

# The Mon Forum

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## Some Acronyms in This Issue

SPDC-	State Peace and Development Council
MNLA-	Mon National Liberation Army
NMSP-	New Mon Start Party
KNU-	Karen National Union
MRP-	Monland Restoration Party
IB-	Infantry Battalion
USDP-	Union Solidarity and Development Party
TPDC-	Township Peace and Development Council
KNLA-	Karen National Liberation Army
TBBC-	Thai Burma Border Consortium

## News

### Arbitrary taxation in Pa'an Township burdens phone operators to near breaking point

HURFOM, January 21<sup>st</sup>, 2011

*Pa'an: While fighting continues in Pa'an District, operators of phone services have been experiencing extensive arbitrary taxation by the government run BGF battalions, SPDC forces, and splinter DKBA units. This taxation has been so sever that phone operators are nearly unable to operate their businesses. As a result these sources of local communication and money transfers are closing down, denying local communities access to communication and a much-needed source of remittance payment from Thailand.*

On January 21<sup>st</sup>, 2011, a Border Guard Force (BGF) unit, possibly Battalion No. 1022, visited residents in at least three villages collecting 'taxes' on the operation of phone transceiver and receiver units[1]. Col. Taw Ka Na, who operates the battalion in question, issued the order for tax collection from phone operators in the area. A HURFOM field researcher has only been able to confirm the names of thee arbitrary taxation victims in three villages[2].

However, the researcher has spoken with other victims of the tax, but only under the condition of anonymity. In these villages where arbitrary taxation cases have been confirmed, at least 3 phone service centers operate per village.

In this instance of taxation, 35,000 kyat was taken from telephone transceiver unit operators, and 10,000 kyat was taken from wireless handset owners, who receive calls routed through a local transceiver



A transceiver and phone system, widely used for calls in rural Burma is seen in Kawkareik Township, in 2010

## HURFOM Welcomes the UN Commission of Inquiry on War Crimes in Burma

In the past, over 10 years ago, when the International Labor Organization (ILO) set up a 'Commission of Inquiry' to investigate the use of slave labor and forced labor, HURFOM was newly formed. HURFOM offered a lot of support by bringing the victims to the ILO Commission of Inquiry to provide facts and testimony during the investigation. The ILO got many detailed accounts, information, and strong evidence on the use of forced labor during the construction of the Ye to Tavoy railway and road, and later on the ILO was able to intervene to stop the use of forced labor in Burma.

While the whole world is respecting human rights and promoting human rights, the people of Burma have greatly suffered from human rights violations. In the civil war in eastern Burma, the Burmese Army and some ethnic armies still commit human rights violations against ethnic civilians, such as killing, torture, sexual violence, land confiscation, forced relocation, destruction of civilians' property, recruitment of child soldiers, and still, forced labor.

HURFOM, again, welcomes the newly formed 'UN Commission on Inquiry' to investigate war crimes in Burma, and especially the effort to take actions against those who have committed decades of human rights violations, whether they are members of the government, the Burmese Army or ethnic armies.

These human rights violations fall within the category of crimes against humanity. Many human rights organizations on the border, with their human rights teams, have documented many cases. Many human rights victims are now staying in the refugee camps and in migrant communities. Human rights groups, relief groups, womens' groups, and media groups in the border area, have long known where these victims are. With this knowledge, these groups are ready to help the UN Commission of Inquiry if needed.

HURFOM, as a member organization of the ND-Burma (Network for Documentation –Burma) network, will actively participate if the UN Commission of Inquiry requires assistance from these local groups.

unit.[3] Operating within close proximity to the Thai-Burma border allows these transceivers services to operate off of signals from Thai service providers.

Since November 8<sup>th</sup>, when fighting erupted between the splinter DKBA Brigade No. 5, and Burmese army forces, significant tension and continued violence have undermined phone operating businesses. Phone operators report that, prior to fighting, taxation was carried out with consistency – only once a month – by DKBA units. After November 8<sup>th</sup>, phone services operated by family or members of the DKBA, were shut down. Non-DKBA phone transmitter operators remained open, but the influx of pro-government BGF forces has wiped out the system of monthly tax collection. As a result frequent arbitrary visits could cost a transceiver or phone owner 105,0000 or 30,000 kyat a month, respectively.

According to a transceiver unit operator located in Pa'an, Col. Taw Ka Na, who himself accompanied the collection units, insisted that the tax had to be paid on the spot or in the same day. He describes how the BGF battalions, as well as units from the Democratic Karen Buddhist Army (DKBA) and the Burmese army, come and take arbitrary taxes with no order or reference to the fact that a phone operator has already paid:

They come to collect the taxes 2 to 3 times in one month. Any group in the BGF [will] come to collect and each of them come to gather whenever they want to. Even though they've already collected

[a tax], they forget to write is down on the list and we cannot complain to them [that] we've already paid them. Then, it [the BGF] is not the only group that comes to tax us; the Burmese army and the DKBA come to charge us for phone service taxes. We can't say anything, but taxing us like this is like we owe them [this money]. They also know that running the phone service does not mean that we earn a lot of money. Only families [with children] who are working in Thailand and want to talk to their children use this phone service. Plus, we provided money transfers. That's all. Because they come to collect taxes often, we do not earn a lot from the phone service. We have to use our money to pay the taxes.

A Karen national, who preferred to remain anonymous, lives in Pa'an and pays phone service taxes to more than one group. Here she describes the difficulty of trying to operate her business under frequent instances of arbitrary taxation:

It is not specified as a monthly tax or yearly tax. They just come to tax [us] whenever they want to. There are 2 to 3 people in one group [that] comes to tax [us]. But not just one group comes to tax, there are also some other groups come to gather the taxes. Because of this, in this region numerous phone service owners have quit running phone services, as they cannot afford to pay the taxes. Because the authorities and armed groups are taxing us, what we've saved from working becomes empty. Nothing is left for us. They never accept

Continued on page...11

## Report

# Like birds in a cage: Impacts of continued conflict on civilian populations in Kyainnseiky and Three Pagodas area

### Summary

While the sudden conflict that erupted on November 7th between the Burmese State Peace and Development Council (SPDC) and splinter Democratic Karen Buddhist Army (DKBA) forces drew much attention internationally, and concern from Burma's ASEAN neighbors, the local impacts from the continuation and even expansion, of this conflict have garnered less attention.. For this months report the Human Rights Foundation of Monland (HURFOM) has documented the commission of crimes against humanity and assorted human rights abuses, on local ethnic residents between Kyainnseiky Township, and Three Pagodas Pass Township, Karen State.

