

'All the information I've given you, I faced it myself':

Rural testimony on abuse in eastern Burma
since November 2010



KHRG

Karen Human Rights Group
Documenting the voices of villagers in rural Burma

'All the Information I've Given You, I Faced It Myself':

Rural testimony on abuse in eastern Burma since November 2010

The Karen Human Rights Group
December 2011

**'All the Information I've Given You, I Faced It Myself':
Rural testimony on abuse in eastern Burma since November 2010**

Written and published by the Karen Human Rights Group
KHRG #2011-06, December 2011

Front cover photo: This photo, taken in January 2011 by a villager trained by KHRG to document human rights abuse, shows a group of villagers gathered from four villages in M--- village tract in Dweh Loh Township, Papun District. According to the villager who took this photo, these villagers were ordered to carry 600 sacks of rice to resupply troops for a unit of Burma's state armed forces, the Tatmadaw. A report of this incident written by the same villager who took this photo is available in Appendix 2, see "Papun Situation Update: Dweh Loh Township, May 2011." For more information on incidents of forced labour documented since November 2010, see Section IV: A below. *[Photo: KHRG]*

Founded in 1992, KHRG is an independent local organisation committed to improving the human rights situation in Burma by training and equipping local people to document their stories and gather evidence of human rights abuses; disseminating this information worldwide; and working directly with local villagers to enhance their strategies for protecting themselves from abuse and the effects of abuse. Examples of our work can be seen online at www.khrg.org, or printed copies may be obtained subject to approval and availability by sending a request to khrg@khrg.org.

This report published by KHRG, © KHRG 2011. All rights reserved. Contents may be reproduced or distributed on a not-for-profit basis or quoted for media and related purposes; but reproduction for commercial purposes requires the prior permission of KHRG.

This report is not for commercial sale.

Preface

Human rights abuses faced by ethnic communities across rural eastern Burma have continued since November 2010, and are consistent with patterns KHRG has documented since 1992. Drawing from a dataset of 1,270 oral testimonies, sets of images and documentation written and collected over the last year by villagers trained to monitor human rights conditions in their own communities, this report presents information on 17 categories of abuse and quantifies their occurrence across KHRG research areas. By placing recent testimony from villagers in the context of twenty years of abusive practices, this report should make clear that developments since the 2010 elections have neither expanded villagers' options for claiming their human rights, nor addressed the root causes of abuse in rural eastern Burma. External assessments of developments in Burma that ignore local perspectives on continuing human rights abuse thus exclude the input of the most knowledgeable and engaged stakeholders – who also stand to lose the most from inaccurate conclusions drawn without their participation. The testimony presented in the report should thus function as a critique of any attempt to assess changes in Burma that ignores local perspectives, and a call to heed the concerns of rural people who are gauging, on a day-to-day basis, the way past, present and continuing abuse impacts the future for communities in eastern Burma.

Contents

Preface	1
Contents	2
Terms and Abbreviations	3
Figure 1: Locally-defined Karen districts (Kayin and Mon states; Bago Region)	4
Figure 2: Locally-defined Karen districts (Tanintharyi Region)	5
I. Introduction and executive summary	6
Methodology	9
Table 1: Geographical spread of abuses, November 2010 to 2011	12
II. Harming villagers	13
A. Explicit threats of violence	13
B. Torture	15
C. Violent abuse	18
D. Rape and sexual violence	20
E. Attacks on civilians	23
F. Landmines and UXO	34
G. Forced minesweeping and use of human shields.....	39
H. Summary execution and other killing of civilians.....	42
III. Restricting villagers' lives and livelihoods.....	45
A. Forced relocation.....	45
B. Restrictions on freedom of movement or trade	49
C. Denial of access to humanitarian goods and services	52
D. Arbitrary arrest and detention	54
IV. Taking villagers' labour, land or possessions	56
A. Forced labour	56
B. Arbitrary taxation and demands	64
C. Forced recruitment	68
D. Theft and looting	70
E. Land confiscation	72
Appendix 1: Interview transcripts	77 to 376
Appendix 2: Situation updates	377 to 475
Appendix 3: Incident reports	476 to 501

Figure 1: Locally-defined Karen districts (Kayin and Mon states; Bago Region)



Figure 2: Locally-defined Karen districts (Tanintharyi Region)



