

## HURFOM COMMEMORATES 20<sup>TH</sup> ANNIVERSARY AND INTERNATIONAL HUMAN RIGHTS DAY IN MOULMEIN



December 10, 2015

On December 10, 2015, the Human Rights Foundation of Monland (HURFOM) and its associate organizations celebrated International Human Rights Day and the 20<sup>th</sup> Anniversary of HURFOM in Pine Khit Hall – Shin Saw Pu Street, Myine Thar Yar Ward, Moulmein, Mon State.

Around 100 participants were present, including venerable monks, representatives from political parties, and members of women's organizations and community-based organizations (CBOs).

The ceremony was held with the purpose of educating participants about the Universal Declaration of Human Rights, while encouraging respect for human rights and making participants aware of International Human Rights Day. Through the celebration HURFOM hoped to encourage local people and authorities to contribute to human rights projects, while urging CBOs to cooperate in promoting human rights and the rule of law.

Posters presenting HURFOM's activities and reports over the past 20 years were presented in the hall where the ceremony was held. HURFOM also offered participants copies of human

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### BURMA 2015: BALLOT DENIED - DISENFRANCHISED VOTERS IN KYAR INN SEIK GYI TOWNSHIP, KAREN STATE



### VILLAGER SPEAKS OUT ABOUT CORRUPTION OVER BRIDGE IN KAYOKEPI VILLAGE, MON STATE



November 27, 2015

A villager from Kawlay village, located in Mon State's Thanbyuzayat Township, has spoken out about corruption suffered at the hands of former Kayokepi village headman of nearby Kayokepi village.

Speaking exclusively to HURFOM, Nai Blai explained how years ago U Cartoon demanded significant sums of money from local villagers, saying that he needed money to construct a bridge through Kayokepi village. However, once the bridge opened it did not meet expectations. While huge amounts had been donated to build the bridge, the completed bridge was of very poor quality.

Given shoddy workmanship, villagers began raising questions about how the large sums of money raised towards constructing the bridge had been spent.

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Commentary

# Human Rights Protection in Transitional Burma/Myanmar

On November 8, 2015, a general election was held in Burma/Myanmar, in which the country’s main opposition party, the National League for Democracy (NLD), won a landslide victory. In voting for the NLD the people displayed their absolute support for the party, expressing a desire to see the end of the military’s tyranny and history of human rights violations.

As the NLD prepare to take power in 2016, people are expecting a lot from them. The people expect their rights to be protected and they expect to see a stronger rule of law in their country. However, while a promising development, NLD election victory does not necessarily consist an immediate improvement for the nation’s human rights context.

Today, human rights organizations and civil society organizations (CSOs) continue to work intensively to protect citizens’ human rights. The Burmese army is still involved in serious human rights violations against Burma’s citizens, an ongoing legacy from the military regime that preceded U Thein Sein’s government.

Recently, many student leaders involved in peaceful demonstrations against planned education reform were put on trial for their activities. Thousands of farmers, who lost their land at the hands of the Burmese army and investors, continue to protest in hope of reclaiming their land. Even now, thousands of ethnic internally displaced persons (IDPs) have fled their homes due to armed conflict and related human rights violations. Violations have included burned villages, beaten villagers, and ethnic women raped. Journalists have been killed and attacked in the midst of armed conflict and demonstrations.

In a cycle of corruption and while the ceasefire process remains unstable, people in rural areas continue to pay many types of taxes to the administrative authorities. The same people have also been forced to give up their land and taxes to armed groups active in their areas.

As human rights violations continue in many parts of the country, the Myanmar National Human Rights Commission has proved to be nothing but a toothless tiger, saying that it cannot take responsibility for delivering justice to the victims of human rights violations.

Like in other parts of Burma/Myanmar, and especially in ethnic regions, the Mon people are expecting to see justice be dealt to them with the coming political transition. Farmers who lost their land are expecting to reclaim it. Villagers threatened by proposals for new coal power plants hope to see foreign companies ceasing destructive projects. The Mon people are demanding the use of mother tongue education and Mon language instruction in the Mon State education system.

The NLD government has a strong responsibility to deliver human rights protection. Human rights workers across the country are poised and ready to provide information to assist the NLD in delivering justice to victims of human rights violations.

If the incoming NLD government truly wants to address past and ongoing human rights violations, its first actions must be to resolve the country’s political problems, amending the 2008 Constitution and engaging in peace dialogue with Ethnic Armed Organizations (EAOs). However, the NLD government may be limited in its authority by restrictions imposed by current state authorities, armed groups and the 2008 Constitution.

Human rights protection is one of the biggest challenges lying ahead for the new NLD government. While obstacles remain, the struggle for justice will continue to be fought as long as the people continue to speak out for their human rights and human dignity.

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**HURFOM Activities**

# HURFOM COMMEMORATES 20<sup>TH</sup> ANNIVERSARY AND INTERNATIONAL HUMAN RIGHTS DAY IN MOULMEIN



December 10, 2015

On December 10, 2015, the Human Rights Foundation of Monland (HURFOM) and its associate organizations celebrated International Human Rights Day and the 20<sup>th</sup> Anniversary of HURFOM in Pine Khit Hall – Shin Saw Pu Street, Myine Thar Yar Ward, Moulmein, Mon State.

