

# The Mon Forum

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## News

### Local Residents Face Continuing Land Abuse In Kaw Thaug

HURFOM, July 12, 2012

Military authorities continue to commit land confiscation violations against residents of Kaw Thaug Township in Southern Burma. Locals often lack critical information about their rights and relevant laws, and the military is still perceived to act with impunity in cases of land disputes. The impact of land confiscation is not merely an affront to law, but also presents severe challenges for residents who depend heavily on their lands and plantations to earn a living. The country's policies are undergoing change, but communities will not experience reform until locals are protected from destructive land seizure practices.

On June 21, 2012, military authorities from Light Infantry Battalion (LIB) No. 342 arrived in the Shwe Pyi Thar quarter of Kaw Thaug, two miles from the LIB base. The officials placed a concrete land marker to indicate the area as confiscated, despite the land being home to local families and a productive agricultural site growing coconuts, rubber and betel nut trees, cashews, jackfruit, wild mangosteen (santol) and bananas. U Than Htun, the Democratic Party (Myanmar) Tenasserim Region organizer, began to take action on behalf of the residents, but on the 3<sup>rd</sup> and 4<sup>th</sup> of July, military authorities came and threatened locals regarding the land. On the 4<sup>th</sup> or 5<sup>th</sup> of July, authorities arrived again to paint the numbers "521/804" on the concrete marker, which locals interpreted as a demonstration that plans for confiscation were moving ahead.

While villagers faced encounters with local troops, military authorities were directing land surveyors to change the names



Cement landmark placed by LIB No. 342 in Kaw Thaug Township

## Government Must Address Land Confiscation for Peace and National Reconciliation

In the twenty years of military rule after 1988, the people of Burma (also known as Myanmar) frequently endured devastating impacts from land confiscation carried out by the Burmese Army and its crony companies.

Farmers have faced land and property confiscation by government-controlled firms and corporate interests in areas selected for factories, shopping malls, and other large-scale businesses. In some cases, the Burmese Army, or *tatmadaw*, confiscated land for military purposes such as airport construction, naval base expansion, and military deployments. The Army also installed military bases in ethnic areas crippled by decades of conflict and vulnerable to exploitation.

Since 2000, the Burmese Army has confiscated over 12,000 acres of fertile land in Mon State and Tenasserim Division, including rice paddies, rubber plantations, and orchards. The former State Peace and Development Council (SPDC) military regime used the acquired lands to appropriate agricultural profits, as well as for gas pipeline construction and military operations.

Additionally, after the U Thein Sein-led government formed in early 2011, a Navy force in northern Tenasserim (Taninthayi) Division confiscated 800 acres belonging to villagers on Kywe Tho Nyi Ma Island. Now, the same naval unit has threatened to confiscate more land nearby.

Local farmers, rural communities, and ethnic people are often intimately tied to their land, the loss of which can lead to displacement, joblessness, and pressure on traditional livelihoods. Those affected by land grabs are deeply displeased with the former government and its cronies, and, without remedy, this sentiment will significantly hamper reform.

It would be irresponsible for current U Thein Sein government officials and ethnic state administrators to uphold the outdated argument that “lands are confiscated according to the law.” They must not overlook what the previous government did to its people; in fact, U Thein Sein himself is the former Prime Minister of the SPDC.

As Burma proclaims its efforts toward sustainable peace and national reconciliation, the problem of land rights remains one of the most fundamental issues to address. The country’s land embodies more than questions of ownership and economic growth, it is a matter of human rights, civil freedom, ethnic identity, and social justice.

HURFOM asks the government to reconsider practices of land confiscation as a sign of its sincere commitment to long-term peace and meaningful reconciliation.

on land ownership records. Most landowners do not have documents to prove their rightful ownership, and are often unsure of the official boundaries of their lands, further complicating the matter.

Six people—U Thain Aung, U Aung Moe, U Than Oo, U Kan Htun, U Nyou, and one Tavoy woman—lost property in this recent confiscation after working on their lands since 1977. One resident had land and plantations worth between 20 and 30 million Kyat. In 1984, he was given a government land grant permitting him to develop his fields in Shwe Pyithar quarter, and he now hopes this previous authorization will assist in getting the land returned. He and the five other landowners approached the Democratic Party (Myanmar) to help them submit a letter of appeal to Nay Pyi Taw, requesting their ownership be restored.

The landowner said, “They confiscated 7 acres of my land, including 1,700 rubber trees, 20 jackfruit trees, 10 mango trees, and 8 wild mangosteen (or santol) plants. First, the military authorities called and told me they would not take my land and that I could still work on the land. But it is impossible to work after they put

up the cement marker on my property. This is the same as if they took over my land. In 2007, the military authorities had already set up a wooden sign, but this year, they changed the sign to a cement marker. I am now confused about my land, whether I can continue working or if I have to stop. I have four children to support, two are attending university and the other two are in 9<sup>th</sup> and 11<sup>th</sup> grades. I even planned to go work in Thailand to cover my children’s schooling costs.”

Locals reported to HURFOM that the Expressway Company is undertaking a rock removal project in the contested area to transport and sell stone to foreign businesses.

In Kaw Thaug, land surveyors and authorities have confiscated three out of every five properties, aided by the fact that many residents do not understand land laws. However, locals have recently become better informed about their rights after the Mon Democratic Party, National League for Democracy (NLD), and All Mon Regions Democracy Party (AMDP) sent members to describe relevant laws. While awareness is growing,

some residents in Kaw Thaug Township remain frightened to speak out publicly about land seizures.

U Than Htun said, “Because the military thinks the power is in their hands, they commit many land abuses, like confiscating land from residents and selling it to businesses. We plan to submit a letter of appeal signed by the landowners to President Thein Sein in Nay Pyi Taw to get their lands back. Soon, Tenasserim Region Government Chief Minister U Myat Ko will come to

Kaw Thaug township to discuss land confiscation, and we think he will either solve the problem here or not. If the minister takes action on the problem, the residents will be satisfied. If not, the residents are going ahead with their plan [to send the letter]. And I suggested to them that they do it.”

Between 1989 and 1990, LIB No. 262 established their military base in Kaw Thaug Township, as did LIB No. 342 in 1991 and 1992.



