

# The Mon Forum

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## Some Acronyms in This Issue

- MMSCFD- Cubic feet per day
- ERI- Earth Rights' International
- IB - Infantry Battalion
- LIB - Light Infantry Battalion
- DKBA - Democratic Karen Buddhist Army
- VPDC- Village Peace and Development Council
- NMSP- New Mon State Party
- SPDC- State Peace and Development Council
- TPDC- Township Peace and Development Council

## News

### SPDC fines villagers for digging bomb-shelters for their security in Kyainnseikyi Township

HURFOM, Anan Kwin, July 1, 2010

Villagers have been digging bomb shelters for protection against the increasingly frequent skirmishes between the Burmese State Peace and Development Council (SPDC) and the Karen National Liberation Army (KNLA) forces. However according to the local SPDC commander the presence of these shelters destabilizes the community and has issued harsh fines and threats of forced portering for families who already have built or will build, shelters to improve their security.

**Bomb Shelter** Since the early of this May, villagers in Anan Kwin village, Three Pagoda sub-township, Kyainnseikyi Township, Karen State, had been building homemade bomb shelters, or locally called "cover-holes" (Kar Bar Kyin in Burmese). HURFOM's field reporter has found that nearly every household at this point has dug a bomb-shelter. However, according to the information from locals, unidentified battalion officers from Tactical Command (TC) No. 2 based in Anan Kwin operating under South East Command (SEC), have ordered villagers to stop build



A bomb shelter is seen in Anan Kwin village, Karen State

## Generals' Road Map to Power after the Elections

Although the regime is allowing non-regime sponsored political parties to form for the 2010 elections, the Generals already have their grip on power through its main power base political party, the Union Solidarity and Development Party (USDP). All the leaders in this new party are SPDC generals, and is based from a well-known regime controlled social organization, the Union Solidarity and Development Association (USDA), which claims it has 20 million members countrywide.

The USDP intends to get all possible votes from the USDA members by all means. For over 10 years the USDA has forcibly registered all students at high schools, universities and colleges, and both retired and active government servants are also members. The USDA structure permeates all levels of government, from wards and villages, to districts to States and Divisions. Most military leaders are the chairmen of all States and Divisions level USDA positions. Therefore, the USDP is guaranteed 100% a majority win in the coming elections, through the support of the USDA.

While non-regime supported political organizations including ethnic political parties are struggling for party registration, gathering membership and seeking sufficient funding, the USDA has the full support from the current military government. They have sufficient funding for campaigning and they have existing networks to get 'advanced votes' for the USDP. Currently, the USDA is using a dirt and trick strategy of collecting all advanced votes from its members in order to make sure USDP will win in the elections.

As a result, it is already clear that we know who will win in this 'unfair and not-free' 2010 election. The USDP will win in majority as the regime did in the 2008 people's referendum for the constitution; They will coordinate with 25% army representatives automatically guaranteed in the constitution, in both the Senate, the House of Representatives, and 33% army representatives guaranteed in each State or Division level parliament. They will hold absolute power. Non-regime supported political parties, even in the ethnic regions, could not win over 20 to 25% of the seats.

There will be a multi-party parliamentary political system in Burma, but it will not be democratized because the regime did not provide a space for democrats and ethnic representatives (National League for Democracy led by Daw Aung San Suu Kyi and Union Nationalities Alliance of ethnic political parties) in the election. The parliaments will be quiet with no opposition voice and no debate. The USDP will form a new government and army representatives will ensure there will be no oppositions in parliament. The Burmese Army will stand outside of the parliament and ready to seize power if there is democratic movement or instability on the streets. A new parliamentary dictatorship political system will take place in Burma and the people will continue to face similar social and economic difficulties that they do today.

region unstable. Villagers who had already dug bomb-shelters tagged with fines of twenty thousand kyat per completed bomb-shelter. Villagers were also threatened that if they continued digging bomb-shelters, besides a fine, they will be severely punished with forced portering.

U Htin, 60, a cultivator of betel and cashew nuts, was not punished with any fines because he did not dig a bomb-shelter, but his son had to go to Anan Kwin military base and pay the fine of twenty thousand kyat because of a bomb shelter in his house's compound. His son is 28 years old and the father of two children:

For the persons who had already dug bomb shelters, they are fined twenty thousand kyat per hole because of their 'making the region unstable' and 'causing the locals to feel frightened'. Heads of the households had to come to the military base and pay the fine. If not, the military officers said that the villagers would be punished in another ways. I don't know their names. The current (military) officers are just within the same age [range] of my sons but they are very rude.

Naw Naw Par, 39, a mother of four children told HURFOM's field reporter that her family had to pay

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the full fine amount even though their bomb-shelter was only partially finished. As a result their family has faced financial difficulty:

I saw the others digging bomb-shelters, so I felt frightened and did the same thing. Only my husband did this work, in order to get protection if these armed conflicts reoccurred. We have four children. We dug the bomb-shelter with the idea that it was harmless. Now we have to be fined twenty thousand kyat even though we have no money. If we cannot afford the fine, we have to be involved in portering. That's going to be a problem.

U Ni Toe (fake name), 46, who relies on his home stall for selling snacks and drinks to earn his income, points out to HURFOM's field reporter that the demand for funding over the construction of bomb shelters is a telling incident. He sees this as a larger issue of being arbitrarily taxed by military forces that shirk all responsibility for the well being of local villagers:

Digging bomb-shelters is comes from our past experiences. We worry about our families because the armed conflicts sometimes occur near us. It is really unfair to fine us for these activities. But even if we had not been fined for digging bomb-shelters, we would be fined in another ways. Since they invent a cause and heap all the blame on us, now we have to pay more. There are over 30 bomb-shelters in the village. They fined us twenty thousand kyat per bomb-shelter, so they got a lot of money. One of the military officers said, 'You needn't dig bomb-shelters. We will face death together. You are not the only living things [here].' That sounds so irresponsible. In actuality, they should be leading us in these cases. If we had already had bomb-shelters, they could have also used them for security.