Around 100 participants were present, including venerable monks, representatives from political parties, and members of women’s organizations and community-based organizations (CBOs).

The ceremony was held with the purpose of educating participants

about the Universal Declaration of Human Rights, while encouraging respect for human rights and making participants aware of International Human Rights Day. Through the celebration HURFOM hoped to encourage local people and authorities to contribute to human rights projects, while urging CBOs to cooperate in promoting human rights and the rule of law.

Posters presenting HURFOM’s activities and reports over the past 20 years were presented in the hall where the ceremony was held. HURFOM also offered participants copies of human rights posters, pamphlets, HURFOM reports and souvenirs.

Dr Min Soe Linn, an elected representative from the 1990 and 2015 general elections, gave the opening speech. Afterwards, Nai Kasauh Mon – Chief Executive Officer of HURFOM – presented HURFOM’s human rights journey over the past 20 years.

This was followed by a brief explanation of activities by HURFOM’s associate organizations: the Independent Mon News Agency (IMNA), Guiding Star

News Journal, Jee Pya Empowerment and Development Organization and Mon Area Community Development Organization (MACDO).

The ceremony included a discussion panel on human rights, followed by a Q&A. Topics discussed included human rights and Buddhism; the struggle for human rights and democracy; women and child rights; environmental, civil and human rights; and natural resources and human rights. Speakers included notable environmentalist Nai Mon Tari, who travelled from Mae Sot, Thailand to attend the ceremony.

The ceremony concluded with the awarding of a Best Leader Award to Nai Kasauh Mon by HURFOM staff.

The Human Rights Foundation of Monland (HURFOM) is a non-governmental human rights organization founded in 1995 by a group of Mon relief workers, students and community leaders. HURFOM works to monitor the human rights situation in southern Burma, publishing print and online news, lengthy reports and analysis of ongoing human rights violations.



# BURMA 2015: BALLOT DENIED - DISENFRANCHISED VOTERS IN KYAR INN SEIK GYI TOWNSHIP, KAREN STATE

It is only good for those two parties, the USDP and NLD.

current AMDP Amyotha Hluttaw representative,  
Kyar Inn Seik Gyi Township

On November 8, 2015, millions of voters across Burma went to the polls. Citizens seized the opportunity to exercise their right to vote in the freest election the country had seen for at least 25 years. In many ways this was an astonishing moment for democracy in Burma. However, as international media coverage praised largely successful election processes and excitement abounded at the poll's outcome, relatively few column inches were dedicated to those left behind as this historic event took place.

In *Burma 2015: Ballot Denied* the Human Rights Foundation of Monland (HURFOM) aims to elevate the voices of some of the tens of thousands of Mon and Karen ethnic citizens in non-state armed group (NSAG) controlled areas of Kyar Inn Seik Gyi Township, Karen State, who were disenfranchised during November's election.

It is important that, in the aftermath of the election, excitement concerning its outcome does not diminish the significance of these complaints. HURFOM's report aims to show that concerns over disenfranchisement embody clear violations of citizens' rights, represent political exclusion of already marginalised populations and constitute clear infractions of international good practices for democratic elections.

## Methodology

HURFOM'S report is based on a total of 60 interviews, carried out by two groups of HURFOM field reporters prior to the election, throughout the month of October. 59 interviewees came from Kyar Inn Seik Gyi Township, Karen State, while one was from Hpa-An Township, also in Karen State.

Data was collected through semi-structured interviews, which were based on pre-prepared questionnaires. 41 respondents were asked questions concerning their personal voter experiences during the 2015 election, while 19 respondents were asked broader questions about elections in Kyar Inn Seik Gyi Township as a whole. Over half of HURFOM's respondents were Mon. However, interviews also included a significant number of Karen respondents, as well as respondents from other ethnic backgrounds.

## Disenfranchised voters in Kyar Inn Seik Gyi Township, Karen State

Interviews showed that Kyar Inn Seik Gyi Township voters living in NSAG-controlled areas were directly and indirectly disenfranchised during the 2015 election in three key ways:

Disenfranchised Vote



## Report Brief

- i. Through cancellation of polling in 38 village tracts due to alleged security concerns
- ii. Through insufficient access to polling stations in remote border areas
- iii. Through an absence of voter outreach and education initiatives, in particular in border areas.

### ***i. Cancellation of polling due to alleged security concerns***

Polling was cancelled in 38 village tracts across Kyar Inn Seik Gyi Township, containing approximately 50,000 voters, on the pretext of security concerns. However, respondents unilaterally judged that, while Mon and Karen NSAGs maintained control over the affected areas, these villages were peaceful at present. Poor transparency in handling poll closures meant that respondents expressed suspicions that the government-aligned Union Election Commission (UEC) had cancelled polling for political reasons rather than due to genuine security concerns.

HURFOM considers that poll cancellations in Kyar Inn Seik Gyi Township violated UN guidance that citizens' rights to vote should only be suspended on grounds that are: (1) Established by law, (2) Objective and reasonable.<sup>1</sup>

Grounds for cancellation were established by law, given that Article 399 (e) of Burma's 2008 Constitution and Chapter 4 Section 10(a) of the Union Election Commission Law allow the UEC to postpone polling in constituencies where a free and fair election cannot be held due to a local security situation. However, cancellations in Kyar Inn Seik Gyi Township were not made on "objective and reasonable" grounds; perspectives of residents suggest that security concerns were not objectively valid, making it questionable whether poll cancellations could be judged a reasonable response to the security conditions on the ground in these regions.