In areas of continued fighting, civilians have suffered from direct exposure to violence, as bystanders to indiscriminate mortar, RPG, and small arms fire, use as forced porters, human shields, human land mine triggers, and physical abuse. Armed groups have also abused civilian communities through theft, extortion, and travel restrictions. Direct exposure to these threats undermines key methods of survival for local communities, who, though capable of addressing normal military presence, face greater threat to safety and live hood with enlarged and aggressive military presence. This uncommon level of disruption must be resolved for communities to ensure their safety and livelihood.

Three HURFOM field reporters who conducted this field research recorded accounts from over thirty victims who have faced these abuses and hardships inflicted by ongoing armed conflict. In certain cases victims omitted personal information due to their security concerns. Additionally as this data was gathered in a live conflict zone, areas that were cut off ongoing action have not been visited. These accounts gathered by HURFOM field reporters give a clear sample of the abuses perpetrated in these areas and others not yet reached by field reporters, as further research efforts continue over the next months.

### The Background of the local armed conflicts

On the morning of November 8th, 2010, a day after Burma's first general election in 20 years, forces from DKBA Brigade No.5, led by Colonel Na Kham Mwe, overran Burmese forces in the Thai-Burma border town of Myawaddy. Having split from the pro-government stance other battalions of the DKBA had taken, Colonel Na Kham Mwe's Brigade No. 5 is reported to have entered into the surprise conflict due to the Na Kham Mwe's refusal to transformation his DKBA forced into a government administered border guard forces (BGF)<sup>1</sup>. According to Na Kham Mwe, in a radio-interview, the fight was for fight for justice from the fraudulent election conducted by the military government only days later. By November 8<sup>th</sup>, fighting had rapidly spread south down the border from Myawaddy, to Kyainnseiky and Three Pagodas Township, and the southern part of Dooplaya District. Within the first day of fighting in Three Pagodas Pass (TPP), DKBA forces also over ran portions of TPP town, where Burmese special police office was burned, along with the ministry of forestry building, and other key offices taken over. Though, like Myawaddy, DKBA forces later retreated from TPP for more advantageous defensive positions outside the city, no clear military victory has been achieved<sup>2</sup>.

The sudden out break of fighting in both towns and outlying areas in the first two weeks, produced numerous waves of refugees fleeing to Thailand with no more than what they could carry. The sudden influx, reaching estimated highs of 20,000 in Mae Sot and 10,000 in Thailand and New Mon State Party (NMSP) controlled territory, raised concerns about health and safety of displaced families<sup>3</sup>. The successful response of international aid groups and CBOs likely had a significant impact in addressing the possible concerns of health and food. However with in weeks, members of the Royal Thai Army began pushing to move refugees back across the border on the premise that the situation had returned to normal. However, continued fighting periodically sent residents of Myawaddy and the southern Dooplaya

<sup>1</sup>See, 'Protection concerns expressed by civilians amidst conflict in Dooplaya and Pa'an districts,' KHRG, November 2010; DKBA Brigade Leader Rejects Election Result,' Irrawaddy, 9 November 2010; 'Mae Sot Burdened by Thousands of Burmese Refugees,' Irrawaddy, 8 November 2010;

<sup>2</sup>'Government Troops Secure Myawaddy,' Irrawaddy, 13 November 2010; 'Artillery Fire Continues at Three Pagodas Pass,' Irrawaddy, 11 November 2010; 'Further fighting at TPP, residents flee Burma for Thailand,' Independent Mon News Agency (IMNA), 9 November 2010; '6 Injured from fighting between DKBA and Burmese Troops,' IMNA, 9 November 2010; 'Fighting Breaks Out Between Burmese Army and DKBA in Three Pagodas Pass,' IMNA, 27 January 2011.

<sup>3</sup>'Thousands flee from Three Pagoda Pass Town, support and basic supplies a concern,' HURFOM, 9 November 2010; '9 year old girl killed during fighting at Three Pagodas Pass,' HURFOM, 9 November 2010.

area to areas where they could seek temporary shelter in Thailand or in territory administered by the NMSP<sup>4</sup>.

While the fighting was initially occurred between SPDC and DKBA forces, an informal ceasefire was agreed to between the DKBA and the Karen National Union (KNU), who had otherwise had been engaged in open conflict since the DKBA splintered from the KNU in 1995 and sided with the SPDC<sup>5</sup>. Karen National Liberation Army (KNLA) forces appeared to have stepped up ambushes against area SPDC battalions and reinforcements sent in to combat the DKBA uprising.

Fighting continues in the region to this day, having intensified in areas around Kyainnseikyi Township with no clear decisive shift towards a victory for any side. In the face of these ongoing conflicts, accounts that will be detailed below, highlight not only physical danger faced by residents, but the harm the protracted presence of all armed groups has on local economy through farming and trade, and civilian livelihood.

## Abuses of Power

The commission of abuses that documented below, includes reports on every armed groups responsible. These accounts detail abuses committed not only by the Burmese army, but also by opposition forces from the DKBA and KNU. While the Burmese army is responsible for the majority of these cases documented, HURFOM is dedicated to its mission of documenting every violation which impacts the lives and possessions of local Karen, Mon, and Burmese civilians; therefore, all the violations have been presented, regardless of the political stance of the violating party.