Anan Kwin village is considered a 'black area' meaning that SPDC forces have designated the area a free fire zone in which they are able to seize supplies and land, extort arbitrary taxes, and even summarily execute villagers with impunity. According to HURFOM research, at least one larger attack involving 30 to 50 SPDC soldiers in the area surrounding Anan Kwin village occurs every month, mostly from KNLA brigade No.6. Additionally Anan Kwin village will experience 1 to 5 smaller skirmishes between SPDC and KNLA within that same month. As result villagers have experienced sever threats to their safety livelihood with regularity.

Given Anan Kwin's precarious position between the battling forces of the KNLA and SPDC, the fines exacted here are likely to hit local residents hard. As noted by Naw Naw Par, the loss of 20,000 kyat is significant, especially as, according to HURFOM estimates, the average income for a family in one month might

only be between 20,000 and 30,000 kyat.

HURFOM would like to highlight the significance of this situation, in which villagers have, in a large part, taken it up on themselves to provide for their own protection. This agency, though in this case punished, signifies a effort on the part of locals to retain control over their own security, and thus lives, in a often violent and difficult living situation.

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## USDA election party membership fee causes frustration amongst members

**HURFOM, Mon State, June 8, 2010**

Township Union Solidarity and Development Associations (USDA) in Mon State have begun charging members a membership fee for raising party funds now that the USDA has reformed as a political party and can no longer officially receive state funding.

HURFOM researchers have learned during interviews with USDA party members that that member's fee is relatively small, only 300 kyat, but has lead to conflict and misunderstanding amongst the party's members due to the unclear financial management of this new cost, and disagreement over the right to charge for membership fees when many members were forced to join.

Prime minister U Thein Sein, who has stepped down from his military role as General Thein Sein, but remains as prime minister, was appointed chairman of the USDA Party (USDP), officially announced in the state run news on April 30th. Under the 2010 election law released in, the new party would officially not be allowed to receive state funds during the campaign, and instead appears that it will be dependent on drumming up its own financial support via membership fees. While this change appears to be country-wide HURFOM is only able to confirm that thus far this practice is being implemented in Mon State.

A USDA member and university student resident in Mudon, Min Kyaw Lwin, explained his frustration that others in the party have felt, "As for me, the membership fee, 300 kyat, is just the price for a cup of tea. However, I was not the one who became a party member by my own decision; I do not want to pay the money. It really annoys me. At this point I have not yet paid the fee."

Other members have reported similar cases, especially amongst students who became party members not because of their intention but simply to function nor

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mally in the school system. Many students have been party members since they were in Basic School; as one teacher in a Moulmein Township high school explained to HURFOM, class teachers will force students to fill out membership forms in class, with their success as students often contingent on their decision to join the USDA party.

The membership fee of 300 kyat is a one time cost, however, it will be charged to all current and future members. When extrapolated to the membership of 24 million reported in the state run news paper the New Light of Myanmar, the USDP will be collecting nearly 7.2 billion kyat, or around \$7.3 million USD. With only an estimated 50 million residents in Burma, this extensive fund will be derived from nearly half the country, with members in the civil services, regular civilians and students. Having never previously before charged membership fees, the collection of small amounts in to a large pool is already causing concern amongst membership due to the lack of a clear-cut or accountable system amongst senior members.

“Now the [USDP] organizer started accounting for membership fees in my village. Since there are many memberships in the village, it [USDP] gets a lot of funds,” explained a young Mon USDP party member. “The problem is the organizer himself has bad background managing fund, [but] he was forced to resign [from the] civil service because of [his] corruption. Now he is managing [money] again [only this time] in the party funds, and that leads to a problem I think. Indeed, the financial information should be clear enough for every member [to understand].”

Since the announcement for election preparations residents from many areas in Mon State have assumed that USDA will be the backbone of the military controlled civilian representative government. Having been formed in 1993 and previously operated as a self declared non-governmental community development organization the USDA was heavily directed and funded by the State Peace and Development Council (SPDC). Despite claims of community development projects and funding the USDA has been widely criticized as government controlled thug group used in protest suppression.

However due to intense policies of pressure for regular civilians to join the party regardless of interest or desire, an unconfirmed number are members to simply make daily life easier and avoid harassment from hard-line USDA members or SPDC and military forces.

A 44-year-old tuition teacher who also volunteers in a community literacy course in Moulmein, Mon state, said of the USDP's new funding strategy; “The USDA has existed since the time of SPDC, a long time ago.

The question [now] is about funding. The organization has taken the money from the public by many methods but no financial information was shared to the public. It always bullied people since the organization gets its full authority from the government. Now [that] the organization [has] transformed into a political party and it is impossible that party members are willing to pay a membership fee, I am sure they [will] have to pay [because they are] forced, as usual.”

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## Recent Karen- Burmese fighting triggers curfew and travel restrictions

### IMNA, TPP, June 18th:

The Burmese military government has closed a portion of road between Three Pagoda Pass (TPP) and Thanphyuzayart, and also ordered a curfew for residents and travels of 5 PM. The curfew comes almost a week after increased attacks were carried out by the Largest Karen insurgent group.

The curfew, banning all travel after 5 pm, is reportedly disrupting travel plans and increasing the risks travelers must take on their journey.

According to a person who recently was returning from TPP to Thanphyuzayart, “They don't allow [our] going after 5 pm. If someone else goes [later then] the time they recognized, they [officers] already gave the order to shoot [that person].”