### ***ii. Insufficient access to polling stations in remote border villages***

HURFOM documented two clear cases, together covering over 3,000 residents, where voters in remote villages close to the Thai-Burma border were required to travel long distances to reach the nearest polling station at which they were eligible to vote.

In one case – concerning Halockhani, Balah Don Pheid and Htee Wah Doe villages - residents were required to travel up to three hours to reach their nearest eligible polling station, despite the fact that other polling stations existed closer to their village. In the other case - concerning Aye Chan Thar, Kyan Taw and Japanese Well villages - the closest polling station was an hour away, but the journey was expensive in comparison to average incomes. Poor access to polling stations was noted to pose a particular problem for daily workers who could not afford travelling costs, as well as consisting a barrier for elderly residents.

HURFOM considers poor access to polling stations in remote areas of Kyar Inn Seik Gyi Township to represent a concern in view of UN guidance that the right to vote entails a state responsibility to take effective measures to ensure that all persons entitled to vote are able to exercise that right. Better access to polling could have been ensured; either by opening polling stations in remote border areas or, if this proved too logistically difficult, ensuring access to the closest polling stations in operation and providing free transport to these stations. To HURFOM's knowledge, the UEC failed on all of these counts.

<sup>1</sup> See UN Human Rights Committee, (1996). *CCPR General Comment No. 25: Article 25 (Participation in Public Affairs and the Right to Vote), The Right to Participate in Public Affairs, Voting Rights and the Right of Equal Access to Public Service*. CCPR/C/21/Rev.1/Add.7. Paragraph 4 [online] Available at: <http://www.refworld.org/docid/453883fc22.html> [Accessed 10 Nov. 2015].

### ***iii. Absence of voter outreach and education initiatives, in particular in remote border areas.***

Of 41 respondents asked about their knowledge of the upcoming elections, 93 per cent showed negligible or low knowledge concerning the election, while 90 per cent said that they did not understand how to vote. The majority of these respondents came from three internally displaced person (IDP) villages close to the Thai-Burma border. At the time of data collection not a single one of these villages had received voter education.

Lacking voter education in Kyar Inn Seik Gyi Township, particularly in border IDP villages, contradicts international guidance that the right to vote entails a state responsibility to ensure availability of voter education. In terms of voter education and outreach, far more could have been done; both state and NSAG authorities failed to ensure that citizens in the concerned areas were fully equipped and motivated to exercise their rights to vote.

### **Impacts of disenfranchisement**

Interviewees expressed feelings of marginalisation in connection to disenfranchisement. Notably, many of those interviewed were IDPs, or had suffered other serious abuses during decades of conflict. Respondents saw disenfranchisement as an unfair act perpetrated against them by a government that had already caused them great suffering. Respondents also expressed concern that disenfranchisement of Mon and Karen ethnic voters would hinder election performance for ethnic political parties.

### **Non-independence of the UEC**

Raising concerns, interviews indicated that those affected by poll closures had little recourse for complaints, given that the country's election management body, the Union Election Commission (UEC), was not considered independent. Residents instead saw the UEC as aligned with the current USDP government, and as being to blame for their disenfranchisement.

**Report Brief**



**Lessons for future elections:**

- ❑ **Any future government in Burma, the UEC and NSAGs** must commit to ensuring universal and equal suffrage for all citizens. Steps taken should include immediate ratification of the International Covenant on Civil and Political Rights (ICCPR) by the Burmese government, so that international human rights concerning voting are secure within a national framework.
- ❑ The **UEC** should enact poll cancellations if and only if this constitutes a reasonable reaction to the objective security situation on the ground. NSAG control of an area should not in itself be used as a blanket justification for poll cancellations.
- ❑ The **UEC** must communicate details of any poll cancellations clearly and transparently, so that citizens can trust that these have been made in good faith.
- ❑ The **UEC**, working in cooperation with **NSAGs**, should commit to equal access to polling stations as a priority issue in future election planning. Wherever possible the UEC should open polling stations in remote areas. Where this is impossible, the UEC should give voters access to the nearest polling station and cooperate with NSAG authorities to provide free transport to alternate polling locations.
- ❑ The **UEC**, in cooperation with **NSAGs** and **civil society groups**, should make greater efforts to ensure that voter education reaches remote border regions. This should be provided in ethnic languages and should cover procedures particular to residents without ID cards and those with ID registered far from their current home.

**Conclusions**

HURFOM’s findings suggest various lessons for future elections. Most importantly, in a context where NSAG control of territory remains likely to continue for the immediate future, all parties must consider how ethnic citizens’ voting rights can be maintained in these areas, in a context where authority is divided.

Key recommendations include that poll cancellations should be made only when this constitutes a reasonable reaction to the objective security situation on the ground; NSAG control of an area should not in itself be used as a blanket justification for poll closures. Other key lessons include the needs for: urgent reform of the UEC to ensure its independence, prioritization of access to polling in election planning and the strengthening of voter education in remote ethnic villages.

