

# The Mon Forum

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## Some Acronyms in This Issue

ND- Network for Human  
Rights Documentation -  
Burma

KWAT- Kachin Women's Asso-  
ciation - Thailand

DF- dengue fever

DHF- dengue hemorrhagic  
fever

MNHC- Mon National Health  
Committee

BHI- Border Health Initiative

## News

### Young women leading community development projects

June 1, 2012

HURFOM: For the first time, villages in Ye and Yebyu Townships are receiving community development projects led by women. Traditionally, most women in these Townships do not participate in leadership roles, and communities may doubt their ability to achieve development goals. However, these recent projects developed new infrastructure and became a source of pride for the young women, but most importantly, they changed the way villagers think about female roles in the community.

In early 2012, four young women began leading community development projects to assist their home communities. The four projects were initiated in four different villages and included cleaning the town well, building two new toilets for a state primary school, insulating a school's metal roof, and replacing an old roof for a primary school.

The projects were designed to address the specific needs of each village. For example, the project to wash out the well was endeavored to improve local health by making clean drinking water accessible to the community. The project to insulate the school roof was developed to allow students to be able to study in the rainy and summer seasons. Now, teachers and parents do not need to worry about students getting heat sickness under



Well-cleaning development project in Kyautalin village

the hot metal roof, and students will clearly hear their teachers speaking even when heavy rain pounds the zinc sheeting.

The young woman who led the roof insulation project said, "I faced many problems during my project because I needed to involve the villagers, villageheadman, and the monks. Sometimes they had disagreements with each other, and I found I needed to help resolve the issues first before we could begin working on the project. I had to determine how to motivate or encourage them when we faced problems, or explain our goal and the project's benefits to the community in order to ensure we were successfully working together without any difficulties."

She added that even though her project was implemented, she could not insulate the entire school roof because her budget was not sufficient for all the materials needed. Now, she and the village headman

are collecting money from the villagers to complete the project. They also plan to paint the roof with a protective coating to keep insects out and safeguard the primary school for many years to come.

Another of the project leaders, the young woman who installed two new toilets for a primary school, said, "My biggest challenge was that I am a younger woman, and in the beginning of the project some people who were older than me did not trust or respect me. But when they understood what I was actively doing for my village, they decided to help me and participate. They even came to me to discuss any problems they had. I am very excited and happy about my project because I overcame the obstacles to accomplish the work. When the project started, I was also worried that I would not reach completion because I was managing every aspect of the project—the budget, construction, scheduling, travel, and even providing foods to the local people. I am proud of myself because some people doubted that I could help my community until the project was completed successfully."

One villager reported that this was the first time the village had undertaken a community development project and thanked the young woman who led the endeavor. The resident said that the project outcome is very useful to the villagers and their children's education and health.

The four projects were each scheduled to conclude in April, and while three are completed, one remains yet to finish due to complications in the village. (PHOTO Included.)

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## Torture and ill-treatment in Burma: Findings from the Human Rights Network report

May 31, 2012

HURFOM: The Network for Human Rights Documentation – Burma (ND-Burma) released a special report that documents accounts of torture and ill-treatment since 2010. The report analyzes testimony from two primary places: ethnic areas where the Burmese Army is actively engaged in armed conflict, and detention centers where political prisoners are interrogated and confined.

The Human Rights Network organized the report, entitled "Extreme Measures," with documentation collected between January and December 2011 by field researchers from its 13 member organizations. The



network documented 371 cases of human rights violations throughout the country, of which 83 cases (22 percent) constitute torture and ill-treatment. [\[Extreme Measures Eng -PDF\]](#)

Much of the testimony featured in the report reveals that torture and mistreatment in ethnic areas commonly takes place within the context of other human rights violations, including forced labor, arbitrary arrest, sexual violence, confiscation of property, and restrictions on freedom of movement. The report also highlights how torture can take place shortly after an individual is arrested for political beliefs or activities, during interrogations, and over the course of prison sentences that are often inordinately lengthy or severe.

The evidence exhibits how the Burmese government continues to commit brutal torture and abuses against its own people despite being bound by international human rights treaties and norms. The report proves that the lack of domestic legislation to prohibit torture, the absence of an independent judiciary, and an ineffective Human Rights Commission all contribute to a situation in which torture and persecution are perpetrated with impunity.