## Forced relocation looms over 80 households in TPP

HURFOM, *July 16, 2012*

Military authorities in the Three Pagodas Pass (TPP) area plan to reclaim land they previously granted to conflict-affected people in order to expand their current military base, according to HURFOM field reporters. Authorities from the Light Infantry Battalion (LIB) No. 284 called a meeting with local residents on July 8, 2012, to announce the obligatory relocation of more than 80 households by November of this year.

In 2005, military authorities offered to aid people fleeing from armed conflict in Southern Karen State by providing them with living space on unused military lands in the lower part of quarter No. 3 in TPP. While some displaced people were not able to live permanently on the land because it was too far from their jobs, many of the new residents paid 1,500 Baht to land survey officials for permission to build houses on small plots of land (25' x 40').

Some of the families that purchased land and built two-story cement houses estimate that their properties are now worth between 4 and 5 million Baht. The impending

relocation will mean forfeiting the value of their homes and paying for a new place to live somewhere else.

A military decree states that an official document called “La Na/No. 39” is the only acceptable land grant certificate identifying land ownership. Without the La Na/ No. 39, which is obtained by paying a tax to government land survey officials, any person living on the land is considered illegal and can be relocated at any time. Local residents with a “105 form” are permitted to remain temporarily until they can get the necessary certificate, but those without must move immediately. By November, any household still lacking the La Na/No. 39 will have to relocate.

A former member of the village administration said that some residents who could not afford to buy property in TPP had rented land for 200 to 300 Baht per month from the village administrator. With the news of relocation, these families are faced with finding a new home, but are no more able to purchase property now than they were before.



Local residences located in the lower part of Quarter No. 3, TPP, Karen State

Military authorities plan to use the reclaimed land to extend their current base to the Dahhma Hay Won monastery in quarter No. 3 and from the upper part of the Oo Daung Khan to quarter No. 2. More than 80 households are located on these two quarters that lie within the military's property line.

Local residents are fearful about the approaching relocation because they cannot afford to buy new

property in TPP and have depended on the land as a source of income and security for many years.

One field reporter said, "In my view, the military should give the residents their 1,500 Baht back in exchange for leaving the land. I am not sure what the military and the land survey officers will decide to do."

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## Military, not security: Forced sentry duty in southern Ye Township

HURFOM, *July 25, 2012*

In two small villages of lower Ye Township, Mon state, resident military battalions are forcing local people to serve as sentries to protect the community perimeters from attack. Despite village security falling under the troops' authority, the area's ongoing violence and extortion committed by Mon armed splinter groups has resulted in the soldiers renewing an 8-year-old custom of substituting local civilians for military guards. The villages, unable to afford the exorbitant demands of the Mon splinter groups, remain vulnerable to attack in retaliation for nonpayment, and the military is unwilling to fulfill its role as village protector for fear of assault. Villagers are saddled with the triple threat of roving armed groups, violations committed by the military, and depleted income from work hours lost while serving sentry duty.

However, the chief menace to the communities remains that of violence. In the past year, several villagers were killed by attacks from the Mon groups, and one woman died while performing sentry duty. Many young people are leaving in search of more secure locations and jobs, and the villagers wonder when the cycle of violence will end.

The following accounts were collected during interviews in Pauk Pin Kwain and Yin Ye villages and detail the experiences of residents facing forced sentry duty over the last month.

Nai Thit, Nai Myit Aung and Nai Ba are farmers and plantation owners in Pauk Pin Kwain village, Yebyu sub-township, Tenasserim Region. The men described that, because the villagers cannot afford to supply the 20 million kyat and numerous materials demanded by a local Mon armed splinter group (led by Nai Loon



Local farmers and betel nut plantation workers near Pauk Pin Kwain village, Yebyu Township, Tenasserim Region

and Nai Saung), the village regularly receives threats that necessitate constant surveillance to defend from attack.

In response, the military ordered local men and members of the village administration to provide security around the perimeter of town. Since June, no less than ten villagers per night have been mobilized to perform sentry duty in three designated places. However, the ongoing insecurity has driven many people to seek better opportunities elsewhere, and there are only a few young and adult men left in the community's 300 households. This shortage entails each household to perform security duty twice a week. Villagers do not want to refuse the military's order for fear of punishment, but also know the dangers involved with security detail.

Military columns operated by Light Infantry Battalions (LIB) No. 273 and No. 282 (led by Captains Thein Soe and Thit Naing Soe) have not provided the villagers with weapons while on duty, putting the novice guards even more at risk. General Thit Naing Soe and his 12 troops occasionally lodge in village houses at night, leaving the villagers to defend the soldiers.

Nai Myit Aung, who has performed sentry duty five times, said, "We, the villagers, presume that the military is ineffective in our village because security is their responsibility since they have power, but now, the villagers have to protect them without any weapons. There has yet to be a break in this situation, and some village youths left home to travel to Thailand or simply to find safer places to live."

Similar reports were documented in nearby Yin Ye village in southern Ye township, Mon state. Plantation owner Nai Kon Ong, 46, reported that, in the wake of Mon armed group threats and demands, local LIB No. 31 commanded the villagers to cooperate with them to secure the village. Yin Ye also has around 300 households, and villagers have to serve sentry duty two or three times a month. Residents who do not comply with the order have to pay the military 5,000 kyat. Additionally, since 2005, the villagers have had to pay 2,000 kyat per month to the military's local militia force as compensation for security, and at the end of June this year, the military increased the fee to 3,000 kyat per household.

Nai Kon Ong stated, "We have to pay monthly support to both the village security and for the militia's weapons. We have to provide security without weapons, or we have to pay money if we do not agree to security [duty]. We have to work to earn money since we only have plantations and farms, so, how much money can we earn if we can't spend time on our jobs?"

Despite recent government reforms and the promise of a democratic transition, military troops continue to act with impunity in certain villages of Ye Township. The

military is not taking responsibility for its security role, either demanding compensation or forcing villagers to do the jobs they are paid to do. These activities permeate the villages with a sense that the rule of law remains absent in the periphery regions of Burma.

Village resident Nai Thit concluded, "Even though the military is located in the village, the residents have to provide security. In reality, it seems that we have to guard them. If a shot is fired, we, the villagers, have to be the first victims to die."

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## Villagers forced to porter and labor for soldiers in Mon and Karen States

HURFOM, *July 31, 2012*

Although the new civilian-led government and ethnic groups have signed a number of ceasefires in 2012, many civilians continue to experience violations caused by military presence in their villages. Since March, residents of two small villages in Karen and Mon States have been forced to work as porters, carrying heavy loads for the troops, or forced to labor on military plantations.