Some wider conclusions are also raised. In particular, disenfranchisement of ethnic groups represents a serious concern when hopes for national peacebuilding and reconciliation are likely to rest on the success of attempts to assure political inclusion for ethnic citizens. As citizens across the country celebrated the election’s results, the message that disenfranchised ethnic war-affected populations are likely to have received is that they are not part of the country’s developing political community. For the sake of national reconciliation, it is crucial that this message is reversed at once, and a more inclusive counter-message conveyed.

Finally, disenfranchisement of these populations also serves as a reminder to NSAGs that control of territory comes with corresponding responsibilities. HURFOM findings suggested that, while responsibility for disenfranchisement in Kyau Inn Seik Gyi Township lay primarily with the UEC, NSAGs could have increased voter participation within their areas of control by taking a more proactive approach, cooperating with the UEC over issues such as voter education and transport to polling stations. As the peace process progresses, NSAGs must cooperate with national bodies such as the UEC, so that citizens within their authority are able to access the benefits of reform as national-level transition progresses.

Recommendations

**Broad recommendations:**

- ❑ **Any future government in Burma** must work to reverse the political exclusion of war-affected and marginalised ethnic communities.
- ❑ **NSAGs** should commit to working in cooperation with national bodies, to ensure the fulfilment of rights for all citizens living within their authority.

## News

## ELECTION DAY IRREGULARITIES IN MON STATE



November 17, 2015

On November 8, 2015, historic elections were held across Burma. While voting on the whole proceeded smoothly, HURFOM received information concerning a number of irregularities experienced by Mon State voters.

### 1. Residents left off voter lists

Speaking one day before the election, All Mon Regions Democracy Party (AMDP) candidate Nai Tala Chan explained that serious concerns still existed over the accuracy of nationwide voter lists. He detailed, "Currently, the voter list across the whole country is still incorrect, even though they have checked and corrected it".

According to MNP observers, almost 200 people in Kraikpi and Pa-Nga villages, Thanbyuzayat Township, were unable to vote after being left off the voter list. While some people were never included in the list, others were included at first but subsequently removed when the list was displayed for a second round of review.

Nai Tala Chan explained that he believed the AMDP's election campaigning in Thanbyuzayat Township inspired many people not included on the list to try to vote on polling day. However, he detailed that villagers excluded from the list were unsuccessful in their attempts to vote. He explained, "These people gathered in front of the polling station to ask the commission for the right to vote, but the commission could not make the decision. So these people couldn't vote."

Pa-Nga Village Mon National Party (MNP) candidate, Nai Thein Htun, elaborated that official regulations stipulated that people excluded from the voting list could still vote on the day if they could prove that they were eligible to vote in the constituency, showing an ID card and being vouched for by their village administrator. However, Nai Thein Htun detailed that polling station officers in Pa-Nga were unable to verify voters' eligibility using these requirements.

Nai Thein Htun explained, "Many people have had to walk away from voting, and they are not happy about it."

### 2. Late delivery of voter slips

By the day before the election several people in Thanbyuzayat Township had still not received voter slips. This was reported to cause great worry, due to concerns that residents would be unable to vote without the slip. While voter slips were not in fact needed to participate on ballot day, many of these residents gathered at sundown on November 7 to report their concerns to the election commission.

### 3. Media restrictions

In Kraikpi village, Thanbyuzayat Township, Mon reporters from the Than Lwin Times, Guiding Star, and Independent Mon News Agency reported that the election commission chairmen in polling stations No. 1 and No. 2 barred them from taking photos and videos.

The officer of polling station No. 1, schoolteacher Daw Khin Aye, warned reporters, "This is our polling station. You are not allowed to take pictures inside, only outside." Despite reporters' insistence that they had permission to take pictures inside the polling station, their concerns remained unheard.

Similarly, in polling station No. 2, commission chairman U Kon Par told media representatives, "Reporters do not have permission to take photos inside the polling station, only on the outside."

Showing some inconsistency, in nearby Pa-Nga village, reporters had no problems taking photos inside polling stations.

### 4. Voters given the wrong ballot papers

In Thiri Mingalar polling station, in the Aung Thu Kha quarter of Kyaikkami Town, an MNP election observer discovered that voters had been given ballot papers belonging to the wrong constituency.

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News

# GOVERNMENT NEGOTIATOR LOBBIES NEW MON STATE PARTY TO SIGN CEASEFIRE AGREEMENT

October 1, 2015

U Aung Min, vice-chairman of the Union Peace-making Working Committee (UPWC) and key peace negotiator for the Burmese government, visited senior New Mon State Party (NMSP) officials last weekend, in a last minute bid to convince the Mon armed group to sign the imminent Nationwide Ceasefire Agreement (NCA).

U Aung Min, accompanied by representatives from the Myanmar Peace Center, met with the NMSP's Central Executive Committee at a monastery in Thanbyzayat, Mon State, on Sunday September 27. Participants at the talks included NMSP Chairman Nai Htaw Mon and numerous prominent monks.