## Injuries and conflict induced violence

Around January 28<sup>th</sup>, 2011, fighting occurred between KNLA Battalion No. 16, column no. 2 of the under the command of, Col. Mahm Tin Hlaing, Lt. Col Saw Mahm Shwe, and Cpt. Saw Shwe Win; and Burmese army Light Infantry Battalion (LIB) No. 406, column no.1. When attacked, Burmese army forces were operating near Maezali village by Akaraing stream, between the Apalong, and Myaingtharyar village<sup>6</sup>. Two SPDC soldiers were wounded and three were killed as a result of the ambush. In retribution SPDC soldiers launched shells and RPGs into Myaingtharyar village, wounding two Karen children and an adult at the southern end of the village. The victims are Saw Kyaun Kyunt, 12, his father, Mehm Ka Dar, and Sher Paung, 17. One resident of Myaingtharyar village, who preferred to remain anonymous, described the attacked:



Saw Kyaun Kyaunt, 12, and Sher Paung, 17, are seen after having received treatment for their wounds.

LIB 406 lunched their rockets into the village. The rocket exploded in the south. But two children were wounded. One of them was injured in his hand and his back and another one was hit above his right knee. The Karen abbot in the areas cared for their injuries. After getting a little better, the Abbot sent two of them to the TPP town for continued treatment.

At 7:00 AM on January 27<sup>th</sup>, 2011, between Maezali and Apalong villages, a Burmese convoy was attacked by KNLA forces, that resulted in the deaths of two six wheel truck drivers. The victims of the attack were Maung Hla Moe, 42, a secondary driver from Rangoon, and in the second truck, a Thanbyuzayart, driver, whose wife

spoke with HURFOM but insisted his name not be use. The 27 truck column had been carrying 40 boxes of RPG-27 ammunition, bags of rice, and canned vegetables and meat, to restock Burmese forces in Chaung Zone village and at LIB No. 273 base outside of TPP town. Under the command of Lt. Col Myo Htun's LIB No. 402, the trucks had been ordered to drive ahead of the battalion, with the two six-wheel trucks at the very front,

<sup>4</sup>'Remaining TPP residents leave for the Thai side,' IMNA, 10 November 2010; 'TPP refugees commanded to return home,' IMNA, 11 November 2010; 'Civilians at risk from continued SPDC-DKBA conflict in Dooplaya District,' KHRG, 14 November 2010; 'Arrest, looting and flight: Conflict continues to impact civilians in Dooplaya District,' KHRG, 25 November, 2010; 'Villager injured, community flees: Conflict continues to impact civilians in Dooplaya District,' KHRG, 28 November 2010; 'Resumption of Fighting Sparks Further Exodus,' Irrawaddy, 15 November 2010; 'Clashes Force More Karen Refugees Into Thailand,' Irrawaddy, 7 December 2010.

<sup>5</sup>'Fighting Moves Karen Groups into Loose Alliance,' Burma News International (BNI), 11 November 2010.

<sup>6</sup>The area described between Maezali, Apalong, and Myaingtharyar, has been one of the most frequently contested since fighting began. The instance described is one that is common, as brief but destructive exchanges occur daily.

to trigger possible ambushes. According to a KNLA source, the first two trucks were hit under the belief they contained Burmese soldiers.

Since fighting has increased in the last two months, drivers and owners of vehicles have been increasingly concerned over the risk of transporting goods for either the Burmese or Karen forces through these conflict zones<sup>7</sup>. Drivers have openly refused to risk their lives, despite pay, and are subsequently forced to pay, as in the documented case, to avoid repercussions by the SPDC forces. The further financial impacts on drivers and transportation industry will be detailed later in this report.

Ko Bone, who is employed driving 10-wheel trucks in TPP, complained about the risk of having to drive trucks during this period, and his reason for refusing government demands to do so:

We can't decide for ourselves. We have to do anything that the local authorities command, even though we don't want to. So, now we don't know they can carry all the military supplies in two ten-wheel trucks. We heard that the military government sent 27 six-wheel trucks of military supplies from Annankwin to Chaung Zone. Although, the local authorities [tried to] hire us to carry the food supplies, I didn't want to go there. I don't want to end my life between two groups in an armed conflict. If they forced me – 'you have to go!' – so I'd need to go. You know, here we don't have opportunities to refuse their commands. It's your fate that you will face the battle or not, in your way.

## Portering and Human Shields

During the period of fighting from November 2010 to January 2011, this pervasive abuse has seen a surge in practice, where porters, forced into service, face the additional and deliberate danger of being used as human shields and forced to walk over land mines to clear the way for the advancing Burmese army. In the instances of portering found during this period, HURFOM's data indicates that porters have been forced to work for periods of over 20 days. During this time they receive neither pay nor food, carrying Burmese army rations, equipment and heavy weaponry such as mortars, RPGs, and shells<sup>8</sup>. Moreover, accounts confirm the Burmese military has used porters to protect reinforcements against attack by DKBA and KNLA forces, and to trigger landmines<sup>9</sup>.

From January 2nd to the 20<sup>th</sup>, at least 33 villagers from 5 villages were used as porters for military supplies by LIB No. 402's Columns No.1 and No. 2<sup>10</sup>. Columns No.1 and No. 2 pressed the villagers into service, transporting goods between Anakwin village to Chaung Zone village, Kyainnseiky Township. Porters, carrying army rations as well as, ammunition, mortars, and shells, were made to walk in front of the column to protect against ambush or unseen land mines. Ba Sam, 35, managed to avoid arrest and escape portering, when soldiers entered Loh Shan village at 9AM on January 2<sup>nd</sup>. He identifies at least 3 friends: A Nage Lay, 29, Myint Aye, 33, and Saw War, 30, who were all forced into porting service:



The 3rd truck in the column on the way to Chaun Zone, before the Burmese military column was ambushed on January 27th.

