that it will be the best if there is no place [for the Tatmadaw to base in the area]."*

Saw S--- (village tract secretary), (male), H--- village, K--- village tract, Lu Thaw Township, Hpapun District/northeast Kayin State, April 2016<sup>98</sup>

<sup>97</sup> See "Toungoo Situation Update: Thandaunggyi Township, March to July 2015," KHRG, March 2016.

<sup>98</sup> This information is taken from an unpublished interview from Lu Thaw Township, Hpapun District/northeast Kayin State, April 2016.



- *"What I want is, as they [the Myanmar government] are the parents/leaders, I want them to order all of the soldiers who are spread out to go back. Order the BGF and Tatmadaw soldiers to go back. If they are called back, the civilians will be able to live peacefully."*

Naw M---, (female, 46), K--- M--- village, Kawkareik Township,  
Dooplaya District/south Kayin State, March 2016<sup>99</sup>

- *"Regarding the armed groups, if the situation is getting better, I would like them to go back to live in their own place. Please do not live in the village."*

Saw N---, (male, 51), K--- N--- village, K--- N--- village tract,  
Kawkareik Township, Dooplaya District/south Kayin State, March 2016<sup>100</sup>

- *"If the Tatmadaw stay near us, the villagers have to be afraid of them. They [villagers] also have been oppressed. Therefore, they do not trust the Tatmadaw. If they withdraw their camps in the ceasefire period, the villagers might have some trust for the Tatmadaw. Now, they do not trust the Tatmadaw so they reported to us that they want the Tatmadaw's camps to be withdrawn. [...] Therefore, we want the international community to help us and advocate for us so that the Tatmadaw's camp will be withdrawn."*

Saw B--- (village tract leader), (male, 43), T--- village, H--- village tract,  
Lu Thaw Township, Hpapun District/northeast Kayin State, April 2016<sup>101</sup>

## KHRG recommends:

- The Myanmar government, Tatmadaw, Border Guard Forces, Karen National Union/Karen National Liberation Army, Democratic Karen Benevolent Army, Democratic Karen Buddhist Army and other armed groups in southeast Myanmar should work to make the Nationwide Ceasefire Agreement (NCA) sustainable and work towards a long lasting peace as this is the only way to ensure the most violent human rights abuses will not reoccur.

<sup>99</sup> This information is taken from an unpublished interview from Kawkareik Township, Dooplaya District/south Kayin State, March 2016.

<sup>100</sup> This information is taken from an unpublished interview from Kawkareik Township, Dooplaya District/south Kayin State, March 2016.

<sup>101</sup> This information is taken from an unpublished interview from Lu Thaw Township, Hpapun District/northeast Kayin State, April 2016.