The potential for violence has risen, as on multiple days this month, the Burmese army was attacked by or fought the Karen National Liberation Army (KNLA), a Karen insurgent force that has been fighting the Burmese government since 1949.

A car owner, who has made the trip multiple times, told IMNA, “After the military closed the road, traders and car owners have been seeing financial problems. For [what is normally] a day journey, we now have to go two or three days. Because of that problem we have to sleep on the journey. Before, we could go anywhere during the sunset time [after 5 pm] if we wanted to arrive [somewhere] earlier. [Now] we have to be afraid for if they fight each other again when we sleep on the journey. Now we can't travel the way we want to and also it is affecting the car owners economy.”

On June 14th soldiers from Burmese Light Infantry

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## Report

# **We all must suffer: Documentation of continued abuses during Kanbauk to Mayingkalay pipeline ruptures**

## **Introduction**

The Kanbauk to Mayingkalay gas pipeline has been in operation for nearly 10 years and continues to be the direct motivating factor for human rights abuses committed by Burmese military battalions that inundate the area. In addition, despite the operational status of the pipeline, villages and farms abutting the pipeline continue to be haunted by lasting effects of poor construction, technology, and a lack of interest on the part of the current junta in persevering the environment or the lives and wellbeing of local residents.

In 2009 HURFOM's released its yearly report, *Laid Waste*, which documents the extensive abuses committed by local battalions during the construction process. Beyond that report, the Kanbauk to Mayingkalay gas pipeline has received relatively little scrutiny or attention from either international advocacy groups or human rights documentation teams. This vacuum is due in large part to the extreme security measures the militarization of the pipeline area has created, and danger of operating within the Burmese military's 'black areas', or free fire zones in which the army is able to steal from, abuse and execute locals with impunity. Due to this larger absence of information pertaining to the human rights situations revolving around the Kanbauk to Mayingkalay gas pipeline, HURFOM will highlight the ongoing abuses committed by local battalions and the high rate of ruptures and explosions that occur along the pipeline due to poor construction.

Updating HURFOM's documentation of the K-MK project, this report will document the diverse array of human rights abuses that continue to be committed by Battalions of the Burmese State Peace and Development Council (SPDC). These abuses predominately revolve around maintenance of the pipeline, sustenance of the numerous local battalions, and security threats, both real and perceived, though which battalions are able to ostensibly justify their presence.

## **The presence of Kanbauk to Mayingkalay and a history of ruptures**

In 2000 the SPDC broke ground on what would become the over 180 mile Kanbauk to Mayingkalay gas pipeline. Branching from the Yadana gas pipeline<sup>1</sup> at a Total Pipeline Center near Kanbauk in northern Yebu Township, The 20 inch wide pipeline carries an average of 100 million standard cubic feet per day (mmscf) for 183 miles through northern Tanaeserim Division, Mon State and into southern Karen State. The pipeline then arrives at two twin cement factories in Mayingkalay, before a portion of the gas is directed towards a electric gas turbine supporting Rangoon.

Prior to the construction of the pipeline, the area had been composed of various terrains and home to several ethnic groups. At that time the Burmese military only fielded 13 battalions along the length of the pipeline. However as construction progressed, 20 new battalions were introduced to the area, bringing the total number of battalions to be based around the pipeline area to over 32.

Rather than engaging insurgent groups or continuing battles for dominance of the area, the presence of these battalions has predominantly been used to maintain and secure the pipeline through the use of local resources and labor.<sup>2,3</sup> This has resulted in systematized abuses committed against villagers due directly to the presence of these Battalions. Villagers have continuously reported to HURFOM since the construction of the pipeline

<sup>1</sup> The Burmese military government's Yadana gas line, with the support of the French oil company Total, been found responsible for significant human rights violations after intense international scrutiny from Earth Rights' International (ERI) and Burma Campaign UK.

<sup>2</sup> For more in depth exploration of reasons for Militarization along the pipeline see *Laid Waste* 14-17.

<sup>3</sup> HURFOM has copies of Burmese army documents directly linking the relationship between these battalions and their role in maintaining the pipeline, which can be made available upon request

they have had to pay an average monthly sum of 3,000 kyat per household as a “security” or “maintenance” tax to local battalions. Also highlighted in *Laid Waste* are the intermittent demands for required sentry duty and travel restrictions denying villagers access to their farms and plantations, though at those times no apparent reason has been given by area battalions for filling these demands.

Since the Kanbawk to Mayainkaly pipeline began operation in 2003, the most severe abuses committed by battalions have revolved around instances in which the pipeline ruptured or exploded and battalions’ subsequent security concerns. Since 2003 the pipeline has been subject to frequent breaches and explosions. These breaks have mostly been caused in part by construction error and the low-tech process in which the pipeline was constructed and currently maintained. In that time HURFOM has learned that the length of pipeline from Kanbawk to Mayainkaly has experienced 13 large ruptures, and 18 small ruptures. In 13 other instances, the pipeline has exploded or a gas leaking from a crack has ignited. In 4 of the 13 cases, the burning gas damaged acres of plantation and parts of villages.

In the cases of ruptures or explosions, residents of villages closest to the location of the disruption often face a gamut of abuses ranging from forced labor, pipeline security duty, tax extortion and repair costs, and even detention and torture. 7 years after the completion of the pipeline, these abuses still continue.

## **Current situation for pipeline ruptures and abuses**

HURFOM has focused this report on the villages of Taung Pon in Ye Township and Kwan Hla village in Mudon Township due to the high rate of ruptures and explosions within their domains. As a result of these pipeline disruptions village residents have faced an increase in abuses ranging from extortion of repair and security costs, to forced labor, to arbitrary arrest, and travel restrictions. In addition to abuses from local battalions, these communities must face the impacts escaping gas has on residents’ health and the local environment.