The army is from Column No. 1, LIB No.402, that is what everyone said...At the time [when they came to arrest], I was also in the village. They my friends arrested to serve as porters [had been] working in their crop fields. If I was in our crops field when they came, I would [have been] used as a porter. I was a bit late to go to field as I had something to do. At the time, when I was still at home, I was told that villagers in the fields were arrested to serve as porters. I also know that if they came to our village, they would also arrest every one in the village, so I avoided them by leaving my home by the time they entered the village. They took the arrested villagers to their camp, and they then marched to Kyainnseiky to meet another column, column No.2. Because I am frightened of being used as porter,

<sup>7</sup>'MOMC No. 8 Forces Vehicle Owners in Three Pagoda Pass to Transport Military Supplies and Weapons,' IMNA, 24 January 2011.

<sup>8</sup>'Villagers from NMSP territory taken as porters by SPDC during continued conflict,' HURFOM, 19 November 2010; 'Villagers flee to avoid fighting and portering: Conflict continues to impact civilians in Dooplaya District,' KHRG, 4 December 2010; 'Protection concerns expressed by civilians amidst conflict in Dooplaya and Pa'an districts,' KHRG, 17 November 2010; 'Human rights abuses and obstacles to protection: Conditions for civilians amidst ongoing conflict in Dooplaya and Pa'an districts,' KHRG, 21 January 2010; 'Villagers Forced to Porter Military Supplies near Three Pagodas Pass,' IMNA, 3 February 2011.

<sup>9</sup>'SPDC Battalion uses forced porters as human shield against land mines and further attack,' HURFOM, 24 August 2010; 'Junta Troops Using Prisoners as Human Minesweepers,' Irrawaddy, 12 January 2010.

<sup>10</sup>20 Lot-shan villagers, 4 Tha-Nyin villagers, 3 Than-pa-yar villagers, 3 Ku-kan villagers, and 3 Mar-law villagers, Kyainnseiky Township

I evaded them by staying at my mother-in-law's home in Yae Lae village for a while. Here in this Yae Lae village is also not peaceful. That is because we can hear that the sound of firing by the Karen rebel group and Burmese army breaks out often. Because of this...for the porters, this is the time when they have to worry for their lives and to recite of chants. And they think of those when they are going step on planted mines, when they will be shot and killed while they are in the battles.

HURFOM has confirmed that according to the residents from Chaung Zone, on January 20th, soldiers from LIB No. 402 based in Three Pagoda Pass Township, released the porters when arrived in Chaung Zone. The released villagers were not only physically exhausted but also were also weak with hunger. Fortunately, all had completed the forced march without injury from attack or land mines, according to a witness of their release from Chuang Zone.



A photo of a goods truck, prior to loading, in the column ambushed on January 27th.

DKBA Corporal, Saw A-1, describes a recent incident in late January in which the Burmese army used people as human shields to walk in front of them and guard against DKBA attack. He highlights, that besides local residents, Burmese forces have been using prisoners from central Burma as porters, as human shields, and to trigger land mines. In the case he witnessed, the victims used were prisoners serving as labors in the prisons from the Pegu, Matethila, Pa'an, and Innsein prison:

Particularly, the places where the Burmese army temporarily settles down, along this area, has only been for about 6 months. As we have, as rebels, grown in up this area, the "Upper Hand" goes to us. They [the Burmese army] also knows that. Therefore, they used both Karen villagers and Mon villagers from Tha Dein village and Maezali village to serve as porters. We saw several times when they were advancing, but we could not fire. That is because they, the porters are from the same place as we are, and if we fire, they will get shot and killed. They all are our targets, and if we set fire, the porters will be also shot. In this case, we only can fire if we are ordered to do. If we shoot everyone we see, all will get killed. I [also] saw prisoners from Burma's prisons, and I saw them when we walked across through Waw-lay village [in January]. Some of the prisoners also get shot and killed when the fighting broke out. Some of them fled to Thai border as it was close by.

According to Nai Kyai, a resident of Tha Dein village, 53, Burmese battalions have made frequent use of Tha Dein residents as porters. The practice has become so common that residents have fled to avoid the continued threat:

The villagers in this Tha Dein village are also often arrested to serve as porters. Once they came [and] they arrested 5 to 6 villagers. It took 1 to 3 days, portering their stuff from Tha Dein village to Chaung Zone village. I also once was arrested to serve as porter carrying their mortars... It was 6 months ago. This is not the same as before as [now] the fighting is ongoing. It is more dangerous for any porter. Especially, the fighting can break out while passing by Mae-pa-ran rubber plantation, near Phayar Gone hill as the Karen rebel groups [are] usually stationed there. If the fighting broke out, we would be shot. Now, because of the arrests [of] porters, I had to leave Tha Dein village for Japan Well village. It has been one month now, but I have not found any job yet.

In other instances, Burmese soldiers have gone to the extreme of arresting village headmen to use as porters and human shields, with the aim of using more high level targets as shields to bolster their own protection. According to what a village ex-secretary, 60, from a village situated on the Than-Phyu-Za-yet to Three Pagoda Pass high way, village heads and secretaries are frequently used as porters. Additionally, if an attack occurs, soldiers use headmen negotiators, or, as indicated here, as hostages. He recalls in one instance how, if the headmen were not killed by DKBA or KNLA bullets, but a Burmese soldier was lost, a commander promised to shoot them:

It is very frightening for the Burmese army to be ambushed while they are in its opposition groups' upper hand or controlled area. A lot of Burmese soldiers have also been killed as a result of ambushed by its opponent groups. Because of this, they Battalion, operated under Southeast Command and *Sa-Ka-Kha*<sup>11</sup>, not only arrested ordinary villagers to use as human shields but also demanded...village heads to do [the same]. To give an example, to march from Tha Nyin village to Anankwin village, they, the army, used the Tha Nyin village head or its secretary to serve as porter in order not to get shot. Then, when they march to Thanpayar village, they used Anankwin village head to serve as porter. They ordered the village heads to take any responsibility given by them in turn. Simply, it is just Doooplaya like

<sup>11</sup>"Sa Ka Kah" is the Burmese term for the Military Operations Management Command (MOMC) No. 8.

scapegoating [the risk] that if there is firing, they will kill the village head. I still remember, when a Burmese army [soldier] shouted out that if one of their soldiers got shot, one Karen national [would] get shot. That was shouted by a captain when I was ordered to guide the way. It is very dreadful. I am very sad after realizing that we ordinary villagers get killed when they were fighting.