Reportedly, the talks took place due to widespread knowledge of the NMSP's reluctance to sign the NCA. Nai Aung Htoo, member of a ceasefire watch CBO, explained, "[U Aung Min] heard that the NMSP is not going to sign the NCA. If the NMSP does not sign, then they will be the only group left in the south of the country [who haven't signed] [...] The NMSP does not trust the government".

According to Nai Aung Htoo, there may be implications for Mon villagers' voting rights if the NMSP decides not to sign the NCA. He continued, "If the NMSP doesn't sign the agreement, some areas controlled by the NMSP will not be eligible to vote [in the upcoming election]".

However, Nai Banyar Lae, a NMSP official who attended the talks with U Aung Min, played down the significance of the NMSP's decision. He explained, "Even if the NMSP doesn't sign on October 10, the government will still open the door for the NMSP to decide to sign at a later date [...] Even if the NMSP will not sign, the relationship between the NMSP and the government will remain the same".

A committee of ethnic armed groups is set to meet on October 3, with the goal of signing the NCA on October 10. So far eight armed groups have promised to sign their agreement: the Karen National Union (KNU); Karen National Liberation Army-Peace Council (KNLA-PC); Democratic Karen Buddhist Army (DKBA); Restoration Council of Shan State (RCSS); Pa-O National Liberation Organization (PNLO); Arakan Liberation Party (ALP); Chin National Front (CNF); and the All Burma Students Democratic Force (ABSDF).

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The mistake was spotted after 37 people had already voted, at which point the polling station officer was informed. The Kyaikkami election commission immediately contacted the township commission branch, who in turn notified the state commission. An urgent meeting was called between various parties to resolve the matter. NLD candidate Daw Myat Thida Htun has since threatened to pursue legal action concerning the issue.

In a similar case, Mon voters in Bane Nwat Taw village, Thanbyzayat Township, were given ballot papers allocated for Bamar voters. An MNP election observer noted the mistake after a whole book of these ballot papers had been used. When parties came together in the evening to discuss voting matters, it is reported that they did not address this issue.

5. Observers barred from polling stations

MNP candidate Nai Pan Mai reported that, in a polling station in Aung Mingalar, Thanbyzayat Township, MNP observers were forbidden from entering the polling station, and had to remain outside throughout the day. Furthermore, they were told by the election commission to change out of their traditional clothing.

A similar situation occurred in Kraikpi village, where MNP candidates were only allowed on the veranda outside the polling station, preventing them from knowing the circumstances under which voting took place.

With observers barred from entering the polling station, suspicions were raised in Kraikpi over foul play. "Village administrator Nai Cartoon was trying to trick voters to vote USDP. No one in the polling station dared stop him," said MNP candidate Chaw Su Lat.

6. Vote counts delayed by power cuts

At 7pm on election night, after the polls had closed, the whole of Mon State suffered a power cut causing major delays to the vote count. Although some polling stations had their own generators and could cope with the situation, not all were afforded this convenience.

MNP observers reported difficulties with checking ballots in the dark, due to the pale yellow colour of ballot papers. Although polling stations in some villages finished counting votes early, in other cities and villages it was almost dawn before the count was complete.

# OVERLAPPING AUTHORITY PREVENTS JUSTICE IN THREE PAGODAS PASS RAPE CASE



အမေ့ပြုကျင့်ခံရသူ

October 7, 2015

**WCRP:** Overlapping authority is likely to blame for the poor handling of a recent rape case in the Thai-Burma Border Sub-Township of Three Pagodas Pass. While multiple authorities have been alerted to the case, as of yet no action has been taken to pursue justice for the victim.

On September 29, a 35 years old Mon woman, Mi D—, was raped by two unknown assailants on the site of a brick kiln where she and her husband worked, one mile from Yaw Thit village in Three Pagodas Pass Sub-District.

According to Nai Kyaw Nyunt, owner of the kiln, the two unknown men arrived at the victim’s home on the brick kiln site, demanding payment of 50,000 Baht. Afterwards, the assailants threatened Mi D— and her husband with a gun, forcing her husband to flee the house and then raping Mi D—.

Mi D— described the events, “They beat my husband with their gun and they forced him out from the house. When my husband ran to the [nearby] checkpoint to ask for help from the authorities, one of the men took my phone and ran away. The other man



အခင်းဖြစ်ပွားခဲ့သည့် နေရာ

Photo: HURFOM

raped me. He was drunk and I was scared that he would kill me. He covered his face and I did not dare to look up at him, because he was aiming at me with his gun”.

Locals suggest that the rape may be connected to another violent attack committed nearby on the same night, where a truck belonging to two Karen men was hijacked at gunpoint by two unknown assailants. The hijacking, during which gunfire has heard, took place at the Yaw Thit checkpoint close to the rape site.

A Yaw Thit villager described, “Before the rape happened we heard someone at the checkpoint shoot a gun around ten times and we heard someone hijack the truck. We did not dare to go and look because it was midnight”.

While the local police authorities were

notified of the rape immediately, they failed to make any clear response to the attack, instead passing responsibility on to local military forces.

Nai Kyaw Nyunt, owner of the kiln, explained, “We went to the police station to report the case. The police asked us to go to the military. We also went to report the case to the Village Administrator and the Burmese [government] authorities. But they did not take any action on the case. So, now we have reported the case to the New Mon State Party”.