“Since two years ago, during the conflict between Kachin armed groups and Burmese military soldiers, there have been over 100 cases of terrible human rights abuses, including torture, according to evidence collected by our field reporters. Over the course of the conflict, some women have been raped and some people have been killed. This was unacceptable for the communities. Every ethnic group wants peace, but the government continues to ignore cases of abuse perpetrated by the military instead of seeking a

resolution,” said Moon Nay Li, a Coordinator of the Kachin Women’s Association – Thailand (KWAT).

“I would say that these abuses are the direct result of ongoing armed conflict and the Burmese Army’s militarization policy and practice in ethnic minority areas. Additionally, unlawful conditions still exist in various detention centers in Burma. The international community and government agencies should be aware that as long as these kinds of violations persist in Burma, trust and harmony between the government and the people will remain elusive. These conditions make it very hard for the country to progress toward being a functioning democracy that respects rule of law and fundamental human rights,” said Nai Aue Mon, Coordinator of the human rights documentation program at Human Rights Foundation of Monland – Burma.

ND-Burma was formed in 2004 and is a multi-ethnic network providing a mechanism for Burma’s human rights organizations to collaborate on the human rights documentation process. The network is made up of 13 human rights organizations that aim to seek truth and justice for a peaceful democratic transition in Burma. The member organizations share the same system of documentation, a common language to define human rights violations, and a secure common server. The network generates data from its human rights documentation to analyze in situational reports and to provide to relevant advocacy campaigns. Since 2004, the Human Rights Foundation of Monland – Burma (HURFOM) has been one of the key member organizations of the Network for Human Rights Documentation – Burma.



**Extreme Measures: Torture and Ill-Treatment in Burma since the 2010 Elections**

Since the 2010 elections, Burma’s nominally civilian government has embarked on a major reform drive. These efforts have resulted in the freeing of hundreds of political prisoners, the loosening of media controls, the establishment of a national human rights commission, and the reform of repressive laws, notably the Political Party Registration Law, which allowed the National League for Democracy to take part in the by-election on April 1, 2012. Pro-democracy leader Daw Aung San Suu Kyi now holds a seat in parliament and tentative cease-fire agreements are being brokered with a number of ethnic groups. The international community has responded to these changes by easing sanctions and encouraging investment in Burma.

While ND-Burma welcomes the recent developments as indications of steps towards positive change, we still have concerns about the human rights situation in Burma’s prisons, cities, villages, and ethnic nationality areas. Based on information gathered over the last year, it is clear that the Burmese government and its state security agents continue to commit human rights violations against the people of Burma, including systematic torture and ill-treatment. The perpetrators of these crimes go unpunished for past abuses and continue to act with impunity.

These abuses, particularly in ethnic areas where local communities suffer under the policies and practices of the Burmese Army and corrupt and abusive state agents, demonstrate that much remains to be done before the people of Burma can enjoy the rights and protections guaranteed under both international and domestic law.

**Extreme Measures**  
Torture and Ill-Treatment in Burma since the 2010 Elections

  
NETWORK FOR HUMAN RIGHTS  
DOCUMENTATION - BURMA

# Absent rule of law and human rights abuses in Three Pagodas Pass border town

*May 30, 2012*

Although the government has signed ceasefire agreements with the ethnic armed groups Karen National Union (KNU), Democratic Buddhist Karen Army (DKBA), KNU Peace Council (KPC), and the New Mon State Party (NMSP), the Thailand-Burma border town of Three Pagodas Pass still remains outside the rule of law, rife with corruption, extortion, arbitrary taxation, and other human rights abuse committed by government authorities, the Burmese army, and armed ethnic groups.

On May 14th, Union Railway Minister U Aung Min and Karen State government officials went to Three Pagodas Pass to open the town's KNU liaison office and host a meeting about border development projects.



However, authorities did not seem interested in establishing rule of law, and instead allowed the different armed groups to continue their activities without restriction.

The following are accounts of lawlessness in the city and human rights violations against the people.