While there is obvious risk for civilians forced to serve as porters, the use of headmen has the potential for significant secondary impacts on local communities. Headmen, often taking significant risk in filling the role, address issues of village organization, administration, and act as a liaison with local military forces. If a headman serving as a porter were killed, it could potentially impact the security and operation of the home village. According to what the village ex-secretary village heads who have been used as hostages are from the following villages located along the TPZY to TPP highway: Loh Shan village, Rae Bao village, Tha Nyin village, Anankwan village, Thanpayar village, Khon Khan village, Taung Zone village, Lay Po ( named Mar Law village on Burmese army maps), Maezali village, Apalong village, and Myaingtharyar village.

## Hostage village

Tha Daine village, which is situated between Kyainnseiky Township, 13 miles from Three Pagodas Sub-township, and critically situated on the Zami river, has been a major hub of operations for the Burmese military transportation and resupply. Tha Dein is subject to higher than normal militarization, with multiple battalions being based in or moving through the village, and frequent use of local residents as forced porters for the transportation of goods and security of soldiers. As a result areas around Tha Dein have seen frequent skirmishes with DKBA and KNLA forces. As of December, LIB No. 406, under MOMC No.8, and commanded by its second in command, has been holding the community hostage during the evenings. Using a bizarre order of forced movie watching, villagers are gathered together in mass to watch movies, while soldiers stay close enough that civilian casualties would be a risk in a evening attack.

To implement the practice, six owners of video equipment and loud speakers from Tha Dein, have been forced to provide the village with free video-shows in rotation. The six owners have to use their own generators and cover the cost of gasoline and video-CD fees themselves. Though normally a recreational activity that is an opportunity for the video equipment owners to make extra income, in this case villagers have been forced to attend the video showings, and owners cannot charge fees. One resident who has been ordered to deliver free video-shows notes that soldiers are mixed in with the crowd, and that the battalions second commander has threatened that if villagers do not attend their homes will be burnt down:

The second commander ordered us together – six video hall owners in the [battalion] camp on January 2. And then he us to put on a free video-show of two stories per night in rotation using our own gasoline... We all made an effort to plead [with him] to cancel the order. We hadn't shown video-shows since this region became unstable. The villagers haven't wanted to see a video-show in such an unstable period...When the six of us tried to explain [the situation], he [the second commander] pulled out his gun and threatened us, saying that if we didn't follow his order, we would know how cruel he could be. We could say nothing and fearfully provided the village with a video-show of two stories per night on a rotation as he instructed...I have to use my own engine and spend my personal money on renting video-CDs from Three Pagodas Pass. A lot of their soldiers have been positioned in the crowd. My engine has be fueled by four and a half liters of gasoline. A liter of gas cost thirty Baht. Hiring video (CDs) has also cost me at least three hundred Baht. I don't really understand why [they] have forced us - at gun point - to provide video-shows when we can do nothing for a living because of the unstable situation. [We have had to offer the shows] till today. Later, the audiences have also been forced to see [the video-show]. They [the villagers] have come [to the video-show] because they have been threatened that if they didn't come to the show, their houses would be set on fire. We all are in the same condition of suffering from fear.

No explanation has been given for the forced video shows, though a local military expert from the NMSP has highlighted at least several possible reasons for the forced gatherings. During the current conflict period, government army units have frequently suffered from ambushes and guerrilla warfare by the Karen armed forces. Most of those attacks have occurred at dusk or during the night. It appears likely that, in order to mitigate the likelihood of these attacks, LIB No. 406 has grouped civilians in mass to ensure protection against nighttime assault. Amongst the village population that attends, soldiers are gathered, and would be difficult to hit without civilian casualties.

The gathering serves an additional purpose as the required presence of the crowd makes selecting villagers for portering goods an easier task for Burmese soldiers. In previous cases when Burmese troops arrive in Tha Dein, communities flee to the jungle to avoid abuse and force portering. Nai Ron, 48, who makes his living as a plantation worker near Tha Dein village, gave his opinion supporting the observation that the LIB No. 406 is making use of the video shows as a make shift human shield. He also highlights that attendant villagers are periodically picked off to be used as porters:

The Burmese army has really been afraid of night. Before reaching this Tha Dein village, when they based in the Phayar Gone hill beyond Chaung Zone, they suffered from frequent night-attacks of Captain A1's DKBA army units. In order to avoid similar attacks, they have positioned [themselves] amongst us – the civilians - so that the Karen forces don't attack, thinking of the civilians. Moreover, since the nightly video-show has been implemented, portering has frequently occurred. There was a secret forced portering after the video-show. At night of January 8th, Anyi – a youth nearby my house - had to carry the rations to Chaung Zone together with an army unit. He could come village after the three-day long trek. After coming back from the video-show, he [was forced] into portering without being noticed by anyone.

## Miscommunication and beatings

One result of the increased militarization of Kyainnseiky and TPP, has been instances of racially denigrating verbal abuse, assault and torture against local Karen civilians. In the southern part of Dooplaya District, which is predominantly ethnic Karen, instances have been reported where SPDC soldiers will question or order Karen civilians in Burmese, but due to their inability to understand or speak Burmese, SPDC soldiers conclude they are being deliberately disobedient, and will insult and beat the civilian. This practice has occurred often over the last 10 years, but has now appeared more frequently since fighting began in November<sup>12</sup>.

On December 15th, one such case occurred in which a resident was unable to respond about the possible location of DKBA land mines, because he neither fully understood the question, nor was able to respond in Burmese. As a result the victim was severely beaten, and is unable to eat due to a cracked jaw. He has been unable to travel to hospital for treatment, but is receiving traditional medical treatment from a local doctor in the village.