Terms and Abbreviations

DKBA	Democratic Karen Buddhist Army
IB	Infantry Battalion of the Tatmadaw
IHL	International Humanitarian Law
ILO	International Labour Organisation
KHRG	Karen Human Rights Group
KNLA	Karen National Liberation Army
KNU	Karen National Union
LIB	Light Infantry Battalion of the Tatmadaw
LID	Light Infantry Division of the Tatmadaw
MOC	Military Operations Command of the Tatmadaw
SLORC	State Law and Order Restoration Council
SPDC	State Peace and Development Council
UNSC	United Nations Security Council
UNICEF	United Nations Children's Fund
USDA	Union Solidarity and Development Association
VPDC	Village Peace and Development Council

baht	Thai currency; US \$1 equals (at time of writing) approx. 30 baht at market rate.
Basket	Unit of volume used to measure paddy, husked rice and seeds. One basket of paddy equals 20.9 kg. / 45.08 lb. in weight. One basket of husked rice equals 32 kg. / 70.4 lb. in weight.
big tin	Unit of volume used to measure paddy, husked rice and seeds. One big tin of paddy equals 10.45 kg. / 23.04 lb. in weight. One big tin of husked rice equals 16 kg. / 35.2 lb. in weight.
<i>Bo Mu</i>	'Major', referring to the rank of a Tatmadaw officer
<i>Bo Gyi</i>	'Captain', referring to the rank of a Tatmadaw officer
kyat	Burmese currency; US \$1 equals (at time of writing) 6.4 kyat at official rate, approx. 795 kyat at market rate
milk tin	Unit of volume used to measure husked rice. One milk tin of rice equals 195 g / 6.87 oz. in weight.
sack	Unit of volume used to measure husked rice. One sack of rice equals approximately 50 kg. / 110 lb.
<i>Tatmadaw</i>	Burmese language name for the armed forces
Viss	Unit of weight measure; one viss equals 1.6 kg / 3.5 lb.

I. Introduction and executive summary

“My village is big so each time they ask for ten or fifteen people to porter for them ... They never stop. They tell the village head to go to see them. They say ‘We don’t have food, so bring us food and chickens’ ... They [the villagers] often have to go and [do labour] ... so they are too tired to work on their livelihoods ... I just want to say we are facing problems because of the SPDC Army [Tatmadaw], and we can’t complain to anyone.”

Naw P--- (female, 40), Ta--- village, Ler Doh Township, Nyaunglebin District
(May 2011)¹

“The people in the hiding sites work as loggers and collect flowers [to sell], but we have to be careful and watch out for SPDC Army [Tatmadaw] forces. We don’t want to meet them. ... The SPDC Army [Tatmadaw] knew about our plans [to flee], but as long as there are forests and secrets in the world, there’s no problem [for us]. The SPDC Army [Tatmadaw] knows everything about us, but there’s a world and we can flee. We know this.”

Saw T--- (male, 59), Ma--- village, Te Naw Th’Ri Township, Tenasserim Division
(December 2010)²

Villagers working with KHRG gathered more than 1,270 oral testimonies, sets of images and pieces of written human rights documentation between November 2010 and November 2011. Villagers giving this testimony – and gathering other evidence to document conditions in their communities – raised a myriad of concerns, including serious violations of international human rights and humanitarian law. These abuses were described by communities across KHRG research areas in eastern Burma, which include government-delineated Kayin and Mon states and Bago and Tanintharyi regions. KHRG has been training villagers in these areas to document and monitor human rights conditions in their communities since 1992; the information they gathered during the last year indicates that members of rural communities face human rights abuses consistent with those documented by KHRG over the past 20 years.

People experiencing abuse, and working to help their communities better protect their human rights, are best placed to understand the threats they face, and to gauge the degree to which these threats affect their own priorities. External assessments of developments in Burma that ignore local perspectives on continuing human rights abuse thus exclude the input of the most knowledgeable and engaged stakeholders – who also stand to lose the most from inaccurate conclusions drawn without their participation. Similarly, assessments that focus only on human rights concerns expressed during a short period of time will inevitably be inaccurate and lead to miscalculations due to a disproportionate emphasis on recent events at the cost of understanding the way past and continuing abuse impacts the future for communities in eastern Burma. The main purpose of this report, then, is to systematically communicate concerns articulated by communities in eastern Burma since November 2010, and compare them to the past 20 years of documentation by KHRG.

This report quantifies the occurrence of 17 categories of abuse faced by villagers across KHRG research areas, whose testimony makes clear that serious human rights abuses have continued since November 2010. Many of these abuses related directly to armed conflict; villagers were arbitrarily detained, violently abused and summarily executed while whole communities were attacked, placed at risk by landmines or subjected to stringent restrictions on movement, trade and access to humanitarian materials. Many other abuses, however, were not the result of armed conflict; instead they occurred in areas without armed conflict, and were often directly

¹ “Nyaunglebin Interview: Naw P---, May 2011,” KHRG, July 2011.

² “Tenasserim Interview: Saw T---, December 2010,” KHRG, October 2011.

tied to both state and non-state actors' attempts to secure control over, and extract, communities' resources. Villagers described abuses including forced labour and arbitrary taxation, the unilateral implementation of development and natural resource extraction projects without local input or accountability, and the confiscation or destruction of land without consent and with inadequate or no compensation. While villagers in all seven research areas documented serious rights violations attendant to armed conflict, viewing the current human rights situation in eastern Burma only through the narrow lens of conflict-related abuse distorts the reality of the situation faced by villagers living in eastern Burma, and understates the range of serious abuses that restrict or destroy villagers' ability to support themselves, their families and their communities.