A portion of the Kanbawk to Myaing Kalay natural gas pipeline is seen exposed after a rupture near Lamine Sub-township, Ye Township, Mon State

The data collected for this report has been gathered over a series of months, with the express purpose of illustrating the current conditions for residents living along the pipeline area. HURFOM field reporters were able to interview 17 families from 15 villages under control of Light Infantry Battalions (LIB) No. 343 and No. 106, from May 25<sup>th</sup> to June 1<sup>st</sup>. However due to the severe security risks posed by commenting on abuses committed by SPDC forces, some personal information has been omitted and names have been altered to protect the interviewees’ security.

In these cases, data was gathered from residents and community members willing to speak about their experiences. While this report focuses on the two most disrupted villages, this report’s data represents an ongoing and cyclical problem for communities that have the misfortune to have had the pipeline built within their vicinity.

## **Abuses related to gas ruptures in Taung Pon Village and Kwan Hla village**

In the last 2 months Taung Pon and Kwan Hla villages have experienced an unusually high number of pipeline ruptures. The villages are both located less than 1 mile from the Kanbawk-Myaingkalay Gas pipeline and contain nearly 800 households and 1200 households respectively.

In these instances of pipeline ruptures, the impacts of these events have engendered the use of three categories of abuse by SPDC forces. Soldiers will arbitrarily arrest villagers and community leaders, simply due to their community role or the village's proximity to the blast site, which to military forces makes them defacto suspects. Additionally, for pipeline repair purposes and to guard against blasts, soldiers will press locals into forced labor and portering to make repairs, and to undertake 24 hr guard shifts without support or compensation. Lastly villagers will sometimes be unable to access their own farms and plantations, or face travel restrictions beyond the village, over a battalion's perceived security concern.

## Arbitrary arrest and detention:

In the most recent pipeline rupture in Taung Pon village, the gas ignited and villagers described to a HURFOM field reporter how a huge flame that shot into the sky and burned for 2 and a half hours.



A villager from Bay Lamine village describes his experiences being used as unpaid labor by LIB No. 106 in northern Ye Township, Mon State

As a result of the explosion, Colonel Khin Maung Cho from Light Infantry Battalion (LIB) No. 343 based in Ar Yu Taung village, Northern Ye, called a meeting on May 21<sup>st</sup> with village peace and development councils (VPDCs) that are located along the gas pipeline, and specifically blamed the councils for the explosion. According to a member of a VPDC staff, the colonel issued an order that if another explosion occurred in any territory of a village, all the village headmen from the village in which the explosion occurred must be jailed.<sup>4</sup>

any explosion occurs in any village, and must pay for the compensation," explained a villager who is close to a headman's staff but requested anonymity due to the sensitivity of the subject. "He [the colonel] pressured us. No one [from the VPDC] dares to complain against that command in the meeting."

From another account in the same village, a member of the VPDC staff in Ye Township, who preferred to remain anonymous, described the local commander's reaction to the pipeline explosion:

I usually attend the meeting with chairman and secretary when the military call a blaming meeting. When an explosion occurred in Taung Bone village on May 19<sup>th</sup>, Colonel Khing Maung Cho from No. 343 LIB based in Northern Ye Township, called a meeting for all village headmen from Northern and Eastern parts of Ye Township. He blamed that many more crimes and violence are increasing while he is on duty in this region. He accused that some Eastern villages are connected with the KNU and [are] supporting to them. The military will take action on those villages very soon. Besides, he said, most of village headmen are not dutiful. The pipeline is exploded by bomb attacks. Many towns along the gas pipeline, Hpa-Ann cement factory and Yangon townships gets the electricity from this gas pipeline. So it is very important to be secured. If there will be another explosion in that pipeline in any village territory, all village's headmen must be in jailed. The meeting was only one-way communication since no village headmen could talk back to the colonel.

<sup>4</sup> HURFOM has managed to collect copies of the order issued by LIB No. 343, which can be made available upon request.

<sup>5</sup> Election efforts by the SPDC have been detailed in HURFOM's monthly reports from November, December and January, amongst which there has been no previous accounts of judicial restraint.

One unusual circumstance that warrants note is the recent instance of an explosion occurring near Kwan Hlar village, Mudon Township, but rather than the expected reaction of arresting local leaders, villagers have reported that no one has yet been arrested. Many locals suspect that this sudden reversal is related to the SPDC's effort to raise the current military regime's image in the eyes of civilians prior to the election.<sup>5</sup>

After the rupture of the gas pipeline in Kanbauk-Myingkaay region near Kwan Hlar village, Mudon Township, the news collectors in that region documented the situation. Villagers were surprised by the fact that even though the rupture of the gas pipeline occurred, unlike in previous ruptures, there were no accusations made or arrests of civilians. One Kwan Hlar resident, Maung Thant Zaw, 26, who has just finished his school, told a HURFOM field reporter:

The situation in the previous cases differs from now. The locals were arrested and accused out of suspicion by surrounding houses at the same night. After that, all had to go to the office of the village-in-charge [VPDC office] for the bomber to be deduced. If there was no resolution, the villagers had to take on that risk...[and] had to compensate for the damage. These processes have always occurred after any rupture of the gas pipeline. At this time there has been nothing special till today [the interview was conducted on June 3<sup>rd</sup>].