Pho Thar, 67, a Reh Phaw resident, is the father of Ta Ma Lar, 22, who was beaten by the SPDC army units during an encounter with them on a road near their village. Soldiers from LIB No. 405, military column No. 2, are believed to be responsible for the assault. LIB No. 405 has been active around Reh Phaw, TaNyin, and Anankwin since December.

In the middle of the previous month my son came back from the farm. The oil had run out and he went to the house in Reh Phaw village to get oil. I also asked him to purchase some medicine. At the middle of his trip, he encountered a military column of about thirty Burmese soldiers. He [Ta Ma Lar] said that the leader of the column asked him a question which could be interpreted as "Do you know where are the mines set by the DKBA?". He can't speak Burmese fluently...The Burmese accent of my son, Ta Ma Lar, does not make any sense for the Burman. He says the he knew [what] the question had [meant]. He knew [the words] 'DKBA' and 'mine' were included [in the question]. However, he didn't know where the mines were set, so he couldn't answer. He shook his hand and head so that the two Burmese soldiers lost their temper and punched his face so that his nasal bone was broken and his chin was also split. He can't chew the rice well now.

## Theft

Since the November conflict began, residents around Kyainnseiky and TPP have been subjected to a variety of economic abuses, that include extortion and outright theft of property. The Burmese army by default operates under a policy of self-reliance in open conflict zones, a process that entails systematic theft and extortion of goods<sup>13</sup>. The stealing and extorting of both goods and money from local residents severs a dual role; the first being the support of local battalions, and the second, an act of attrition that undermines local support for the KNLA and DKBA forces. These economic abuses have had a significant impact on local residents, who make their livelihoods off of paddy farming, breeding of livestock, and the cultivation of fruits and vegetables. For villagers dependent on farms, plantations, and livestock, or subsistence living, the loss of crops and income, to theft and extortion, severely harm livelihoods already pushed to the limit.

On January 12<sup>th</sup>, 2010, at 2:00 pm, a cattle-cart owned by Ko Aye, a Maezali village resident of Kyainnseiky Township, and his brother, was stopped by the three soldiers from LIB No. 566. According to Ko Aye, the soldiers seized three bags of Taung Yar-rice<sup>14</sup> and three chickens from the cart. Although the instance was reported to the Maezali village headman, the headman recommended that Ko Aye to give up his complaints, noting that, he, himself, had been tortured by the local army unit. Ko Aye describes the circumstances of how he was robbed by Burmese soldiers:

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<sup>12</sup>For further reading please see, 'SPDC battalions demand construction supplies, non-Burmese speaker tortured,' HURFOM, 24 September 2010.

<sup>13</sup>'Arbitrary taxation in Pa'an Township burdens phone operators to near breaking point,' HURFOM, 1 February 2010; or for more extensive reading on arbitrary taxation, please see the Network for Human Rights Documentation - Burma's 2010 report, 'The Hidden Impact of Burma's Arbitrary and Corrupt Taxation.'

We can't afford rice here. We had to pound the paddy which was cultivated and winnowed on the hill-side. On that day, I had pounded eight baskets of paddy and got two and a half baskets of rice<sup>15</sup>. And then I poured the rice into three bags and carried them onto my cart. I caught a cock and two hens from the hill-side plantation to make food for home and to crossbreed. When I encountered them [the soldiers] at Zee Phyu Gone, they forcefully drew [the chickens and the rice bags] down. They gave back nothing even though I pleaded with them. They carried [the chickens and the rice bags] to the top hill of Zee Phyu Gone, saying to each other that they had good luck since [they were] lacking rations. I and my brother didn't want to allow that robbery but we could do nothing. We would die first [before we could complain] if they shot us because of our complaint. When we arrived in the village, we reported [our case] to the village headman, but he counseled us to give up because even he had experienced torture [by the soldiers].

Ko Aye, described being upset now, since he has no supply with which to feed his family. Since the theft, he was forced to borrow rice from his neighbors to keep his family and children fed, as a result of the theft.

On the evening of December 24th, 2011, the Apalong based LIB No. 373 seized over twenty chickens and over thirty kilograms of pumpkins from Kyuh Ba Lu, 33, a Karen resident of Apalong village, and his two friends. According to Kyuh Ba Lu's wife, Naw ....., a 28-year-old Apalong resident, Kyaw Ba Lu attempted to negotiate to decrease amount being taken but instead the soldiers rejected his effort and kicked hit in the chest, saying he was too talkative:

For [our] Christmas ceremony, he [KyuhBa Lu] and his friends – Saw..... and Saw ..... went to the farmland to purchase chickens and pumpkins. The total cost wasn't small: it was about sixty thousand [kyat]. The Burmese soldiers stopped them on their way home, and robbed their purchases. One kicked him in his chest with his [combat] boot so that he has a boot-like black mark on his chest...We had to celebrate [the Christmas ceremony] with the food we had already had. He has assumed that things not going according to plan was his fault so that he daren't meet the[other] villagers. However, the villagers have understood his [situation]. Everyone has felt terrible about the way that the theft happened.

On December 5th, Naw Akyi, a Taung Zon resident of Kyainnseikyi Township, described loosing her squash crop to Burmese soldiers. Soldiers, based in Ananquin village, came to her home and took all the squash that she had been growing, saying they would pay money for them, but later. Before leaving though, they asked her which she wanted to see next, money or a gun, which she took as a threat, and let them go without asking further for payment:

They demanded [our vegetables] showing us their guns so that we had to give these to them. We can stand the starvation after giving them away, but [if we didn't give them] we could possibly die.