## **I. Corruption – Extortion and Taxation**

At the beginning of April 2012, Lieutenant Colonel Moe Myint Kyaw, commander of Infantry Battalion (L.I.B) No. 283, collected arbitrary taxes from delivery trucks at one checkpoint (tollgate). Vehicles transporting fuel had to pay 20,000 Baht, while beer trucks had to pay 8,000 Baht. The Lieutenant Colonel accumulated approximately 500,000 Baht from arbitrary taxation over a two-month period from April to May.

The Burmese Army commander also permitted the illegal import of cars and motorbikes, charging 3,000 Baht for each illegal car and 500 Baht for each illegal motorbike being transported from Thailand.

In recent months, there has been a significant increase in living quarters for migrant laborers working in Thai industries and prostitutes working in the town. The local Township municipal and administrative authorities stand to make a lot of money from illegally taxing these new house and apartment owners.

According to our source, the local authorities have requested 5,000 Baht in annual taxes for an apartment room, not including 20 Baht per month for each room. This tax collection was not accompanied by an explanation of its purpose.

Before the Songkran Festival, also known as the Burmese New Year or Water Festival, authorities collected 10,000 Baht from large business and 1,000 Baht from small shops outside the city. There were over 200 businesses that had to pay these taxes.

In 2010, the Burmese Army split off some DKBA troops to form a Border Guard Force under their command. Since the Burmese Army could not support them financially, it allowed these paramilitary groups to collect taxes from travellers.

On May 15th, despite the fact that Township administrator General Secretary U Thein Tun received a 10 million Kyat budget to hold the KNU liaison office opening ceremony and the border development meetings, the authority still commanded township and quarter level administrators to arbitrarily tax residents 30,000 Baht for each quarter, stating that the allocated budget was insufficient.

## **II. Gambling – Authorities Conducting Illegal Business**

At the beginning of February 2012, the ruling Union Solidarity and Development Party (USDP) attempted to prohibit slot machines and gambling as part of their anti-poverty program. However, some ethnic armed groups are still operating gambling centers in Three Pagodas Pass, and the government has exerted no influence to stop illegal gambling.

Similarly, a Karen ceasefire group opened a brothel and gambling hall near ‘Shwe Uu Dawn’ lake that supplies prostitution, drugs, and alcohol.

According to an anonymous source, armed groups produce a lot of drugs in Three Pagodas Pass. Although the Burmese Army has known about these illegal activities, they allow some ethnic groups to continue the production.

## **III. Forced Labor and Forced Service**

In the past, in addition to government troops using civilians to be porters to conflict frontlines, they also commandeered trucks, motorbikes, and cars to provide transportation for authorities and soldiers. The car owners know that they may only receive a small amount of compensation from the authorities, or sometimes none at all, but they have no choice except to agree.

On May 14th, 2012, the “Land Transportation Association” commandeered eight trucks to bring a delegation including Union Railway Minister U Aung Min and Karen State government cabinet members. Only 70 liters of gasoline were provided, and the vehicle owners had to spend their own money to cover the remaining gasoline cost. One truck was damaged due to rainy conditions and muddy roads, but the owner said he did not receive any compensation for the repairs.

Two days later, on May 16th, 2012, trucks were needed again to return the Ministers and the LIB Troop No. 283 security forces after the event. 29 trucks were used to transport the authorities, and each truck was given only 1,000 Baht for gasoline.

## IV. Background on the Border Town

Three Pagodas Pass is a sub-town under the administration of Kya-inn-seiky Township of Karen State. It was controlled by Mon and Karen ethnic rebels until 1990, when the Burmese Army occupied it during offensives.

Between 1990 and 1995, many armed ethnic groups entered into ceasefire agreements with the former military government, the State Peace and Development Council (SPDC), and were allocated liaison offices in the town.

In 2010, when the Burmese Army pressured many armed groups to serve as “border guard forces” (tantamount to surrender), many groups withdrew their troops and offices from the town and prepared to fight back. The DKBA even burned down some polling stations on the November 7th election day. Thousands of refugees fled to Thailand where they camped for over five days.

By late 2011, the new government was approaching the armed groups again to sign new ceasefire agreements. After signing, the groups reopened their offices in Three Pagodas Pass, where some became involved in illegal business activities.

## News

### Mon farmers to bring lawsuit against Zaykabar Company

**Juri-Chai, May 8, 2012** – After the Zaykabar Company was recently awarded a Cultivation Permit for 815 acres of Mon farmland, the affected farmers reported to relevant authorities that they plan to bring a lawsuit against the company.