On June 3<sup>rd</sup>, even though the local troops, the civilian security groups and the government authorities have yet to respond to the villagers by giving any reaction or punishment, a major from LIB No. 62, a local



Paddy farmers are seen in their fields close to the Kanbauk to Myingkaay natural gas pipeline in northern Ye Township, Mon State

battalion, blamed a member of the TPDC for not caring about the local security and frequent ruptures of gas pipelines as a result of a lapse in attention. The above youth said the major is a member of TPDC who is supposed to be responsible for village militia. Regarding this case, he said as the following describing how the major blamed. A youth from the village, who preferred to remain unnamed, recounted the accusation he heard as the major passed the tea shop he was in, "You, village authorities, did not report regularly what happens and what is strange in your region, so it happens this way. Not knowing what happens in your region over time shows your village does not work. Yangon has been lacking electricity for

3 days because of this rupture, so the higher officials blame us."

The lack of action on the part of the local battalions in the face of a pipeline rupture has raised questions amongst local groups. Civilians who are familiar with political issues have raised questions about this judicial restraint as a political tactic by the government organizational strategy during the pre-election period. However, most civilians said this sudden absence of accusations is a doubtful outcome to the situation. A retired Township level member of NMSP who served for 12 years providing political analysis, explained to a HURFOM field reporter what he believes the unexpected absence of arrests means:

There is no immediate reaction against the civilians after the rupture, so this is strange [considering it is] during election campaign period. Because [previously] only in Kwan Hlar village, there were 6 times when the gas pipeline ruptured. People are arrested in every rupture. The least punishment is that civilians collected the money and paid the fee for the damage. No reaction or punishment means they don't want a tarnished image and hate from the civilians. Therefore, you asked me if this case was related to the coming election, so I answer yes, it was.

A Mon man who works as a political analyst in Mudon town and who monitors the current political situation in the region said:





A retired member of the SPDC governmental staff who analyzed the situation, stated to HURFOM that the situation makes little sense when comparing the current situation with the rupture of the gas pipeline in Northern Ye on May 19<sup>th</sup>:

If the government wants to make their activities on the civilians good and popular during the pre-election period, why did they not stop their abuses at the rupture in Taung Pon village? It is meaningless that they are campaigning in a selected area. I think we at least have to compensate for the damage as usual. After the repairing of the gas pipeline, like the previous ruptures, unfair financial demands – 20000 to 30000 [kyat] per household – will occur. Anyhow, blocking the roads and not allow [villagers] to go to their farms is now happening. And then paying 3,000 [kyat] per month to military [LIB] No. 318 as security fee is still one of the abuses put on us. These abuses are directly related to this gas pipeline.

## Forced labor, guard duty and extortion

Villagers, regardless of their relation to or innocence in an explosion, inevitably face abuses by soldiers through forced portering and labor, guard duty and extortion of fees. Local battalions often issue orders to communities requiring locals to stand guard for 24 hr rotating shifts for sections of the pipeline. After a breach residents are forced to pay a “repair” cost ostensibly to cover supplies and labor for the work. However these costs are



A security guard shack is seen in a villager's field near the gas pipeline, under the command of LIB No. 588 which is based near Taung Pon village, northern Ye, Mon State

often arbitrary amounts and villagers forced to actually make the repairs never receive payment or compensations for their labor. Villagers that cannot pay their way out of the work duty for the battalion must consume their own meager resources and time making repairs to the pipeline and carrying materials and supplies. This abuse is devastating to communities' lower income families that make up the large majority of residents, and who would otherwise be using their time trying to earn a daily income.

On May 25<sup>th</sup> the colonel who had threatened headmen in Taung Pon village, ordered villagers to guard the pipeline in continuous 24 hour shifts, collected taxes from villagers and

hired people for pipeline security, said a staff member who had attended the meeting with his chairman on May 18<sup>th</sup>. The order for rotating forced labor affects villagers discriminately based on their ability to avoid the order through connections to local government administration or by hiring people to take their place. As a result families that are already living on a subsistence income must leave their jobs and work, to fill their guard role without payment or compensation.

Mi Khin San Myint, 38, from Bae LaMu village, northern Ye Township, Mon State, has Three Children (the youngest one is only eight months old) and is dependent on her husbands' work at a rubber plantation for income. She explained how difficult it has been to feed her family after the local battalion issued orders to her village to make pipeline repairs:

It is now only my husband who feeds us – my children and me. We already expected that there would be a tax or routine pipeline guard after we heard pipeline explosion because we have experienced these same circumstances before. Now the military ordered [the] village headmen to again take action for pipeline security. Every household has to pay 5,000 kyats to the village headmen once a month if the household cannot guard the pipeline. We have to pay for village security and village guard support [i.e. meals]. Sometimes when the [LIB



These trenches were dug by local residents through their farmland, who forced to work by LIB No. 343 near Ayu-Taung village, Ye Township, Mon State

No.] 343 comes to the village they take chickens and ducks... We, the villagers, have to pay for that fee. It is around more than 4,000 kyat a month. Last month we had to pay for 6 Patetar of pork (Burmese weight, 1 patetar = 1.5 Kg), as demanded by Sergeant Maung Pyone [known by locals as Saya Gyi]. Every household has to pay bite by bite gradually, but it is around 4,000 to 5,000 kyat a month. This amount is not included for pipeline security

costs of 5,000 kyat a month... As a result, the budget for our food is reduced because of those fees. Now, I cannot work, but only depend on my husband's income. His income does not cover [costs] for the whole family. I am so sad when I hear my children crying for food they cannot eat daily. But I can do nothing for them. What a terrible life it is living here. No matter the gas pipeline is ruptured or spilled out, nothing is good for us. We, the villagers, always have to pay for the security fees or guard the pipeline. Besides, we fear for the authorities who usually torture the villagers without evidence regarding the pipeline explosion. No one can argue or complain about the situation. We all must suffer from these terrible treatments and pay money to them as we live in here.