The following accounts were collected in Mal Ka Tar, Mal Za Lee, and Kyaung Ywa villages, and detail residents' encounters with forced labor and porter duty this year.

Saw Lone, 32, lives in Mae Ka Tar village and has served porter duty on five occasions. The assignments have kept him away from home for long periods of time, leaving his family to struggle financially without his support. The most recent incident occurred between March 18<sup>th</sup> and April 8<sup>th</sup>, when Saw Lone reports that he was forced to carry materials for a march by Front Line No.1 Light Infantry Battalion (LIB) No.283, led by Captain Aung Thu Ra, to Anan Kwin military Tactical Command No.3 in Kyainnseiki Township. Saw Lone hauled items ranging around 30 kilos in weight, including bags of rice, weapons, artillery, or other materials. He does not speak Burmese language well, and was physically abused when he misunderstood orders. The military provided porters with minimal food, and punished them if they requested to go home. Along the march, soldiers that were wary about suspected minefields in certain areas commanded ten porters, including Saw Lone, to walk in front. Saw Lone described the porters as feeling humiliated because the troops were not treating them humanely.

"Some of villagers were released after serving as porters for one week, but I wasn't because [soldiers] thought I ignored their commands and was disrespectful. Two weeks later, when we arrived at the Anan Kwin military

## Brief Report

# Mon State communities troubled by growing Ya Ba usage among teens and students

HURFOM, August 20, 2012

The use of Ya Ba, or methamphetamine, has been steadily gaining influence with young people in Mon State. While many adults share in the market for recreational stimulants, particularly manual laborers and migrant workers seeking to endure long hours on the job, the increase among students and teenagers is causing mounting alarm as communities witness rising health and social risks for younger generations.

Ya Ba, meaning “madness drug” in Thai, is typically manufactured as tablets containing a mixture of methamphetamine and caffeine. The drug had a surge of popularity in Thailand starting in the 1980s, but is less common there now following the government’s crackdown on drug trafficking in 2003. Today, Ya Ba still enjoys a wide consumer base throughout Southeast Asia. The pills are small, easy to transport, readily available, and highly addictive. However, the prolonged intake of methamphetamine can result in fatal kidney and lung disorders, brain or liver damage, and other mental and physical complications.

Burma’s drug problem has received intensifying scrutiny by regional and international press agencies over the past few months. Last week, Agence France-Presse (AFP) reported that Myanmar authorities were acknowledging the country’s “deepening drug crisis,” while a Bangkok Post article described Burma as the largest producer of methamphetamine in the world, and named certain armed ethnic groups and Burmese military units as being complicit in production and trade.

A monk from Warkyi Village in Apoung Township, Mon State, said, “Young people and adults who use [Ya Ba] come mostly from areas around Moulmein, Apoung Township, and Zin Kyait Township, although it was only discovered in Zin Kyait this year.” The drug’s prevalence has also been identified along the Thai-Burmese border, including Three Pagodas Pass in Karen State.

Interviews with 30 students, monks, and community members revealed that, currently, young people are often exposed to Ya Ba between their 10<sup>th</sup> grade and university-level studies, at ages ranging from 16 to 21. According to a 20-year-old university student in Ba-an Township, Mon State, “I started hearing about the drug when I was in grade ten. I began using in my first year of university, now I am in my second. It is easy to buy drugs from other students, but harder to buy from people outside the university.”

One young man from Thanbyuzayat estimated that 80 percent of the youth and university students in his township are using Ya Ba. “Drugs are very easy to buy in some areas, although I don’t know where they come from. The local drug users have good relationships with each other and know where to buy drugs on any given day.”

In Burma, one tablet of Ya Ba typically costs around 5,000 kyat (US\$5), although students reported that heightened demand during the school year may inflate the price to 6,000 or 7,000 kyat.

Young people who can only afford small amounts of Ya Ba mix the drug into a drink with opium leaves and coffee. “This drink provides a light-headed feeling, the same as opium, and is cheaper. After people use the drug, their faces look strange and they feel no fear,” explained a youth from Thanbyuzyat.

A monk from Mudon Township described how people become careless and forgetful after taking Ya Ba, and expressed concern for students who exhibit reduced interest in their studies. He said many parents send money to their children for school costs, but it may be spent on drugs instead. “Students at university, people from Ye Township, and people from Mudon Township are using Ya Ba. If our young generation cannot be productive and work for their [Mon] nation, no one will protect our literature and culture. We seem to be losing [ourselves]. I think drugs are very bad for students because they cause a lack of interest in education and are dangerous for their health. It can affect their futures.”

A student from Ba-an University explained, “In the villages, young people are using Ya Ba for their jobs. They work very hard and if they take drugs, they don’t feel tired. Some students, like me, use drugs because a friend

tells them to use it, so [they] try it. When the drugged feeling leaves us, we don't remember what we learned or memorized. Even though students know the effects of drug use, they can't control themselves and are still using it." He added that, previously, drug users rarely talked about their habit in public, but now it is not uncommon to hear it discussed.

It is illegal to consume, sell, or purchase recreational drugs in Burma, but community members allege that the laws go largely unenforced. A former Ya Ba user stated, "Even though the government made selling drugs illegal, they just put signs up around town, and do nothing else to administer the law." According to a youth from Thanbyuzayat Township, "If we want to protect people from taking the drug, it will depend on state authorities as well as local

authorities. They have to join together because some local police do not arrest drug traffickers. People who give money to the [local] police can do whatever they want, like selling drugs or [operating] gambling centers. State authorities sometimes order [the police] to arrest drug users, but they just arrest one or two to prove [their compliance] to state officials, and then take bribes and release the detainees."

A university student from Mudon Township said, "There are so many kinds of drugs [available], such as Ya Ba, opium, and marijuana. The police ignore people using Ya Ba and focus on opium users instead. If they catch someone using Ya Ba, they will just take a bribe and let the person go."

Some village-level authorities are also suspected of reacting slowly to criminalize drugs due to financial gain or conflicting interests. A resident of Ba Lu Kyun Island stated that her village leaders do not apprehend dealers because they are being furnished with a cut of the drug proceeds. "This is the biggest problem among the youth, and I want the New Mon State Party (NMSP) to come and solve it. Of course, if they arrest the drug dealers, the result would hit them in the rice pot because they benefit from drug trafficking."