Since February 2010, the Zaykabar Company owned by U Khin Shwe, (an MP of the Union Solidarity and Development Party), has been seizing Mon farmland located in Shwe Nant Thar Village-track, Mingalardon Township, Northern Rangoon District, in order to construct an industrial zone.

The Mon farm owners applied for a Cultivation Permit for the farmland on April 4, 2012, while the Zaykabar Company applied for the Permit on April 25, 2012, and won the competition. The farmers have been frustrated by the decision and will try to bring a lawsuit

against the company, according to Mon farmer U Kyaw Sein.

“We have been working on this farmland for twenty straight years. The Zaykabar Company emerged last year and occupied [the land]. Now, they’ve been granted a Cultivation Permit. It is unacceptable and we will bring a lawsuit [against them].”

The confiscated farmland belongs to more than 80 Mon farmers who moved from Mudon and Thanphyuzayart Townships of Mon State over twenty years ago. Paddy cultivation is their primary means of livelihood.

U Kyaw Sein reported that the Zaykabar Company officially sent their Cultivation Permit yesterday to the village administrator of Northern Rangoon District.

As the farmland was being confiscated, it was not announced that the Zaykabar Company seized the land for the construction of industrial zone, but rather that the confiscation was in response to the needs of the country, and that the compensation was three hundred thousand Kyat per acre.

In 2010, the Yar-Ein-Hmuu (administrator of a group of houses) of the village assembled the farmers and repeatedly asked them to sign the papers and accept compensation.



Mon farmers observing their lands confiscated by the Zay Ka Bar Company in May 2012

In order to construct industrial zones 1, 2, and 3, the Zaykabar Company leveled the farmland by destroying its embankments, constructing a motorway and lampposts, and carving some parts of the land into housing plots for sale.

On the 10th of this month, Mon farmers celebrated a plowing ceremony on the farmland while contractors

from the Zaykabar Company simultaneously undertook construction. At that point, the Township Governor in Shwe Nant Thar Village, Mingalardon Township, Northern Rangoon District, forbade any construction or cultivation without a Cultivation Permit, continued U Kyaw Sein.



## Children at highest risk for malaria in Tavoy Township

May 29, 2012

**HURFOM:** In April 2012, the Mon National Health Care Committee (MNHC) and the Border Health Initiative found that malaria is affecting more children than adults in Tavoy Township, Tenasserim Region. They facilitated a health education program for early prevention and tested people for Malaria in 7 villages in Tavoy Township. The program provided education, checked blood samples for malaria, provided medicine, and explained how to prevent contracting malaria, dengue fever (DF), and dengue hemorrhagic fever (DHF). The program tested blood from 655 people from the 7 villages and found out that 106 people had PF (Plasmodium Falciparum) and 65 people had PV (Plasmodium Vivax). There are two strains of malaria,

and the PF strain is stronger than PV. If PF virus easily travels to the brain and the patient can die.

“Of the 106 people with malaria, more than half were children. Many children and women are suffering from Malaria. We only treated a few men. In Tavoy Township, most people live or work on farms, paddy fields, or rubber and betel nut plantations. When they go to the farms they are at higher risk because they do not wear protective clothing and are often bit by mosquitoes. Every year during rainy season, most people get malaria and I think it’s because they do not know how to prevent malaria or how they get the disease,” said one health worker involved in the program.

The health worker added that when she asked the villagers where malaria comes from, the villagers did not know and she explained that she could see they had no knowledge about malaria. The parents have no education about malaria and do not know how to protect their children or themselves. Some people do not show symptoms of malaria but when she checked their blood, she saw the disease.

**continued on page 10**

# Examination and Critique of the 2012 Farmland Bill

## Analyzing the *Pyi Daung Su Hluttaw* Law No.11, 2012

The Farmland Law was enacted and approved by Burma *Pyi Daung Su Hluttaw* (Burma Union Parliament) on March 30<sup>th</sup>, 2012.

According to the Farmland Law section 3 (a), “farmland means paddy land, *ya* land, *kiang* land, shifting-cultivated land (taung ya), perennial plant land, *dhani* (coastal) land, orchards, and alluvial land.”