Pho Kyin, 42, who lives in Hnin Sone village, northern Ye Township, Mon State, has no choice but to work for his income as a day labor often being hired to stand in other people's stead, guarding the pipeline or carrying out manual labor:

I work every job. I own nothing but work as a hired worker. My daily income is just enough for my daily food. I always got hired to guard pipeline, railway and motorway by the military, LIB 343. My jobs are always with full of risks, but I have to work for my children. There are 90 to 100 households in my village. Our headman is a Karean guy named Saw Ka Paw, aged 51. He said our village has to guard the pipeline as well even though the pipeline was not exploded near our village because the colonel commended us to do so. Each household has to guard two days, six people per village to take pipeline security. I usually get hired to guard the pipeline. People have to pay the village headman 5,000 kyat to pass their duty if they do not want to guard the pipeline. But I only get 3,000 kyat per night when the headman hires me. But my duty is not so easy as it looks. When the army found out I am sleeping or away for a while in duty time, they will insult me for sure. Besides, I have to serve them like setting fire, boiling water, buying food and so on while they monitor me on duty. I did that when the captain Lay Myint from LIB 343 came to my guard hunt. I cannot choose my work. I have to do the job I get. One thing I'm afraid of is when the authorities search for criminals; they use to catch innocent people. I always have to be careful and try not to be involved. A villager from my village, Saw Kyaw Pho, who was arrested and tortured by the military, is now mad. It is really unnerving. I not only have to worry about food but also for those abuses. But I have no choice because I live near the gas pipeline area.

A member of the VPDC staff in Ye Township, who preferred to remain anonymous, also told HURFOM his experience at the meeting in Taung Pon village:

Besides, he ordered that village headmen have to take tax from the villagers and pay for the pipeline damage. And also the residents have to guard along eastern roadside, bridges, and railway. Six to eight members per village and 24 hours a day have to take responsibility for security. If there is not a guard hunt, the village has to arrange for it by itself. We started guarding since after that meeting, but we don't know when it will be ended. If the family cannot guard, it has to pay the money to hire another person. And the colonel ordered if the monitoring military find out a guard team who is absent from duty, all the villagers will be punished. Actually, the meeting I attended was just pressure and orders, but no discussion.

## **Travel restrictions**

Villagers also face travel restrictions due to suspected collaboration with insurgents or due to proximity to the pipeline breach. In these cases residents who make their daily income from farming and cultivation can face a drastic loss of income from languishing crops and fields.

According to Maung Thant Zaw, after the pipeline rupture in Kwan Hlar, some villagers were denied access to their paddy fields due to their proximity to the gas pipeline. The restriction comes as farmers normally would begin fertilizing their fields during rainy season:

Over 40 acres of paddy fields near the ruptured part of the gas pipeline was defined as a restricted zone and a group of military technicians started repairing the damage. The owners of these paddy fields are Nai Pan Tun, Mi Ma May and Nai Chit Thein. They are not allowed to go to their farms. Limiting movement is not good even though there is no accusations or arrests. Now we have to start farming. We have to prepare the field land by mixing it with cow feces. The local farmers and residents can't go to their works because of the movement restrictions that have been ordered. In my opinion, I mean as an opinion on the good aspects, limiting movement and defining a restricted zone is better than arrests and accusations of civilians and unfairly collecting money for the damage. [However] in the past, we haven't been able to stay this way.

## **Health and Environmental impacts from gas ruptures in Taung Pon and Kwan Hlar villages**

Besides the human rights abuses committed by local battalions, the physical impacts of leaking gas on both the health of residents and the local environment should be seriously considered as knock on abuses generated by the presence of the pipeline.

As noted above, ruptures and explosions are often large volumes of gas that will vent from pipelines, sometimes for months on end without any effort to make repairs. Villagers have little to no option to avoid noxious fumes, as they must continue to work for their survival and live in the presence of the fumes. As most incomes are derived from farming and day labor, villager's work is inexorably connected to the stability of the local environment.



Some villagers are seen wearing masks to avoid breathing gas after the last natural gas pipeline rupture in Lamine Sub-township, Mon State

In the instance of one rupture of the gas pipeline near Taung Pon village, and gas leaking from pipeline near Kwan Hla village,

in May, HURFOM interviewed two health workers who described the impacts they encountered when treating villagers after exposure to gas from pipeline breaches.

According to data gathered by health workers in past ruptures, residents and villagers from neighboring villages that inhaled the gas, experienced a range of side effects depending on the length of time they were exposed, and the volume of gas that they were breathing. In May health workers recorded the effects on civilians from two ruptures that occurred in Taung Pon village and its surroundings. Reportedly villagers inhaled the noxious odors emitted from the gas pipeline rupture for several hours. A health worker from Sa Khan Gyi village, TanPhyuzayat Township who treats the patients in most villages explained his experience on how the gas caused side effects amongst the victims:

When I was attending the medical collage, I studied the possible impacts on people who inhale this sort of gases in large amount... Gas leaks rarely occurred in our region (most cases were ruptures). I have encountered [instances where] the leaking gas caught fire and caused ruptures three times including this one. For people who are sensitive to even gas from a lighter, the smell released from numerous-cubic-foot-pressure pipeline for at least two to five hours is terrible. No one can live within 1,000 feet [of the venting gas]. During past ruptures in La Mine village, it sounded "Ta shel shel" and you could taste the smell and hear the sound over a half-mile distant. At that time, old women and asthmatic persons suffered from asthma, so I had to treat them for difficulty breathing. They said that they inhaled the gas from the air which is released during the rupture, for a long time, and I realized the symptoms were due to that cause. Other possible symptoms regarding gas inhalation are drowsiness, bronchitis, peripheral edema (swelling of hands and legs), etc. These victims are those people who are sensitive to smells and have an underlying disease. It is not similar to allergy, for instance, where people who are sensitive to smell of bed bugs and strong smelling pesticides such as endrin. Some people suffer from sneezing and tonsillitis due to pollens released from seasonal flowers. According to my experience of the rupture in La Mine, the smell still remained in neighboring villages within one mile for 3 to 4 days after the rupture. This is due to repair delays from the government.