Overall, mixed sources of authority look likely complicate hopes of justice for the victim, making it unclear who is responsible for resolving the case. In Three Pagodas Pass Sub-Township authority is held by an array of actors, including the local government, village administration, police forces, military, militia groups, Border Guard Force (BGF), Karen National Union (KNU), Karen National Union/Karen National Liberation Army Peace Council (KNU/KNLA-PC), Democratic Karen Benevolent Army (DKBA) and New Mon State Party (NMSP).

Even should government authorities take action to ensure that the case reaches the courtroom, the victim will need to travel to a court 60 miles away from her home, in Kyainseikiyi Town, for the case to be heard. There is no courtroom in Three Pagodas Pass Sub-Township.

Meanwhile, the identity of the attackers remains unknown, with Mi D— able to add only that they spoke fluent Burmese.

# NMSP INVESTIGATE GU BAO RAPE CASE

November 17, 2015

**WCRP:** The New Mon State Party (NMSP) is investigating a rape case in the Thai-Burma border village of Gu Bao, following the rape of a 22-year-old mentally disabled girl by her stepfather this September.

Over the course of September Ma—

was raped by stepfather, 56-year-old U Sein Aung, a total of seven times: on six occasions during the day while her siblings were at school, and once on the night of September 19.

The rapes took place after Ma—’s mother fled the family house, leaving Ma— and her three sisters with U Sein Aung.

Ma— said, “While my three sisters and I were sleeping in the bedroom he came into the room and raped me, threatening, ‘I’ll sleep with you instead of your mother’”.

A member of a women’s group in Gu Bao Village reported that the group had previously raised concerns about Ma—

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## VILLAGER SPEAKS OUT ABOUT CORRUPTION OVER BRIDGE IN KAYOKEPI VILLAGE, MON STATE



November 27, 2015

A villager from Kawlay village, located in Mon State's Thanbyuzayat Township, has spoken out about corruption suffered at the hands of former Kayokepi village headman of nearby Kayokepi village.

Speaking exclusively to HURFOM, Nai Blai explained how years ago U Cartoon demanded significant sums of money from local villagers, saying that he needed money to construct a bridge through Kayokepi village. However, once the bridge opened it did not meet expectations. While huge amounts had been donated to build the bridge, the completed bridge was of very poor quality.

Given shoddy workmanship, villagers began raising questions about how the large sums of money raised towards constructing the bridge had been spent.

Nai Blai said, "Former Kayokepi village headman Nai Cartoon has collected hundreds of millions of Kyat from villagers along the road linked by bridge, including from Kayokepi, Wae Kalong and Kalway [villages].

"Kayokepi villagers have given a huge amount per house. Other villages have given 10, 20, and 30 thousand Kyat per house. But the money is still not enough. Nai Cartoon cooperated with a wealthy Mon man named Asaung to manage the construction.

"We do not know where the money has gone, but we assume that Nai Cartoon is the one who is responsible for this. He is the one who managed the bridge construction. Now, the financial issues have become very complicated. The bridge is of very poor quality. He has cheated people out of their money for a long time."

Nai Blai also raised concerns over tolls levied from villagers crossing the bridge, many of whom are the very same people who paid for its construction. Again, there has been no transparency over how money collected from tolls has been spent.

He detailed, "After the bridge was finished, they collected tolls from motorbikes and cars [to allow them to cross the bridge]. They charge 100 Kyat for a motorbike, and 200, 500 or 1000 Kyat for a car or truck. They have collected money like this for many years. They have never presented financial accounts of where the money has gone. The money for the bridge's construction came from villagers. It is not right that these villagers still have to pay a toll whenever they cross the

bridge, even though they paid for the construction.

"No one has reported this yet. They are still collecting tolls. For example, they should have opened the bridge [for free] during the recent funeral ceremony for a monk in Kayokepi village, but they did not. Actually, they planned to collect money from [participants of] this ceremony. They got a lot of money from motorbikes and trucks. Within seven days, they got a lot of money."

In 2016 the government will allocate a budget of 400 million Kyat to a project to rebuild the bridge. However, there has been no push for accountability over how funds raised for its initial construction were spent, nor has anyone raised the question of why the reconstruction project is needed so soon after the bridge's completion. According to Nai Blai, this has left villagers dissatisfied.

He explained, "The village headman requested a 400 million Kyat budget from the government [to rebuild the bridge]. We have heard that the government has decided to give the budget [...] It is right that they will reconstruct the bridge again in 2016 from a government budget, but it has already cost a lot of money from villagers. We are not happy that there is no process of informing villagers [about the issue] and no sense of taking responsibility."

### News from page no.9

- continuing to live with her stepfather after her mother left the family home. While the group had recommended Ma— be removed to a safe place, U Sein Aung promised to take good care of her.

The women's group member explained, "The women's group in the village told the stepfather that he and his stepdaughter shouldn't live together. He was told that she should be kept in a safe place, but he didn't agree and promised to take good care of her. On August 9, an agreement was

signed to this effect at the village administrator's house, with the women's group present as witnesses."

Unfortunately, U Sein Aung quickly forgot this agreement, leading to the events of September.