According to a monk from Maw Ka Nin village in Ye Township, "Before, when boys reached their teen years, they wanted to drink alcohol. Now, they try drugs first."



Methamphetamine tablets seized by NMSP officials during drug trafficker arrest

#### News from page 5

Tactical Command No.3 in Kyainnseiky Township, the captain let me go. I was suffering a fever and could not work when I got home, so my family had a hard time with our income. We moved to Mae Ka Tar village where a relative lives, and now I am working on a rubber plantation. I hear that the KNU and Burmese ceased fighting each other, and I hope they do not fight again because, if they do, we will face another dangerous situation."

On June 22, 2012, soldiers from the Military Support Units led by Corporal Kyaw Lwin Oo from LIB No. 591, based near Kyaung Ywa village, stopped Ko Soe Soe, Nai Ka Lai, and Nai Ah Ni as they went to work on their plantations. The soldiers demanded that the three men cut and tidy the bushes on the military rubber plantation (land that was confiscated from local residents ten years prior), and the men did not dare refuse.

Although many soldiers are based in the area, local villagers were conscripted to do the work.

The military also directed the men to fix the plantation fences, working them from 7am until 6pm, and breaking only for a lunch that the troops provided. When the three men finished the work, the soldiers gave them a letter to deliver to the village chairman requesting more civilian laborers to clean the military's land.

According to Ko Soe Soe, "Villagers continue to face similar violations in the area. Before, the troops didn't have any land although they had been in this area since my father's generation. Then, they built and extended their bases on to land confiscated from local residents, on which rubber trees were growing. They took over the profits from the rubber, and forced the villagers to maintain the plantations. If the villagers could not work on the plantation as ordered, they had to pay money instead."

"The troops are still willing to force villagers [to work] because many troops are based in the area. If the troops were not based here, we could invest much more time in our work."

## Human Rights and the Environment

### DPW Analyzes Human Impact of Dawei Deep-Sea Port Project



Dawei Deep-Sea Port project site located on local farmlands

HURFOM, *June 5, 2012*

In May, the human rights and environmental advocacy group Dawei Project Watch released their assessment “No Rights To Know” investigating the lead up to and implementation of the Dawei deep-sea port project. The revealing document demonstrates how local residents did not have prior knowledge that a special economic zone was to be constructed right on top of their villages, because project authorities developed the plan in secret. Villagers were not afforded the rights to be involved in decision-making or notified of key information that directly impacts their lives. Many residents now wonder and worry how the project will affect their communities, specifically security for young women and threats to cultural identity, customs, language, food supply, and other local resources.

Dawei Project Watch (DPW) is a group of local activists and human rights workers who observe and collect information about the Dawei Special Economic Zone (SEZ) project. Over the course of three months, DPW recorded their accumulated data into a basic needs assessment to share with donors and aid groups, intending to unveil the lack of accountability and transparency exhibited by the government and related companies. The assessment will also allow people living in the project area to better understand and consider its consequences.

Since June 2008, when the agreement for the projected 10 year Dawei Project was signed, the Thai government and State Peace and Development Council (SPDC) have been gradually instituting the project.

For example, on January 8th, 2011, local authorities from the SPDC military government started making lists of local owners of houses, plantations, and paddy fields that fall within the Dawei deep-sea port construction area.

Authorities from the Dawei Special Economic Zone and the Italian-Thai Development Company (ITD) will confiscate about 8,000 acres of paddy-cultivated lands, 10,000 acres of rubber plantations, 12,000 to 14,000 acres of cashew-nut plantations, and over 150,000 acres of orchid plantations. If the project is implemented, villagers from 21 communities will lose almost all of their property. The total economic zone constitutes about 250 square meters (97 square miles) in which approximately 30,000 people, or 5,500 families, will be directly affected.

Some houses have already been removed due to their proximity to road reconstruction sites in 10 of the 21 villages, including Kamyaingswe, Mudoo, Htaingyi, Mudoo Ngae (Western Mudoo), Pan Tin Inn, Bagaw Soon, Yalai, Paradat and Kyakhatabin Inn, according to the DPW assessment.

HURFOM interviewed DPW member Nai Ramonnya, age 40, who has visited and monitored the project site many times. He explained the situation of residents who have to leave their houses, plantations or farms.

“Even though the villagers are being forced to relocate, they do not want to leave, especially older people who have lived in the villages their entire lives,” he said.



“Some families have moved to places where relatives live, even though the new locations may not be suitable to sustain livelihoods, because they are not sure whether the government will provide them with new land or how much compensation they will get for confiscated property. They don’t know what to do about future plans since the project authorities have yet to describe what will happen,” Nai Ramonnya continued.

At the World Economic Forum in Bangkok on June 1, 2012, Aung San Suu Kyi, Chairman of the National League for Democracy (NLD) and a member of Parliament, warned investors and businessmen who plan to invest in Burma to do so with an awareness of the need to improve the lives of ordinary Burmese people. She also mentioned that the government was pushing through democratic, economic and social reforms, but did not seem willing to make much effort in overhauling a judiciary that lacked independence and transparency.

“For a moment, please don’t think too much of the benefit investment will bring to investors,” Suu Kyi said. “We don’t want investment to mean further corruption... and greater inequality.”

DPW urges the Italian-Thai Development Company and other investors to clearly explain the project’s entire plan to residents, and to listen to their concerns.

The previous Burmese military regime, or SPDC, and the Thai government agreed upon and signed a Memorandum of Understanding (MoU) on May 19, 2008, to develop and implement the Dawei SEZ plan.



Dawei Project Watch report

The bi-literal agreement grants Thai companies extensive involvement in the construction of Dawei SEZ, permitting almost monopoly control of the project’s development. Besides the Dawei SEZ, the new government led by U Thein Sein also implemented the Thilawa Special Economic Zone near Rangoon (Yangon) and the Kyauk Phyu Special Economic Zone in western Rakhine State as part of a long-term plan for economic progress during his government’s administration.

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## Locals plead: justice and accountability in torture case

HURFOM, *June 11, 2012*

The local community in Chaung Zone Township, Mon State, is asking the Mon State government to pursue fair judicial proceedings and accountability in the suspicious case of a young villager recently tortured by police after being accused of murder. Certain Mon community and religious leaders are emphasizing the government’s failure to undertake an investigation or impose consequences for arbitrary torture.