## Extortion

On January 7th, 2011, a wood trader, U Htun Hla, who lives in Three Pagoda Town, was logging trees in the Dooplaya District jungles when he and his logging crew were arrested by soldiers from the KNLA. According to the soldiers, the KNU Forest Department had restricted access to logging in the area to reduce the number of possible sources from which the Burmese military could rob for supplies or money. However, U Htun Hla had paid 200,000 baht<sup>16</sup> to the NMSP for a logging permit that would give him the right to work in the area. Despite his permit, he was held by soldiers of the KNLA, who, accusing him of working with the SPDC, demanded he pay 1 million Baht and 300,000 Kyat to get back his truck and to release his logging team. Not having the money during his arrest, U Htun Hla struck a bargin, allowing for their release, but still requiring him to pay the amount. HURFOM attempted to contact the KNU forest department in Dooplaya District, for a comment but no response was given. Since his arrest, U Htun Hla has reported feeling overwhelmed and depressed by the amount the KNU is charging him for his illegal arrest and describes how he was arrested, how the arrest has impacted his view of the current situation, and the financial burden he now faces:

I signed with the NMSP for logging in the areas. We had an agreement to log 30 tons in a season. This time is the 'Arbitrary taxation in Pa'an Township burdens phone operators to near breaking point,' HURFOM, 1 February 2010 third times I've [been] logging in the area. The KNU accused me that we are against their rules because they banned logging of trees while the threat of [cooperation with SPDC soldiers] is in the area. So, they confiscated our truck, bulldozer and detained our workers on January 7th. I was explaining to them but they did not listen to my explanation. Finally they ask me to pay 1 million Thai Baht. It's very huge amount of money. And then they said they would put me in jail for three years. I had to pay them 300,000 kyat to not be in jail. Now I already pay them 500,000 baht and I promised them to pay another 500,000 baht in coming year. I singed on a paper and I got released

<sup>14</sup>Rice is divided in to there categories', with Taung Yar being the highest quality and best for human consumption.

<sup>15</sup>One basket of rice is approximately 30 kg of rice.

<sup>16</sup>200,000 Baht is the approximate price of 30 tons of wood.

from them. I would like to say that I am afraid of all the armed groups who have power in the areas. This situation put my life under a struggling for my livelihood.

Military commanders from both sides have extracted money from local residents, but as the demands come randomly, and with out transparency, many residents believe the extorted fees just go towards the personal use by military commanders. Since both sides extort fees with no discernable structure, residents face unpredictable and potentially significant financial losses, with both groups demanding similar payments and unpredictable intervals<sup>17</sup>. Ko Htwe, who lives in quarter No. 2, Three Pagodas Pas town, and operates a small business, describes how and SPDC commander collected fees from local business owners:

We loose the opportunity to run our business freely. There is a lot of extortion money we have to pay to the authorities in the area. Lead by the MOMC No. 8 Lt. Col. Thein Zaw and LIB No. 283 forced the traders who run their business in TPP areas to pay 1,500 Baht to celebrate opening ceremony of religious hall and the induction of novice monks . Sometimes they [take our money] by showing us one reason, [such as the] opening of a [new] building and [then] come and collect our money.

Mi Ni Way, 50, a shopkeeper from around TPP, also described how the commander from MOMC No. 8 have forced residents to pay arbitrary extortion costs, and laments the impact the extortion and fighting has had on business:

The economic situation is terrible in this area nowadays. But the local authorities are still collecting money. On January 17th, they collected at least 500 to 1,500 baht. Some of the more popular traders had to send money to their base office. I am surprised that during fighting with rebel arms groups, the local military still has time for collecting money for the residents. I just worry that if we do not pay, that it will be difficult to get permission to trade or open shops in the future. Trading is terrible this year.

As noted earlier, truck owners have faced an increased possibility of injury or death when transporting goods since November 8<sup>th</sup>. Ko Htwe, a truck owner from TPP, describes a occurrence in January when truck drivers flatly refused to transport Burmese army supplies, for fear for their lives, and were forced to pay 2,200 baht to the Burmese battalion, a piece:

On January 26th, at 9 AM, Tactical commander colonel Thein Zaw and LIB no. 283 Lieutenant Colonel Mya Htun Aye commended the Land Transportation Association in Three pagoda town to carry military supplies from Three Pagodas to Taung Zon military base. No one dares to go there because they know if we carry the food supply, the KNU could shoot us. TPP Land Transportation Association secretary U Pan Nywe said he would not be responsible for that. First, the military asked to get 20 pick-up trucks. Later they said they needed 50 pick-up trucks to carry supplies for a 6 month period. The Land Transportation Association secretary says he was not responsible for that again. After that the Tactical commander colonel Thein Zaw forced to collect 2,200 baht for each pick up truck owners. There are over 100 pick-up trucks registered in the Land Transportation Association in TPP. Because of the danger of carrying the military supplies, most of truck owners paid 2,200 baht instead of carrying the military supplies. By getting money from the truck owners, the military rented two of ten-wheel trucks to carry the military supplies to Anankwin on January 28th. They paid 60,000 baht for each truck. This year is terrible for the truck owners like us. They [KNU and SPDC] were threatening us on each side. I don't know how to get an income from this year.

## Travel Restrictions

Since fighting began in early November, the area around Kyainnseiky Township has seen increasing use of travel restrictions by Karen and Burmese forces. Restrictions, ordered by both sides, are intended to restrict access to resources and supplies, control troop movement, and reinforcements. However these bans on travel have predominantly impacted residents who also are cut off from cultivation and day laborer, local and regional trade, logging, and medical access. Such impacts severely undermine the function of daily life, leaving civilian populations without support, trapped between assorted armed groups Accounts from some of these communities below, detail the wide ranging impacts to daily life.

According to an Apalong villager, LIB No. 373, under *Sa Ka Kha* No. 5, which had just been begun its tour of duty in the area, issued travel restrictions against travel out of Ah Pa-long village. The villager describes how, as a result, cultivators and day laborers have been denied access to the fields in which they grow crops:

[The] Burmese army [is] restricting travel and going to work in our crop fields. The Karen units also close the roads. This directly affects our jobs as we can not travel to work. As a result, we face big problems for our daily meals...and we are afraid of traveling out there as the Burmese army said, 'knows that you are dead if you travel at curfew time.' We are allowed to go to Three Pagoda Pass for shopping on foot from here. But we are very concerned that while traveling to TPP, we will be arrested to serve as porters. [So] we are [even] afraid of travel there. We face a very [great] difficulty.