Under section 3 (b), “farmland means the land which is mainly for boosting agricultural production, and producing naturally growing or man-made products that can be cultivated with an irrigation system.”

Analysis: Because farmland is defined as land primarily for the growth of agricultural production, it is an obstacle for the farmers to cultivate their land freely. It gives the right to cultivate agricultural crops solely for the purpose of agricultural production. [\[Download PDF Version of Farmland Bill in Burmese\]](#)

Under section 3 (d), it states that “the Right to Use Farmland” means “the State is the ultimate owner of all land and thus farmland is provided to develop agricultural products in accordance with prescribed conditions. However, the extraction of natural resources above and below the ground such as gems, mineral, petroleum and gas are not included in the provision.”

Analysis: The farmers are allowed to cultivate farmland, but it is owned by the State. The farmers and the farm workers have no right to own the farms, and by definition, the government authorizes the farmers to use the land. In accordance with the Law, farmers who own farms are essentially considered the same as hired workers. It is as if the government’s role is that of a landlord, and is the same as when kings controlled the land during the feudal era — owning the entire country’s land.

Analysis: Farmers are not permitted to access resources “above or below” the land, affording the sole ownership of and profits from abundant natural resources to the government.

Section 12 (b) of the Farmland Law states that “everyone having the right to use the farmland has to pay a farming (or sharecropping) tax and other taxes as assessed by the Ministry.”

Analysis: The farming tax and other taxes are equivalent to paying rent. The farmers are paying rent directly to the landowner, in this case, President Thein Sein’s government. During British colonization, farmers had to pay exorbitant sharecropping fees. How meaningful is “independence” when farmers still have to pay taxes on farmlands? This system of exacting rent should be abolished.

Section 12 (f) states that “the specific area/size and use of farmland shall not be permitted without the consent and agreement of the Farmland Management Body.”

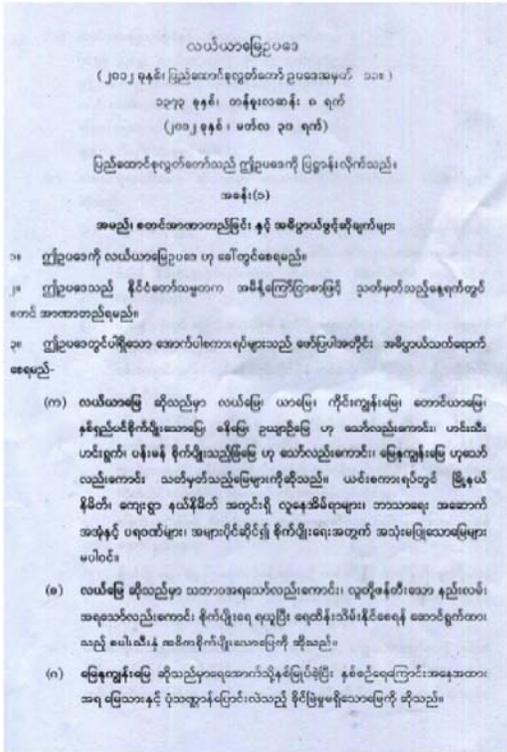
Analysis: Under the government of each military generation, farmers have had to get permission and agreement from the Farmland Committee before using the land. The Farmland Management System has not changed, and the Law’s restrictions are getting tighter.

Under section 12 (g), “the farmland shall not be used for any other means without permission.”

Analysis: This section prevents the farmers from working on and using the farmland freely.

Under section 12 (h), “any other kinds of crops shall not replace the original crops grown without permission.”

Analysis: In order to compete in the economic market, farmers must not be prevented from producing new or different crops. It is essential for farmers to have the right to cultivate and produce freely based on market



Farmland Bill written in Burmese

demand in order to increase their profitability and diminish the country's high levels of poverty. Growth that improves the farmers' standard of living should not be constricted. Farmers should have the freedom to cultivate any kind of crops and the right to freely store, process, transport, and distribute the products.