In mid-May, 24-year-old Thet Paing Soe, a resident of Kwan Yeik village in Chaung Zone Township, was arrested and accused of involvement in a fight that led to the murder of a local youth. During the interrogation at the police station, two police officers beat him severely. A source from Kwan Yeik village explained that Police Officer Kyaw Zwa Khaing and his partner treated Thet Paing Soe inhumanely by burning him with cigarettes, hitting his head and face, covering his head and driving him in circles on a motorbike to make him lightheaded, and tying his arms and wrists with rope during the interrogation.

Police had arrested Thet Paing Soe and 17 other young men because they were presumed to be involved in the murder. Later, police officials released nine people who were considered innocent, including victim Thet Paing Soe.

“He was detained for two days in a Chaung Zone police cell, but the police permitted him to go to Moulmein hospital on May 19. He was hit hard on his head several times, and I think the torture inflicted by police officers caused physical disabilities. Even now, he does not seem back to normal,” said a 35-year-old male villager and relative of the victim. “Many of us can prove that he was not involved in the fight and was unfairly treated by the police. We hope the local government investigates and punishes the officials who arbitrarily abused him.”



Thet Paing Soe, age 24, in Moulmein General Hospital after being arrested and beaten by local police

Dr. Aung Naing Oo, state representative of the All Mon Regions Democracy Party (AMDP) in Chaung Zone Township, confirmed that the brutality at the police station resulted in the young man being disabled, asserting that he can no longer move his arms or turn his the head. “It seems like the police severely beat him and treated him cruelly. He was able to tell me confidently that he was not involved in the murder case.”

“We will help him as much as we can to seek justice for the torture he endured. In looking at this case, the

misuse of power created an unacceptable problem in the community and we need to ask the State authority to propose appropriate consequences for those who committed these actions.”

It was reported that the parents of Thet Paing Soe are seeking protection and assistance from the AMDP in order to confront the state authority.

A 45-year-old Mon Buddhist Monk originally from Chaung Zone Township but currently living in Moulmein expressed his opinion of the case, saying, “I am very unhappy that the problem of victimization and misuse of power still persists in the local judicial system. People have suffered too many incidents like this one over the last 20 years and it is time to make it stop. For our society’s wellbeing, I would like to ask the State Government to investigate the whole case and decide on fair action regarding the police officers’ behavior and violations.”



## Extortion and restrictions still burden travellers on Ye – Tavoy highway

HURFOM, June 22, 2012

Travellers and merchants passing through Mon State and Tenasserim Region on the Ye - Tavoy highway dispute the regional government’s continued operation of security tollgates and checkpoints that regularly extort passengers and impose travel restrictions. According to tradespersons and travellers, government troop activities such as forcible inspection and demands for arbitrary fines severely impact people’s ability to travel and freely pursue their livelihoods.

In the name of providing security along the highway, an estimated eight government tollgates and checkpoints, including “multi-checkpoints” and small tollgates, have become increasingly intrusive along the 109 miles of the Ye - Tavoy motorway over the past ten years. Citizens who have traveled this motorway criticize the government for not eliminating the corrupted security troops as part of its commitment to effective governance. Between the second week of May and the first week of June 2012, HURFOM field researchers collected information from six individuals who made trips to Yebyu and Tavoy and documented how each

was bribed or restricted in some way in order to be granted passage by checkpoint authorities.

The estimated eight checkpoints and tollgates along the Ye-Tavoy highway are all under the administration of police officials along with varying combinations of military intelligence officers, government immigration officials, and representatives from nearby Army camps, local militias, and Township administration offices. This type of security checkpoint is locally known as a “multi-checkpoint” or “joint-checkpoint” due to the presence of many groups and interests. “Tollgates” are usually small and operated by local police personnel or soldiers from the nearest Army camp.

Instead of safeguarding domestic travellers and local inhabitants, the authorities often impose harsh restrictions, especially regarding national identity cards and in response to the locations listed on IDs. A 28-year-old mechanical engineer and his friend, originally from Taung Oo of Pegu Region, travelled the motorway in April 2012 and reported how the multi-checkpoint authorities deceived them.

“It was on the third week of April, my friend and I started our tour to Tavoy Town where some of my close



Section of motorway between Moulmein and Tavoy

friends live. We were concerned about our IDs since they display that we are from Pegu Region because, before our trip, we heard rumors and stories of the police defrauding residents who are not from Mon or Tenasserim. We didn't face any troubles traveling between Rangoon and Ye Township, Mon state. But, when we arrived at Ye tollgate, some police officials came and demanded money for permission to pass. One of our drivers managed to give a bribe to the authorities. The real problem started when we reached the entrance checkpoint of Tavoy, where [a multi-checkpoint] was operating. This one was very disturbing and took about half an hour. All passengers were inspected and asked to show IDs. A police officer and an immigration officer ordered us to show our IDs and then started to inquire about the purpose of our trip, including information about the family we were going to visit and our return dates. They asked for the address of our host but we did not know it, and finally we decided to pay a fine of 3,000 kyat for permission. We were not inspected honestly or respectfully. We also witnessed that two women, who the authorities thought were travelling to Thailand to look for work, were ordered them to get out of their vehicle for further investigation."

The most infamous security troops are located at the "Thadar-Phyu," "Mahlwe- Taung," "Kalein Aung," and Tavoy entrance checkpoints. These checkpoints and tollgates usually stop all passengers, although those with IDs from outside Mon and Tenasserim commonly face more inspections and may end up paying 2,000 to 3,000 kyat to obtain travel permission.

"It was February 2012 when I traveled to Tavoy for my job. As I am a resident of Karen State, I was checked and demanded to show my ID to an immigration officer at Thadar Phyu joint checkpoint in Ye township. He checked my ID card with great suspicion and made me feel insecure. When I got to Kalein Aung tollgate, operated by Light Infantry Battalion (LIB) No.406, two low-ranking soldiers forced five passengers to pay 2,000 Kyat each to continue their trip even though they could prove citizenship status."

A 40-year-old passerby, who gave his name as Nai Mon, explained how he noticed that security troops receive bribes at the Kalein Aung security tollgate. Nai Mon explained that some passengers believed to be job seekers heading to neighboring countries could be asked

to provide ID cards and letters of recommendation from their local administration chief to obtain the travel permissions.