Eventually, on September 21 Ma— alerted her sister in Thailand about U Sein Aung's abuse, who phoned the village women's group to report the incident. The group quickly contacted the village administrator, who

transferred the case to the NMSP Township office in Japanese Well.

The NMSP is now investigating the reports. If the case stands to scrutiny the NMSP has promised that swift action will be taken. NMSP administrator Nai Tala Rot explained, "We need to check the case first. If he really committed the rape, then the case will be transferred to the highest level of administration in the New Mon State Party."

News

# KAN BOUK LOCALS COMPLAIN AFTER DELCO SILT LAKE ACCIDENT



November 27, 2015

On September 23, a silt lake connected to a mining factory in Kan Bouk, Yebyu Township, Tenasserim Division, owned by Chinese mining company Delco, burst its banks, killing a 12-year-old boy and flooding nearby houses.

Delco created the silt lake to store the mud, stone and dust produced as a waste product of their Kan Bouk mining factory. When the lake burst its banks it destroyed 40 houses, leaving 300 people homeless and a 12-year-old boy dead. Residents affected by the flood lived in Mya Thidar, Khine Thazin and Ma Gin quarters of Kan Bout.

According to a local from Ma Gin quarter, Delco have built new houses for 19 families whose homes are now floating on the lake. However, locals expressed worries that the replacement houses are small and poorly built, and have issued complaints that the company did not replace household possessions lost in the flooding.

One local explained, “It is good that they have built new houses for us [...] But the company did not replace any possessions that were flooded by the water. We are using household goods donated by the Myanmar Red Cross. The Delco company just built us a small house and provided nothing else for us”.

Another local, Ma Htay Ngal, commented, “The houses that the company built for us are not finished yet. We don’t have the money to buy household goods. My children can’t stay on the cement floor [provided by Delco]. After they sit on the cement floor they get sick. The school is also very far from our new house. Before, we did not need to accompany our children to school, but now we need to take them”.

According Ma Htay Ngal, the silt lake accident has left some of its victims in financial ruins. She explained, “The company said that they would provide electricity, water and a television in compensation. But we have not seen them since the incident. They gave us papers saying that they would provide 2.8 million [Kyat] for building new houses, and we had to sign [in agreement]. We sold my earrings to get money

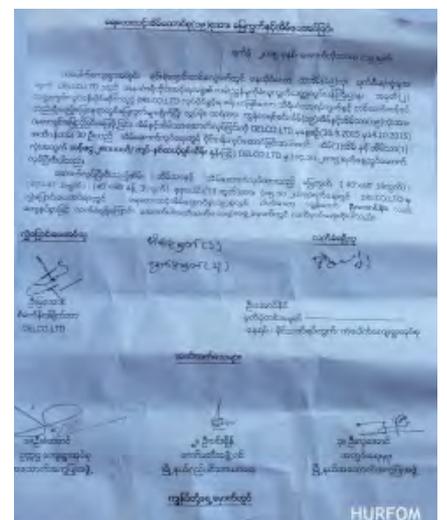
to solve our daily food problems [...] After we arrived at the new house built by the company, our neighbor gave birth at her home and her child died. She did not go to hospital for the delivery because she had no money to go”.

Reportedly, Delco offered compensation to the parents of Mg Myo Min Oo, the 12-year-old boy who died due to the accident. However, the parents have not yet received any payments.

Kan Bouk resident, Ma Chaw Su, expressed local frustration with the company, explaining, “We don’t want the company to be in our village anymore. We want them to stop it. The company uses dynamite explosions 10 times per day. Our house shakes from the dynamite. We feel bad. We don’t want to live here anymore”.

She added, “When the silt lake broke I just took my child. I couldn’t take all of my property. This happened once before in the past, but it wasn’t as bad as it is now. We have lived here since we were children, but we have never faced anything like this before”.

The Chinese-owned Delco Company has worked in Burma, extracting tungsten and other materials, since 1998. Notable shareholders include Yebyu Township Member of Parliament U Win Oo. Two company managers have been arrested in connection to the incident in Kan Bouk.



# BURMA 2015: BALLOT DENIED – DISENFRANCHISED VOTERS IN KYAR INN SEIK GYI TOWNSHIP, KAREN STATE



December 1, 2015

Media release:

HURFOM: Today the Human Rights Foundation of Monland (HURFOM) releases ‘Burma 2015: Ballot Denied’, a report focussing on November’s national elections in Burma.

The report shows that – contrary to much reporting in recent weeks over the victory of Daw Aung San Suu Kyi’s National League for Democracy (NLD) – Burma’s journey to political freedom is far from complete. Focussing on one township in Karen State, the authors find that tens of thousands of Mon and Karen citizens were disenfranchised during the elections, sending a dangerous message that members of Burma’s war-affected ethnic minority populations remain excluded from the country’s developing political community.

*Burma 2015: Ballot Denied* draws on 60 interviews conducted in October 2015, in Kyar Inn Seik Gyi Township, Karen State. The report finds that disenfranchisement within the township resulted from: poll cancellations in 38 village tracts due to alleged ‘security concerns’; insufficient access to polling stations in remote villages; and poor availability of voter education in remote border areas.

Among notable findings, respondents unilaterally questioned the validity of security concerns used as a pretext for cancelling polling, maintaining that the villages concerned had been peaceful for years.