Section 3 (d) concerning conditions and definitions states, "Farmer/agriculturist means any person who is in compliance with any one of the following conditions:

- (i) Who is or was engaged in agriculture or livestock breeding or both as his principal means of livelihood (or);
- (ii) Supervises the land use for agriculture or livestock breeding or both as his principal means of livelihood at the time stated in the agreement;
- (iii) Invests capital and engages directly or supervises in the production of seasonal crops, orchard, perennial crops or commercial livestock breeding as his principal means of livelihoods (or);
- (iv) Engaged in agriculture or livestock breeding;
- (v) Using farmland for producing or breeding and selling of sapling, seed, and products for agriculture production and livestock breeding purposes;

Analysis: According to the conditions, individuals who supervise crops or livestock breeding for business purposes, Burmese investors, or management personnel can be considered farmers.

Analysis: News media has reported on the people who meet the definition of "farmer" and they include government officials, senior generals and their relatives, tycoons, landlords, and foreign investors. The classification of "farmer" means individuals can be given confiscated land from which to reap profits. President Thein Sein's government appears to be benefitting from a feudal-style system.

Under section 34 regarding Farmland Management, "the Central Body of Vacant, Fallow and Wilderness Land Management states that if the vacant, fallow, and wild lands are designated for agriculture and livestock breeding, and the land has been prepared for producing crops, those lands shall be changed into/become farmland."

Analysis: The government is prepared to designate any land in the country as "farmland" in order to claim confiscation rights.

Section 10 of Vacant, Fallow, and Wilderness Land Management Amendment Bill, "the central committee stated that regarding agricultural products, it can grant 50,000 acres of land to cultivate perennial crops, not more than 3,000 acres of land to grow orchard crops, and 50,000 acres of land to cultivate seasonal crops for industrial raw materials."

Analysis: Individuals in the USDP-led Thein Sein government, its crony companies, and foreign investors can each own up to 50,000 acres of land.

Farmland Bill section 35 states, "Anyone who fails to comply with an issued eviction-order shall be sentenced to a minimum of 2 months and a maximum of 6 months in prison, with a fine of at least 300,000 Kyat and at most 500,000 Kyat."

Section 37 states other crimes may be punished as, "the person shall be sentenced at most 3 years and a fine of not less than 1,000,000 Kyat."

Analysis: The government is using the farmland system to intimidate and imprison farmers instead of protecting them.

Under the last section of the Farmland Bill, section 43, the following laws are effectively repealed:

- 1) Land Nationalization Act, 1953
- 2) Tenancy Law, 1963
- 3) Law Safeguarding Peasant Rights, 1963

**News from page 7**

The Mon National Health Committee (MNHC) and the Border Health Initiative (BHI) provided medicine to the people who had malaria. Some villages have clinics but not enough medicine. In villages that do not have clinics, the villagers have to travel far to get treatment or pay a medic to deliver medicine in a backpack.

In one case, a 3 year old boy from Ka Own Guu village, near Three Pagodas Pass in the New Mon State Party (NMSP) controlled area, died from malaria in April 2012. Before his grandmother could take him to the hospital, the virus travelled to the child's brain and he died.



Children suffering from malaria in a NMSP controlled area clinic

The BHI and MNHC programs also provide medicine and education about malaria in NMSP controlled border areas such as Ka Own Guu village, Plaing Japan village, and Bleh Doon Phite villages which located in Three Pagodas Township, Karen State. The organizations say that each year during the rainy season people are at the highest risk for malaria.



Analysis: These repealed laws include some prescriptions and conditions that are beneficial to farmers and the country, but they are not addressed in the newest Farmland Law. The disadvantages of this new Law will not only cause conflict but may also turn into protests.

Under section 38, "Labor organizations are permitted to be founded". And, under section 3 (j), "The [labor] organization shall be a union that is established in accordance with the prescribed/enacted law and for the help of regional economic development."

Analysis: According to section 3 (j), it is doubtful that labor organizations truly benefitting farmers will be permitted. The laws do not grant full freedom to establish unions and are designed to only assist with "economic development." These restrictions are similar to previous limitations that were placed on unions and reflect past lessons and experiences.

For the farmers, it is recommended that they set up a Farmer's Union in accordance with their own values and goals. If the farmers are unable to found the Union publicly, they can found one underground. In some cases, farmers have founded a Union as half-public and half-underground. Just as it was in the previous generation's farmer revolution, today the farmers' best chance to ensure cooperation and trust is through the support of and alliance with a political party that will stand firm and champion their interests.

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



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