Key findings

- Over the last 12 months, villagers in rural eastern Burma continued to raise concerns of ongoing human rights abuses consistent with trends identified over the last 20 years
- Armed conflict is only one of multiple factors that contribute to the perpetration of abuse.
- Past and recent experiences with violence facilitates the forced expropriation of labour, land and property from rural communities and the wide-scale and destructive extraction of natural resources
- Local people are best placed to assess the continuation of historical trends of abuse, and the degree to which threats of violence constrain their ability to address human rights concerns
- No accurate external assessment of current conditions in eastern Burma can be conducted without heeding the concerns of rural people who are gauging, on a day-to-day basis, the way abuse compromises their priorities
- Domestic and international advocacy and engagement with state and non-state actors must take into account local priorities and concerns, and seek to address the root causes of abuse in ways that do not constrain villagers' options for claiming their human rights

After this introduction and details on KHRG field research methodology and the approach used to conduct analysis for this report, sections II, III and IV present information on 17 categories of abuse, and quantifies their occurrence in seven research areas, which stretch across four of Burma's 14 states and regions. Section II outlines different forms of harm perpetrated against civilians in eastern Burma during the reporting period. Villagers in all seven research areas reported abuses that amount to serious violations of international humanitarian and human rights law: villagers in five of seven areas documented summary execution; torture was documented in four. The indiscriminate firing of mortars and small arms in civilian residential and agricultural areas was documented in all seven areas, while deliberate attacks on civilians and forced minesweeping or human shielding were both documented in six of seven areas.

Section III and IV outline other forms of abuse raised by villagers that, while individually less sensational, are nonetheless devastating for rural livelihoods and communities, particularly when understood in the context of their cumulative effects. Section III details abuses that restrict villagers' freedom to pursue their lives and livelihoods. Imposition of restrictions that prevented villagers from moving, travelling or conducting trade freely were documented in all seven research areas; restrictions on the transport of food, medical supplies, and the passage of medical personnel were documented in five. Five areas, meanwhile, also saw forced relocation and the arbitrary arrest and detention of civilians.

Section IV details human rights abuses that relate to the extraction of civilians' labour, land or property. Villagers faced abuses that entailed exploiting or expropriating individual and household labour and property: forced labour, arbitrary taxation and demands, and forced recruitment into armed forces and groups were each documented in all seven research areas. Villagers in all seven areas raised serious concerns about the impacts of development projects or extractive industries, such as logging, mining, rubber-planting and dams, on local communities, including the wide-scale confiscation of villagers' land, forced relocation and the destruction of natural resources on which villagers' livelihoods depend.

Crucially, serious violations like those described in Section II help to underpin the abuses described in sections III and IV. Villagers across eastern Burma reported that restrictions and exploitative demands were backed by explicit threats of violence. In cases where threats of violence were not made explicit, past and recent experiences with such abuse served as potent reminders. In a context where villagers have only rarely, or never, seen a soldier punished and where no legal or formal pathways exist for challenging, seeking protection from, or redress for abuse, even victims with no specific past experience of violence are likely to read a credible implicit threat into restrictive and exploitative demands. These concerns function to limit the practical options with which civilians can seek to address their human rights concerns, particularly via approaches that entail engagement with state and military authorities. It is precisely because communities in eastern Burma continue to face these threats, and because only they can assess the probability of such threats resulting in violence, that their capacity to assess and determine their own human rights concerns, and the ways in which these threats impact on their lives and priorities, should be recognised and heeded. Any approach which excludes villagers' own experiences, and local assessments of abuses which are serious and ongoing, risks mistaking short-term signs of change for a material alteration of the dynamics of abuse, with grave consequences for civilian populations across eastern Burma.

Methodology

Field Research

KHRG has gathered testimony and documented individual incidents of human rights violations in eastern Burma since 1992. Research for this report was conducted by a research network of villagers trained by KHRG, some drawing salary and other material support, and some working as volunteers. Villagers who submitted information contained in this report were trained and equipped to employ KHRG research methodology, including to:

- Gather oral testimony, by conducting audio-recorded interviews with other villagers living in eastern Burma. When conducting interviews, villagers are trained to use loose question guidelines, but also to encourage interviewees to speak freely about recent events, raise issues that they consider important and share their opinions or perspectives on abuse and other local dynamics.
- Document individual incidents of abuse using a standardised reporting format. When writing or gathering incident reports, villagers are encouraged to document incidents of abuse that they consider important, by verifying information from multiple sources, assessing for potential biases and comparing incidents to local trends of abuse.
- Write general updates on the situation in areas with which they are familiar. When writing situation updates, villagers are encouraged to summarise recent events, raise issues that they consider important, and present their opinions or perspectives on abuse and other local dynamics in their area.
- Gather photographs and video footage. Villagers are trained to take photographs or video footage of incidents as they happen when it is safe to do so or, because this is rarely possible, of victims, witnesses, evidence or the aftermath of incidents. Villagers are also encouraged to take photographs or video footage of other things they consider important, including everyday life in rural areas, cultural activities and the long-term consequences of abuse.
- Collect other forms of evidence where available, such as letters written by military commanders ordering forced labour or forced relocation.