It was also reported that the government security checkpoints and tollgates located on the Ye – Tavoy motorway impact some small business owners and merchants. These tradespeople face impediments to their businesses because they have to pay bribes out of their profits for permission to cross various checkpoints. A 45-year-old local man from Loh Taing village who sells betel nut from his home village in Ye Town estimated that between 30 and 40 percent of profits made by merchants is doled out between the eight joint checkpoints and security tollgates.

"Traders who import goods from Kaw Taung or Thailand have to pay at least 10,000 Kyat to each checkpoint to pass. Checkpoint personnel consider many of those goods to be black-market [illegally imported]. Goods like Malaysian batik sarongs, MSG (Monosodium Glutamate), Liquefied fertilizers, motorcycle accessories, and products from foreign companies that are not legally registered in Burma [can be considered black market and thus taxed at checkpoints]."

Nai Wei, 56, a retired civil servant and betel nut plantation owner in northern Yebyu Township, expressed his opinion of the security checkpoints and their corruption against travellers and merchants.

"It seems like the state government is still permitting its security troops to demand financial backing and means of support from travellers and local merchants. I would like to point out that it is like delivering a license for corruption to each government staff. Each department of local governments that desires peaceful change should consider stopping this corruption to improve the trustworthiness of its people."

Since early February 2011, HURFOM has confirmed 87 cases of human rights abuses committed at government-run checkpoints along the Ye - Tavoy highway. These cases include arbitrary fines, extortion, restrictions on goods and travel, and some property confiscation. These findings confirm that most of the cases were committed by security forces from the frontier based battalions: LIB No. 273 LIB No. 282, and LIB No.406, LIB No. 407 and LIB No. 31.

A 26-year-old Mon resident of Alaesakhan village explained that the involvement of military troops in travel restrictions and extortion could be linked with the armed activities of a Mon splinter group. In reaction to conflicts with the Mon breakaways, local battalions staffed "joint-checkpoints" to provide security along the highway and for regional government projects like the natural gas pipeline. However, the majority of travellers claimed that they did not receive any security benefits. Instead, the impact of inspections and extortions has restricted people's right to travel and to successfully sustain their livelihoods.

## Extortion causes villagers hardships in northern Yebyu Township

HURFOM, June 28, 2012



Residents of Dani Kyar village, Yebyu Township

Recent field assessments report that, in 2012, an unidentified Mon breakaway group has been increasingly demanding money from villagers living in northern Yebyu Township, despite Burmese security forces located around Kyauktalin village. Local residents face difficulties ensuring their safety and access to income because the group threatens them if they are unable to pay. Many villagers, especially the youth, relocated to other places in order to escape the ongoing risks.

In the period between March and May 2012, an unidentified Mon breakaway group demanded a total of 10 million kyat from Kyauktalin villagers. The extortionists base their fees on the appearance of each house and the economic status it represents, charging roughly 300,000 kyat to the wealthiest-looking homes, 250,000 kyat for well-off, 150,000 kyat for lesser, and 50,000 to the poorest homes in Kaleinaung Sub-township, northern Yebyu Township, Tenasserim Region. The group demanded 500,000 kyat from the family living in the most lavish house in Alesakan village, close to Kyauktalin village in Ye Phyu Township.

These exorbitant demands are unrealistic considering that most villagers are manual laborers with modest incomes. There are around 150 houses, some of which are simple huts or bamboo shelters, but all are being asked to pay.

One Kyauktalin villager said, “There were only around 150 households in the village, so how could we afford to pay this amount of money from our one village?”

Villagers unable to deliver the large sums of money were concerned for their safety because the group threatened to kidnap anyone who did not pay. They extortionists attempted to kidnap the village’s senior monk, and threatened to kidnap his parents, who live in the Kyauktalin village, if they were unable to capture him. In March, the group came to the village chairman’s house to intimidate him, as well. Both the chairman and senior monk fled the village for a while to escape the increasing threats.

Villagers were afraid to be kidnapped and had to interrupt their regular work activities as they did not want to risk going to their farms and plantations. On top of this, after the Mon breakaway group announced that they were collecting money from the villagers, Light Infantry Battalion (LIB) No. 410 temporarily prohibited villagers from going to their farms and plantations because the troops were concerned the villagers would supply rations to the outlaws.

One villager described a common complaint that, “Due to the weeks-long prohibition on visiting farms and plantations, we could not tap our rubber trees or work our farms. Consequently, we could not earn enough to cover our daily expenses.”

Now, supporters of the local monastery have started to collect money from the villagers to give to the Mon group. However, villagers still cannot afford to pay. Burmese troops were unwilling to assist the Kyauktalin villagers to provide funds to the robber group.

The persistent pressure of arbitrary extortion puts a strain not only on the villagers’ daily income, but also on their overall livelihoods. In contrast with previous years, 2012 saw more villagers relocating and working in other places. Also, young people struggled more to ensure personal safety and to avoid conflict.

According to field assessments, “At least one or two members of each household went to Thailand to work because they wanted to escape from village conflict and live more safely.”

For ten years, Mon splinter groups have demanded money from Alesakan, Kyauktalin and Kyaukadin villages located near the primary motorway. In 2003, extortionists brought in between 3 and 5 million kyat by demanding 10,000 kyat of the finest, 2,000 of mid-level, and 1,500 of the poorest families. While cases of extortion have occurred for a decade, this year, the amounts demanded doubled, making the situation unsustainable.

## Insecurity continues to rise in Ye and Yebyu Townships

HURFOM, *June 28, 2012*

Despite the transitions Burma is now pursuing, local residents in Southern Mon State and Northern Tenasserim still face instability including kidnapping, extortion, violations of rights, and torture. In response to the threat of violence and intimidation, villagers fear for their security, livelihoods, employment, and even their ability to travel outside their homes and communities. The presence of many different insurgent groups and security forces in the region, all seeking to exploit local people, compounds the risks.

On June 23, 2012, an unidentified Mon breakaway group came to Yay Ngan Gyi and Sinswe villages, beside the Ye-Tavoy motor road and railway in Kaleinaung sub-township in Yebyu Township. The breakaway group, numbering around six members, confiscated three telephones from the villagers' households in Sinswe village, Yebyu Township, Tenasserim Region. Then, the group extorted five kyat of gold from a wife and husband and beat them. The same day, the perpetrators exacted similar demands in Yay Ngan Gyi village, taking two telephones and two kyat of gold from the villagers.