A former health worker, 34, from the NMSP, who has 8 years of service in medical care, also describe to HURFOM how methane exposure can impact residents with respiratory illnesses as well as people who experience longer term exposure:

The natural gas includes large amount of methane. It can spread through the air from 3 days to one week after the rupture depending on the strength of the rupture. When I was in Kwan Hla village, I experienced the smell. The smell has direct affects on the respiratory system. Persons with weak lungs and underlying [tendency towards] asthma are susceptible to this smell. Babies and the old people whose resistance is weak feel drowsiness. Everyone can smell nothing else. I found that, in Kwan Hla's rupture, people went away for a couple of days when they tasted the smell.

Methane, which is chemically heavier than oxygen, will sink to the lowest levels of an enclosed space or room. In such situations where there is little ventilation or in a closed of space like a room, there is potential for people who sleep or lie on the ground to actually suffocate due to an over abundance of methane in the air.

Extensive environmental research has been carried out on similar gas projects such as Yadana and Yetagun south of Kanbuak, and the Shwae fields in Arkan state. In Earth Rights International's (ERI) 2009 groundbreaking report *Totally Denial*, findings indicate that the failure to adequately respond to environmental assessments conducted along the Yadana construction site have long term damaging effects on local ecosystems. While it's apparent that such findings are could likely be extrapolated to the similar Kanbauk to Mayingkalay pipeline, there is a notable lack of research done on the environmental impact of leaking gas in the ecosystems of southern Burma<sup>6</sup>.

A 31 year-old Mon man who lives in La Mine town and has knowledge of the local environment, explained his experience regarding negative environmental impacts after every rupture:

<sup>6</sup> Methane, one of the predominant components of natural gas, is noted for its significant ability to trap heat and considered a significant greenhouse gas, is a leading factor in global warming.

If the gas leaks (from the pipeline), it is expected sixty percent to rupture. In both ruptures near our village, first, it leaked (from the pipe) and created bubbles in the water and smelled bad, and then it ruptured three days after. Leaking is a slow process from one crack due to high pressure, so pipes can't stand [that pressure] even if they are made of iron. In the second rupture, the gas caught fire and nearby rubber plantations were set on fire. Not just gas but also whatever begins to burn produces carbon dioxide. This makes more greenhouse gases in atmosphere. Moreover, gas burning is not like other fuels.

It creates a huge flame that burns powerfully, so it is terrible to be near. If there is a rupture near your quarter or village, you can't really use a lighter or start a fire. We have to warn (the civilians) a lot. Everywhere can catch fire because the source of fire, the gas, is already in the air. When the rubber plantations were on fire, the fires quickly spread from one place to another as the gas is in the surrounding air. When I was working abroad (Singapore), the factory also used (natural) gas. What I learned about the gas used there is that methane contained [in the gas] is in largest amount. Methane doesn't stay in pipeline quietly, and it always tries to come out. Therefore, frequent ruptures of gas pipeline are due to the pressure of that methane gas and pipeline's...poor welding. This is just my own opinion. They (people in Singapore) work hard to maintain gas pipeline not to allow methane come out or leak. As I knew, they detect methane gas leaks using "remote sensing devices". I think these (technologies) are not used here.

## Conclusion

For 10 years human rights abuses practiced by numerous battalions of the Burmese SPDC have gone unchecked. Abuses that HURFOM initially documented during the construction of the pipeline have shifted towards longer term broad based operational abuses that are part of a daily routine throughout the region surrounding the pipeline. As breaches and explosions have occurred along the pipeline, villagers and community leaders have paid the price for circumstances beyond their control. Often facing threats, abuse, and arrest, village headman are threatened or arrested despite any legitimate involvement in the pipeline disruption. Villagers pay the price through forced labor, required century duty, and arbitrary repair and upkeep costs, destroying the possible livelihoods of those who already struggle most with daily survival. And for people who live close to the pipeline will suffer both health and environmental impacts due to exposure to gas fumes, as well as travel restrictions and access to their own farms.

In the climate of the 2010 pre election period it is increasingly important to recognize the significant need for change or responsibility in these regions that are often overlooked. In particular the unabated abuses around areas where the current and future governments will stand to receive significant profit, must be addressed, otherwise regardless of the success or failure of the democratic process, the new government will be equally culpable for abuses as its predecessors.

### News from page No.4

Battalion (LIB) No. 284 were injured when, between Thaug Sorn and Koung Kan villages, soldiers from the KNLA who had seen the Burmese unit coming, threw a pressure-triggered claymore and began shooting. On June 7th. LIB No. 284 forces had been previously attacked by KNLA forces between TPP and Thanphyuzayart.

The attack most widely covered by recent news media was on June 10th when a Burmese truck was attacked near Japan Toung village, Thanphyuzayart Township, killing 11 soldiers and injuring 20. The same day 1 LIB No. 284 soldier was killed and 2 more injured when the KNLA fought the unit near Myinetharyar village close to TPP.

These attacks, which have occurred along the roads, have also included a supply raid. Also on June 10th, KNLA Battalion 201 stripped Burmese provisions from two Burmese supply trucks in Kaw-ka-reik Township, said a KNU spoke person, Saw Thair Nay.