The report contends that responsibility for disenfranchisement in Kyar Inn Seik Gyi Township lay primarily with Burma’s Union Election Commission (UEC). However, given that non-state armed groups exert considerable authority over villages covered by the report, non-state armed groups are considered to share significant culpability. HURFOM found that armed groups could have increased voter participation within their areas of control by cooperating with the UEC over issues such as voter education and transport to polling stations.

Lessons for future elections include that poll cancellations should be made only when this constitutes a reasonable reaction to the objective security situation on the ground. Other lessons include the need for: urgent reform of the Union Election Commission to ensure its independence, prioritization of access to polling in election planning and the strengthening of voter education in remote ethnic villages.

HURFOM concludes that disenfranchisement of ethnic groups represents a serious concern when hopes for national peacebuilding and reconciliation rest on the success of efforts to secure political inclusion for ethnic citizens. As citizens across the country celebrated the election’s results, the message that disenfranchised ethnic war-affected populations are likely to have received is that they are not part of the country’s developing political community. HURFOM advocates that, if national reconciliation is to be achieved, reforms under any future government must prioritise political inclusion for ethnic citizens, to include meaningful commitments to universal and equal suffrage.

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## Information on HURFOM and Invitation for Feedbacks from Readers

Dear Readers,

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

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

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

We encourage you to write to us if you have feedback or if you know someone who you think would like to receive the newsletter.

Please email or mail a name and address to:

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Kanchanaburi, 71240 Thailand

E-mail: [info@rehmonnya.org](mailto:info@rehmonnya.org)

Website: <http://www.rehmonnya.org>

With regards,

Director

Human Rights Foundation of Monland

## NO JUSTICE FOR HANDICAPPED GIRL RAPED IN YE TOWNSHIP

November 17, 2015

**WCRP:** In July 2015 a 23-year-old handicapped girl was raped by a 40-year-old man in Jone Lang village, Ye Township. While the case has been reported to local authorities, no justice has yet been seen for the victim.

In July the handicapped girl, Mi—, went to a farm at around 1 pm to pick durian, without informing her parents. She was followed by the perpetrator, U Sein Win, a married man with two children. When they arrived at the farm, he covered her mouth and raped her, threatening her with a knife.

Mi— had already been raped twice before. At the age of 16 she was raped by a soldier from battalion No. 591 in a nearby forest. In the second case, just last year, the brother of a government worker raped her in her own home. During both previous incidents her

parents, who earn a living as daily workers, were away at work. In previous cases the perpetrators were punished and some compensation was offered.

Ten days after the latest incident, Mi— told her parents what had happened. She explained, “I told him that I’d tell my parents if he raped me, but he said if I told anyone he’d kill me. After he raped me, he cleaned some dirt from my head, and told me to hide in the forest, worried that other people would see me”.

The girl’s parents reported the latest assault to the village administrator, who called on U Sein Win to give his side of the story. U Sein Win denied the rape charge, claiming that he was just asking the girl about picking durian.

Although the case was transferred to

the New Mon State Party’s Wal Zin office, Mi—’s mother complained that the authorities didn’t investigate the case, saying, “We reported my daughter’s case at the Wal Zin office two months ago, but I have heard nothing from them”.

She added, “I want the authorities to investigate the case quickly and get to the truth. My daughter is handicapped, and if the authorities don’t do anything, I fear for her security in the future. I just want her to be safe. They should punish the man responsible for his crime. We don’t need compensation; we just want security for our daughter. We have to work daily for our food and can’t look after her all the time”.

# WORRIES ABOUT OVER MON STATE USDP ELECTION CAMPAIGN



October 23, 2015

With elections fast approaching, worries have arisen over tactics used by the ruling Union Solidarity and Development Party (USDP) as election campaigning intensifies in Mon State.

In Mudon and Thanbyuzayat townships, villagers are reported to have been offered payment in exchange for their attendance at campaign rallies supporting Mon State Chief Minister and USDP candidate U Ohn Myint. According to reports, villagers were offered 5,000 Kyat each in exchange for their attendance, in addition to offers of branded USDP party clothing and USDP-funded meals.

Villagers' accounts suggest that these tactics have had mixed success. Nai Mai, a resident in Pa-Nga Village, Thanbyuzayat Township, explained, "The USDP party came to persuade us to go to join U Ohn Myint's campaigning in Mudon and Thanbyuzayat townships [...] Some people went, but not many. The people who went for the money, meal and clothes were from Middle Burma, those who came to work here.

Not many Mon people went [...] They came to persuade me as well. But no one went except those who [were already] their members".

Meanwhile concerns have also been expressed over possible manipulation by Mon State USDP candidate U Aung Than Oo of populations in poorly developed areas. U Aung Than Oo is reported to have promised roads, bridges and electricity to villagers, saying that he will fulfil these promises if villagers vote from him. While not necessarily sinister, these pledges have raised questions of whether U Aung Than Oo truly intends to fulfil these promises if elected to parliament.

In particular, while the party's underhand tactics become apparent, villagers are worried that the USDP's election campaign enjoys a special status beyond criticism and regulation. Nai Mai explained, "This electoral practice is directly related to injustice. But no one dares to sue them for it because they are the government".

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