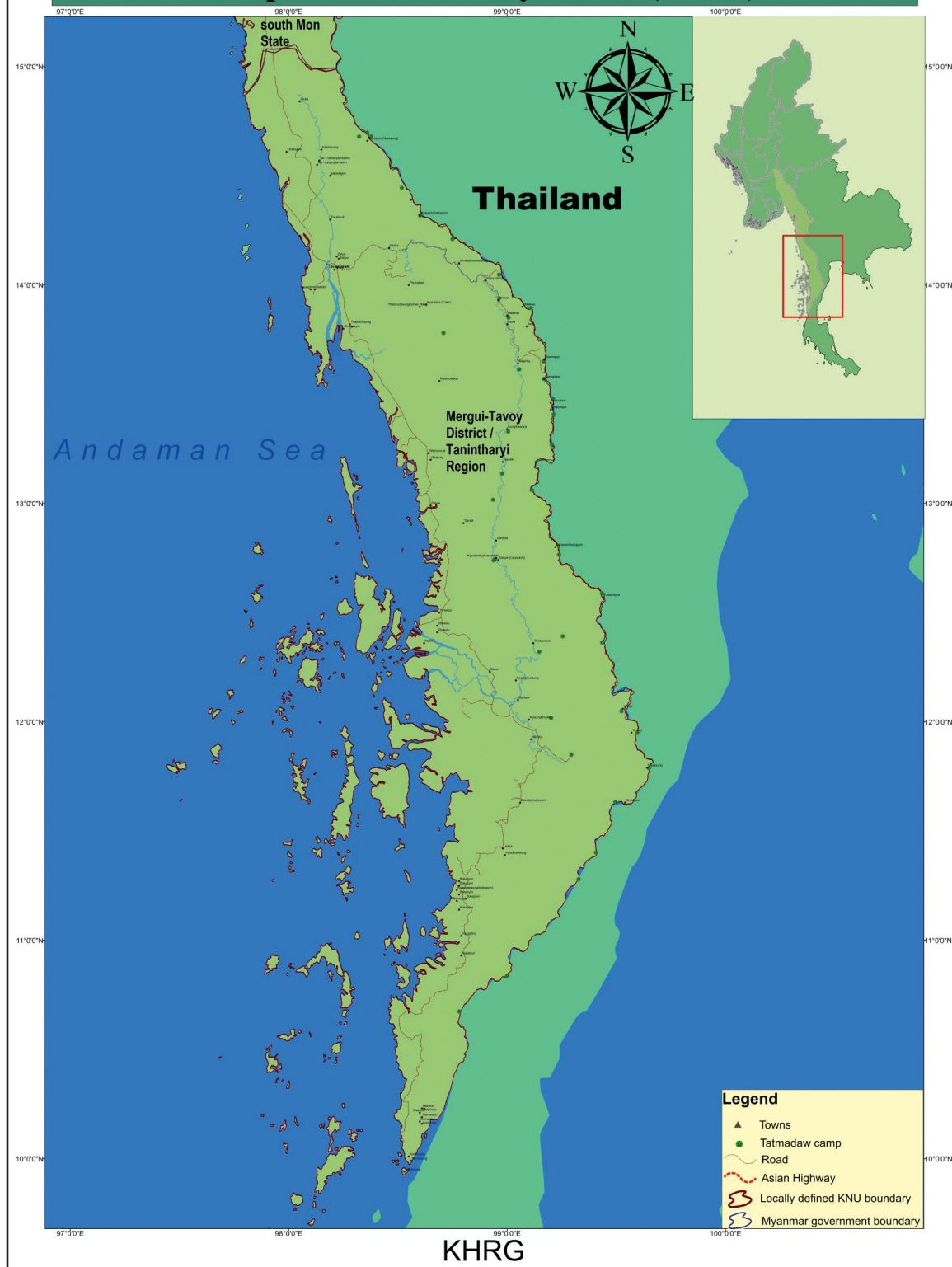
- To ensure a peace process that is stable and long lasting all armed actors, but especially the Tatmadaw and BGF, should begin to demilitarise former conflict areas by removing troops and camps, particularly those positioned close to villages and livelihood areas, and immediately cease the confiscation of land in southeast Myanmar for the purposes of: constructing military facilities, which include camps, barracks, and housing for the families of soldiers; or leasing the confiscated land back to villagers in order to generate income.
- To prevent any further armed conflicts, all development actors (local and international businesses and investors, including international financial institutions such as the Asian Development Bank and the World Bank) should conduct environmental, human rights and conflict impact assessments before implementing any mega projects such as constructing dams, highways and mining. These assessments should be carried out independently of the actor's interests, in consultation with project-affected communities, respecting the international principle of 'Free, Prior and Informed Consent', and made publicly available in local languages.
- The Myanmar government as well as development actors should ensure fair and adequate compensation is provided to communities affected by past and present land confiscations and avoid confiscating land in the future.
- The Myanmar government, Tatmadaw, Border Guard Forces, Karen National Union/Karen National Liberation Army, Democratic Karen Benevolent Army, Democratic Karen Buddhist Army and other armed groups in southeast Myanmar are obligated to ensure that all armed forces under their control observe their responsibilities under domestic and international humanitarian and human rights law and hold military personnel accountable for abuses committed in fair and transparent judicial processes.
- The Myanmar government, Tatmadaw, Border Guard Forces, Karen National Union/Karen National Liberation Army, Democratic Karen Benevolent Army, Democratic Karen Buddhist Army and other armed groups in southeast Myanmar should agree to and enforce a comprehensive ban on the new use of landmines and hold meaningful consultations with all relevant actors before starting systematic demining efforts, as demining without consultation in conflict-sensitive areas could lead to further conflict.

### Map of southeast Myanmar (North)



KHRG

# Map of southeast Myanmar (South)







This photo was taken by a KHRG community member on December 16<sup>th</sup> 2015, near Hkler La village, at a location known as P'Leh Wah, in Htantabin Township, Toungoo District/east Bago Region. It shows Tatmadaw soldiers crossing a river with rations and troops. [Photo: KHRG]

*"The villagers reported to me that they [Tatmadaw] have the unusual activity after the ceasefire as they send more rations. Although we do not encounter with them, we looked from [far] away and saw that they sent more of their rations and ammunition. Therefore, the villages dare not go back [to their village] to work [on their fields]. [...] There is no activity like patrolling and burning [houses] like they did before. There is activity like sending their rations and ammunition. [...] The opinion of the villagers is that although there is the ceasefire, it is not a genuine ceasefire so the villagers do not go back to live in their village."*

Saw B--- (village tract leader), (male, 43), T--- village, H--- village tract, Lu Thaw Township, Hpapun District/northeast Kayin State, April 2016

Founded in 1992, KHRG is an independent local organisation committed to improving the human rights situation in Myanmar by training and equipping local people to document their stories and gather evidence of human rights abuses; disseminating this information worldwide; and working directly with local villagers to enhance their strategies for protecting themselves from abuse and the effects of abuse. More of our work can be found online at [www.khrg.org](http://www.khrg.org).