In total, more than ten villagers were beaten by the group, and three married couples between the ages of 40 to late 60s, Nai Bee and Mi Shee, Nai Sun and Mi Puu, and Nai Lan Baa and Mi Kong Soe subsequently had physical problems and were unable to eat.

Mi Myit (alias), 59, who has two sons and lives in Yay Ngan Gyi said, "I could not afford to pay to the arbitrary fees extorted by the Mon armed group because my sons could not send me money regularly from where they work in Thailand. I only could pay 30,000 Kyat to the

chairman, who was being forced to collect one Kyat of gold or 500,000 Kyat from each house."

The village chairman appealed to the group to take 12 kyat of gold in lieu of the one kyat per household they were demanding. The village has approximately 50 households.

In addition, Light Infantry Battalion (LIB) No. 282, the local patrol troop in Min Tar village five miles from Yay Ngan Gyi village, demanded that villagers pay the same sum of money to them that they were forced to pay to the Mon group.

One villager reported, "We do not have any more money to give. Even now, we have to ask for help from our daughters and sons who work in Thailand. Some villagers are moving to other places."

A resident of Min Tar village, 50-year-old Nai Thaug Naine, speculated that the 8-member armed group led by Nai Saung and Nai Lwin was involved in the recent arbitrary extortion because they were in the area at that time. The armed Mon group aims to promote Mon civil liberty and border sovereignty, and has been operating in Southern Mon State and Northern Tenasserim since 2005. Fifteen people from Nai Bin's Mon armed group, which surrendered to Southeast command at the end of February 2012, were previously robbing villages in Southern Mon State and Northern Tenasserim. However, according to a June 25 interview with Yay Ngan Gyi resident Nai Kyak, 45, it is difficult to say which group was extorting money and mistreating residents because there are many groups operating in that location.



Local houses in Magyee village, southern Ye Township, Mon State

## Local community wants state government to investigate corruption committed by village administration

HURFOM, *June 29, 2012*

The local community in Htin-yuu village, Thanbyuzayat Township, Mon State, is pleading with the Mon State government to closely investigate the whereabouts and expenditure of millions of Kyat in taxes charged by Village Administration authorities since the previous government's administration. Residents suspect the money from taxes is being misused, and seek to uncover any abuses and impose appropriate punishments on the guilty authorities.

For almost 15 years, Village Administration (VA) officials and staff from Htin-yuu village have been collecting "market taxes" from vendors and merchants at the local market. Now, around 50 villagers are requesting documentation describing exactly how much money the VA brought in and how the tax income is being spent. While the taxation practice is not illegal, locals estimate that approximately 40 million Kyat has been collected by the VA chief and staff, and they want to see detailed accounts of how the money was spent, in which month and year, and what particular projects were funded with the taxes. Villagers note that the taxes were said to be providing the administration with funds to support community development, but allege that they have never seen a single civic project or good paid for with public funding.

One Htin-yuu villager, known by his alias Nai Kyaw, said, "It has been about 15 years since taxes started being levied at the market. Since the last government term, U Taung, who previously served as village head but is now employed as the Village Administration chief, has been collecting taxes from local vendors with absolute authority. The amount collected from street vendors and sellers at the markets has reached almost 40 million Kyat. But where has that money gone? No resident could speak out about this before. But now, since we think that it would be very good to improve governance at the village administration level, and considering the government itself claims to be transparent and fair, we want to know the truth. We all will be satisfied if the VA chief can prove to us, with actual evidence, that the taxes are used for community development or other public services."

The Htin-yuu villagers calculate the total amount of taxes collected from local sellers over the past fifteen years to be at least 38 million Kyat. The rates used for this estimate were determined by the number of vendors in the market and the daily payments that increased over time. According to their results, in the first five years, all market merchants combined were charged around 4,000 Kyat per day, for a total of 7.3 million Kyat. Over the second five years, and using a rate of 7,000 Kyat per day, 12.8 million Kyat was collected. In

the last five years, when vendors were collectively charged an average of 10,000 Kyat per day, 18 million Kyat in taxes were levied, for a fifteen-year grand total of 38.1 million Kyat.

The villagers suspect that the VA chief U Taung and the VA staff members have been using these large sums of money for personal gain.

Nai Khin, a 38-year-old rubber plantation owner from Htin-yuu village, recounted, "To implement any community development project in the village, we have to use our own money. We are sure that no big amounts of money are deposited in the bank, and no one has stolen it. Therefore, isn't it obvious that hundreds of thousands of Kyat have disappeared? That money was used by the VA staff, and if so, they have to be held accountable for it."

Currently, many local youths are preparing to submit the tax investigation matter to the Mon State government. If the state government does not act or respond, the villagers will present the issue to Nay Pyi Taw in the hopes of uprooting possible grievous abuses.

"We think that corrupt practices like those of the former village head and his staff should no longer be permitted. To reveal the truth and get justice, we young people will use many different methods to promote our cause. We want to spread information about this issue on the Internet, because the international community is encouraging the government to run its administration cleanly and fairly. We want to publicize this case," described a Htin-yuu village youth, who asked to remain anonymous, in an interview on June 24.

Many locals explained that they want to expose the case of potential long-term corruption because they want authorities to take responsibility in the community. Residents are not pleased with the lack of transparency by administration authorities in regards to the use of public funds and the provision of accounts detailing expenditures.

Htin-yuu village is located in southern Mon State, 16 miles from Thanbyuzayat, and has over 1,000 households. The majority of the population earns a living tapping rubber plantations, farming paddy fields, and transporting food products.

The Htin-yuu residents maintain that they have been burdened by victimization and the misuse of power committed by the Village Administration authorities since the State Peace and Development Council (SPDC) was in office. They remember when authorities collected a 1,000 Kyat tax for community development from each household and charged additional fees to supplement their own incomes. Officials also sold land belonging

to the locals to use for their own businesses or personal gain. Now, residents are unwilling to wait longer for reforms and an end to corruption in their village.



## Authorities reject large-scale protest of Kaw Taung District power plant

HURFOM, *August 14, 2012*

On August 7, 2012, U Than Htun, the regional organizer of the Democratic Party (Myanmar), and other residents of Kaw Taung District were denied their application to the Tenasserim Region Government Chief Minister to permit 100,000 people to protest the nearby Than Phyo Thu coal-fired power plant. U Than Htun's group applied to have 30 government security personnel safeguard the protestors, but the request was refused because township authorities perceived the number to be too low for such a large protest, and asserted that the march would interrupt the area's regular activities.