<sup>17</sup>'Arbitrary taxation in Pa'an Township burdens phone operators to near breaking point,' HURFOM, 1 February 2010.

## Information on HURFOM and Invitation for Feedbacks from Readers

Dear Readers,

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 situation in Mon territory and other areas in southern Burma
- Protecting and promoting internationally recognized human rights in Burma,

In order to implement these objectives, HURFOM produces the monthly "Mon Forum" newsletters. 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:

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Bangkok 10501, THAILAND  
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Website: <http://www.rehmonnya.org>

With regards,

Director  
Human Rights Foundation of Monland

One of the larger impacts has been the KNLA closure of the main road connecting inland Burma to the border. As a result the prices of pepper, onions, tamarind, rice and other dried products has risen sharply. Many of these products, though basic and relatively inexpensive, make up the staple diet of residents in the area. In particular, day laborers who often live hand to mouth, face significant problems adjusting to the price hike.

Mi Ma Lay, 36, a TPP town resident, says that prices have grown significantly since travel restrictions were put in place and that it is difficult to find work:

The prices rose only a bit when the fighting broke out in November, but now they are raised sharply. We have to cook without including onions as it is too expensive to buy them. Now the price of onions is 40 Baht per kg and garlic costs 100 Baht per kg, while before closing the road, onions cost 12 Baht per kg and garlic cost 40 Baht [per kg]. Besides, the prices of cooking ingredients such as pepper and ripe tamarind have increased one time more. The price of [a] package of rice [has] also raised. As the fighting is ongoing, we can hardly find jobs. The raising price affects not only us but also everyone in this town. If the road reopens the prices will fall, but if the road stays closed, we will definitely become hungry.

In response to concerns issued by TPP residents, a communications officer from the KNU told HURFOM that though damaging, travel restrictions are a deliberate military tactic designed to destroy the SPDC ability to fight:

We closed the roads, as the policy of closing the roads is to cause the SPDC army to lose their rations. Now, they have almost run out of the rations at their battalions. So that is why we closed the roads. If they are out of the rations, it will affect their military operation. And [then] there will be no more long-term difficulty for our people. We just see it like this and we will reopen [the roads later]. This is a military operation and policy where [we] cause one side [to] weaken and the other side to strengthen.

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what we request of them. What they said is that if you cannot pay the taxes, do not set up this phone service. But why do they say that [let us] set up this phone service? As they keep taxing us like [it's a] long-term tax, it affects us. We are still thinking about stopping running this phone service.

The arbitrary frequency with which BGE, Burmese, and DKBA forces now extract this tax is destructive for phone operators and subsequently communities dependent on their services. As a result of this taxation transceiver and phone operators are unable to turn a profit, and have in cases, been forced to pay for these arbitrary taxes out of pocket. As noted above, with such steep prices of taxation, phone operators are increasingly unable to keep their service going.

This impact has potential for severe repercussions as the closure of phone services will likely undermine the livelihoods of local residents who are dependent on the inflow of remittance payments from migrant workers in Thailand, through the frequently used *hundi* system [4].

Phone owners, who distribute equivalent payments from baht to kyat, must receive phone calls in order to pass the money onto the recipient family. With an estimated 96 percent of payments from family members abroad being used to cover survival level costs of family in Burma, the delay caused by the absence of local phones could threaten the survival of local residents [5].

■ ■ ■ ■ ■

However, multiple interviewees have commented to HURFOM that armed groups based in the area should consider the lives of the people and should not undertake policies that will directly impact crops, trade, and livelihoods of residents. A monk, 40, living at a Karen monastery in TPP describes the impacts of the road closure since January 20<sup>th</sup>, in causing price increases and difficulties for the livelihoods of the TPP community:

Whether [it is the] regional based army ( or constabulary ?) or rebel armed groups, they all depend on us, civilians. For example, the armed groups like KNU and DKBA are dependent on collected taxes and support from civilians, [so] they can keep marching toward their goal, the rebellion. If the civilians are hungry, how can they, the civilian, support them? They [armed groups] should think about this. So, I just want to suggest to the KNU that they should take their responsibilities and consider while they are also causing the civilian become hunger.



**A six wheel truck used for transporting goods by the military, seen on its way to Chaung Zone village from TPP.**

## Conclusion

Currently, fighting in and around Kyainnseikyi Township appears to have reached an impasse. While SPDC forces have retaken TPP and reinforced troops against KNLA and DKBA forces, the tense stand off continues with periodic fighting, but little clear resolution to the conflict. Evidence collected by HURFOM researchers indicates that this drawn out fighting in Kyainnseikyi is extremely destructive to both the physical health and safety of residents, as well as farming, trade, and their livelihoods. Rather the improving the lives of residents, these open conflicts do nothing to empower local communities; instead through a combination of deliberate military tactics, Kyainnseikyi residents suffer the impacts of this conflict on all fronts.

Open conflict kills and maims residents, and use of forced porters as human shields and land mine triggers, is a clear and blatant crime against humanity. The presence of Burmese battalions in larger numbers leads to misunderstandings, and subsequently, abuse of local residents. Indirectly, conflict destroys local economies and security of residents through theft of supplies, livestock, crops, and the extortion of excessive fees. These coupled with widespread travel restrictions from both Burmese and Karen forces dangerously undermines residents' ability to provide for themselves, and damages their long-term ability to ensure their survival and continued livelihood.

HURFOM strongly believes that a resolution to the fighting, and a return to more normal circumstances under which communities can again live, work, and travel relatively unhindered, is the best solution to improving peoples lives in TPP and Kyainnseikyi. Both sides bear responsibility for the current suffering of local communities, and must recognize the impacts that these military policies have on local residents. Moreover the continued conflict in Kyainnseikyi Township is so close to the Thai/Burma border, that to avoid future, potentially longer term refugee crisis such as those seen during early November, it is in the interests of border based groups and the Royal Thai government, to work with all local armed groups to resolve the current conflict.

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