The result has been distinct rise in tension over KNLA presence in the area. In Myawaddy, a large border and trade town abutting Thailand's town of Mae Sot, people are afraid to leave their homes in the evenings out.

One Myawaddy resident explains, "They [Burmese soldiers] parole the town, with their uniform's on. It's been happening [for] about a week, we never saw like that before."

### Information on HURFOM and Invitation for Feedbacks from Readers

Dear Readers,

The Human Rights Foundation of Monland (HURFOM) was founded in 1995 by a group of young Mon people. The main objectives of HURFOM are:

- monitoring the human rights situations in Mon territory and other areas of Southern Burma,
- protecting and promoting internationally recognized human rights in Burma

In order to implement these objectives, HURFOM produces the monthly "Mon Forum" newsletter. If publication is delayed it is because we are waiting to confirm information, and it comes with our heartfelt apologies.

We encourage you to write to us if you have feedback or if you know someone who you think would like to receive the newsletter. Please email or mail a name and address to:

HURFOM, P. O. Box 2237, General Post Office  
Bangkok 10501, THAILAND  
E-mail: [hur fomcontact@yahoo.com](mailto:hurfomcontact@yahoo.com)  
Website: <http://www.rehmonnya.org>

With regards,

Director  
Human Rights Foundation of Monland

## Tax increase at SPDC checkpoint on Zami River, financial burden for travelers and merchants

**HURFOM, Kawkaeik, June 25, 2010**

Passengers and merchants traveling along the Zami River have told HURFOM's field reporter that soldiers from Burmese army Light Infantry Battalion (LIB) No. 403, are arbitrarily increasing travel taxes at their checkpoint along the eastern bank of the Zami river at Phaya Ngote Toe village, Three Pagoda Pass (TPP). Travelers report the additional tax is damaging financial burden, as travel along the river requires 70% of the travel cost to be spent on checkpoint taxes.

LIB No. 403 operates under Military Operations Management Command (MOMC) or "SaKaKha" No.8, as a support battalion away from the State Peace and Development Council's (SPDC) front line conflicts. Its checkpoint at Phaya Gnote Toe can be reached directly by riverboat from TPP, which continues on to Kyarinnseiky Township, Karen State.

Beginning in early June LIB No. 403 opened for the rainy season, when boats are able to travel the Zami River, with a "Region Pass tax" higher than previous years, according to locals who use the route, merchants from other regions, and passengers moving up and down the river.

In previous years the agreed on amount to charge riverboats was a maximum of 1,000 kyat per passen-

ger at the other riverside checkpoints belonging to other Burmese battalions and those of the New Mon State Party (NMSP), the Karen National Liberation Army (KNLA), the Karen Peace Force (KPF), and Democratic Karen Buddhist Army (DKBA). Regarding this arbitrary increase in LIB No. 403's travel tax, Ma Khin Myo (fake name), 40, who travels to Kyarinnseiky Township for business using this route, told HURFOM's field reporter:

In previous years, they did not levy as much [of a tax] as this year. Each boat owner was paid a total of 30000 [kyat] to 31,000 [kyat] ... [to cover] the combination of the boat's fee and the checkpoint taxes. But, now, Burmese checkpoint does not accept the money from the boat and car owners. They count the number of passengers and levy tax of 2000 to 3000 kyat per head. I have to go to Three Pagoda Pass at least two times per year because of personal business. In the past, taxation problems were resolved by the boat's crews or cars' drivers. But this time, it is quite unfair. The Zami voyage will be widely used in coming rainy season. I don't know how bad it will be at that time.

According to Nai Kon Aung (fake name), 45, a current NMSP member who works a regional military

# News

activities observer:

The Burmese army has a habit that they do as they please when they are on duty in the areas like this – the areas near the border and the areas totally controlled by them. I don't mean all battalions [act like this]. Some army [units] have reached here [but]...they did not to cause any problems living here. So they had no bad image [of themselves] ...When a commander with bad image (or bad history) reached here, it was very unstable. Now persons from LIB No. 403 levy high rates of taxation. Not only merchants but also passengers have to pay more than the fixed rate of taxation – 1,000 kyat. Merchants will be poor because they are charged depending on their commodities. On June 18, a merchant grumbled [to me] that he could not hope for profit [at] that time and he couldn't even cover his traveling fee. If they are still continuing unfair taxation, other groups can't stand.

Nai Kon Aung highlighted to HURFOM's researcher that in this black area there is no real protection by tax laws, fixed tax rates, trade laws or other laws, and that when passengers reach LIB No. 403' check-point, they end up having to follow the checkpoints own standards or laws.

The Zami river route is used widely by merchants and locals to import cooking oil containers from Thailand



ASPDC Navy checkpoint is seen on the Zemi river, Kyainnsekiyi Township, Karen State

(in large iron cans) or in bags (oil in plastic bags), ready made foods such as canned foods, juices, and different brands of dried noodles.

Apart from affecting the capacity of traveler's ability to reach their destinations, it is highly likely that even at this one checkpoint the arbitrary increases in taxation will affect rainy season imports along the river. As noted by Nai Kon Aung, there are no legally binding tax laws, other than the previously agreed upon amount of 1000 kyat per checkpoint. If arbitrary tax increases such as at the Phaya Ngote Toe checkpoint, there is potential for other battalions to also increase their taxation, undermining the agreed on the previously uniform tax of 1000 kyat and placing even more financial pressure on passengers and merchants.

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**HURFOM**  
**P. O. Box 2237**  
**General Post Office**  
**Bangkok 10501, THAILAND**  
**E-mail: hurfomcontact@yahoo.com**  
**http://www.rehmonnya.org**

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