The contested coal-fired power plant is located between the Shew Pyi Tar and Aye Yaik Nyein quarters of Kaw Taung District. Built by the Than Phyo Thu Coal Excavation Company and owned by Thai-Burmese businessman U Kyaw Lwin, the plant has yet to be granted the 30-year guarantee requested to begin producing energy. Although the plant was originally built in Thailand in 2000, the backlash from local Thai residents caused the project to be moved and reconstructed in Kaw Taung in August 2011. When the plant was transferred, Kaw Taung villagers learned that the power it produced would drop local electricity costs from 600 kyat per unit to 200 kyat per unit, but were not told about the possibility of adverse consequences to the densely populated area.

Now, villagers are uniting to express their fears about potential increases to pollution and health risks affecting local people, animals, ocean life, and groundwater should the plant be allowed to operate. U Than Htun conveyed his concern that rises in miscarriages, heart disease, and skin cancer may occur from drinking contaminated water or breathing harmful particulates in the air. Some residents point to the suffering endured by villagers in southern Shan State due to the Ti-Jite coal-fired plant as evidence that associated hazards may outweigh the benefits.

One local villager said, "Because the plant is so close to where we live, we have been faced with serious situations like noise and air pollution. All of us living in this quarter want to request [the company] to stop

running their plant. If they continue, we cannot live here, and that would threaten our means to livelihood."

Despite the government recently lifting its ban on public demonstrations, the current conditions for holding protests still present significant obstacles to civil freedom. According to Article 354 of the 2008 Myanmar Constitution, citizens are permitted, "to express and publish freely their convictions and opinions" and "to assemble peacefully without arms," but only, "if not contrary to the laws, enacted for Union security, prevalence of law and order, community peace and tranquility or public order and morality."

In addition to constitutional limitations, the Law Relating to Peaceful Assembly and Peaceful Procession signed by President Thein Sein in December 2011 requires that demonstrators obtain permission from township authorities at least five days in advance of the protest by providing detailed information about the event's participants and purpose.

Leaders organizing the Kaw Taung march reported that the protest application form requested their names, signatures, addresses, dates of birth, ethnicity, religion, ID card number, education, marital status, job, and organizational affiliation. Applicants were also asked to include information about the protest's planned slogans, activities, and other advocacy materials.

Previously, U Than Htun's group enjoyed a victory resulting from their demonstration against the construction of a deep-sea port in Tavoy district, which the government subsequently halted. Now, members are uniting again to oppose the power plant, and are currently speaking out against the machinery testing that is planned to begin at the site this week.

U Than Tun said, "We want to stop them from operating the coal-fired plant, but they say they will stop [if and when] the public is affected. How can we accept that the villagers must suffer first before they will stop? Although the power produced at the plant is cheaper, some villagers who are aware [of the side effects] do not want to use the power because they understand the impact."

On March 16, 2012, a large number of villagers joined a plant protest after U Than Tun's group distributed around 10,000 pamphlets describing the effects of the power plant on people of Kaw Taung District. The following month, demonstrators sent a letter of opposition to President Thein Sein with signatures from 70 residents. As of yet, the group has not received a response. According to U Than Tun, Shew Pyi Tar and Aye Yaik Nyein quarters will be the most impacted by the plant, but nearby Shew Zin Yaw, Shew Hin Tar, An Na War, Ba Yin Naung, Pa Dauk She War, Aung Tu Kha, Aye Mya Kan and Tiri Myine quarters are also likely to be affected.

## Armed ethnic groups sign Deed of Commitment to highlight dedication to children in armed conflict

HURFOM, August 7, 2012

On August 2<sup>nd</sup>, two armed ethnic resistance groups, the New Mon State Party (NMSP) and the Karenni National Progressive Party (KNPP), signed Geneva Call's Deed of Commitment (DoC) to pledge their dedication to the protection of children in armed conflict. The signatures certify that the two parties agree to monitoring inspections and cooperation with independent regional and international organizations to verify compliance in their territories.



Representatives from the New Mon State Party sign Geneva Call's Deed of Commitment

Geneva Call, a humanitarian organization based in Geneva, Switzerland, established the "Deed of Commitment for the protection of children from the effects of armed conflicts" as part of their efforts to improve armed non-state actors' observation of international humanitarian and human rights laws. Signatories of the Deed of Commitment agree to 16 terms, or provisions, that enshrine a complete ban on the recruitment of children in armed forces, determination to protect children from the dangers of military action, and respect for human dignity and international norms surrounding child rights.

Central Committee Member and head of NMSP's Foreign Affairs Department, Nai Hong Sa Boung Khine, signed the agreement and confirmed that his party and its armed faction, the Mon National Liberation Army (MNLA), wanted to formalize their resolve to protect and acknowledge child rights.

"We signed the Deed of Commitment to demonstrate that we're going to participate in the protection of children and not use children for military purposes." That same day, Secretary U Khu Oo Reh and Central Executive Committee member U Rimond Htoo of the Karenni National Progressive Party (KNPP) also signed the DoC. During an interview with Radio Free Asia, KNPP Secretary 2 U Aung Sann Myint reported that, since 2011, KNPP has received training in capacity building from Geneva Call regarding international law and the use of child soldiers.

The Human Rights Foundation of Monland (HURFOM) welcomes the armed ethnic groups' decisions to respect humanitarian law and exhibit their dedication to child protection. Nai Aue Mon, a coordinator for HURFOM's Human Rights Documentation and Dissemination Program, said, "I am happy to hear the non-state armed groups agreed to the Geneva Call Deed of Commitment, and think the time is right for armed ethnic groups to exhibit their accountability and contributions to children in conflict-affected areas. I think the role of human rights workers should include involvement in the monitoring of these commitments and assistance to ensure implementation. That way, we can carefully examine and encourage the improvement of children's lives in areas touched by war."

Geneva Call started working on the issue of child soldiers in early 2001, when they organized and invited the Coalition to Stop the Use of Child Soldiers to a conference exploring engagement with non-state actors. Since then, Geneva Call has aimed to incorporate international laws and norms into the practices of non-state actors, with special emphasis on the Convention on the Rights of the Child (CRC), the Involvement of Children in Armed Conflict, and the United Nations Security Council Resolution 1612 detailing child rights violations involving killing and maiming of children, recruitment or use of children as soldiers, attacks against schools or hospitals, and rape and other grave sexual abuse of children.

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