Verification

KHRG trains villagers to verify reports by gathering different types of information or reports from multiple sources, assessing the credibility of sources and comparing the information to their own understanding of local trends. It is important to emphasise, however, that KHRG reporting is designed to share the perspectives of individuals and communities in remote rural areas, rather than to focus on incident-based reporting. Though information was assessed for credibility by KHRG during all stages of analysis for this report (detailed below), the purpose of this report is to identify human rights abuses that were raised by villagers, rather than to quantify a number of confirmed incidents. Emphasis has also been placed on locating concerns raised by communities in trends identified by KHRG over the last 20 years, rather than seeking to disqualify testimony because rural people may not always articulate things clearly or keep exact records of abuse perpetrated against them. This report seeks to emphasise the cumulative weight of the large data set analysed for this report, and the consistency with which abuses of the same type are raised by communities across a wide geographic area.

Every piece of information in this report is based directly upon testimony, articulated by villagers over the last year. In order to make this information transparent and verifiable, all examples have been footnoted to published KHRG reports or, in some cases, to unpublished information that remains on file with KHRG. Previously published transcripts of 56 audio-recorded interviews and 54 documents written by villagers detailing individual incidents and summarising the situation in their areas are available in three Appendixes to this report. Wherever possible, this report also includes selections of testimony to illustrate examples highlighted by KHRG. In some cases, this testimony is directly from victims; in other cases, it is from written statements by

villagers who, while not always themselves victims, have been trained by KHRG to document human rights issues in their home areas. In all cases, the testimony comes from people who have themselves directly experienced abuse or the effects of abuse, and who continue to live in eastern Burma.

Analysis for this report

This report focuses exclusively on events that occurred during the reporting period November 2010 to November 2011. During this period, villagers trained by KHRG collected a total of 1,270 oral testimonies, sets of images and documentation written by villagers, including: 523 audio-recorded interviews, 220 incident reports, 84 situation updates, 125 other documents written by villagers, 111 sets of photos and video amounting to a total of 12,517 images, and 207 written orders issued by civilian and military officials. Interviewees included both village leaders and persons not in positions of leadership, as well as men, women and youths. While KHRG is committed to interviewing villagers from all ethnic groups within its research areas, the majority of villagers interviewed belong to different sub-ethnicities of Karen. Interviews were, however, also conducted with other ethnic nationalities including Burman, Pa'O, Mon, Arakan and Shan villagers.

Information collected between November 2010 and November 2011 related to events that occurred both during and prior to that period. In order to identify the degree to which previously identified trends have continued, this collection of primary documentation was analysed exclusively for events occurring after November 2010. Because KHRG's information cannot purport to be comprehensive, the report does not seek to quantify a total number of incidents across research areas. Instead, this report seeks to identify the occurrence of different types of human rights abuses across eastern Burma, and determine the degree to which trends identified in years past continued to occur.

In order to quantify information geographically, KHRG organised information according to seven research areas: Thaton, Toungoo, Nyaunglebin, Tenasserim, Papun, Dooplaya and Pa'an. These seven research areas are commonly referred to as "districts" and are used by the Karen National Union (KNU), as well as many local Karen organisations, both those affiliated and unaffiliated with the KNU. KHRG's use of the district designations to explain our research areas represents no political affiliation; it is rooted in KHRG's historical practice, due to the fact that villagers interviewed by KHRG, as well as local organisations with whom KHRG seeks to cooperate, commonly use these designations. The seven districts do not correspond to any demarcations used by Burma's central government, but cover all or some parts of government-delineated Kayin and Mon States and Bago and Tanintharyi regions. In order to make information in this report intelligible to stakeholders using maps with government designations, the maps in Figure 1 and Figure 2 includes both the government demarcation system of states and regions and the seven research areas, or districts, used to organise information in this report.

In order to systematically organise the large volume of information analysed for this report, in April 2011 KHRG conducted an internal workshop to identify the most common types of human rights concerns raised by villagers over the past 20 years. The development of these categories was not dictated by internationally defined legal rights. Where relevant, however, analysis in the sections below make reference to international humanitarian and human rights law; these references have been made in order to help articulate distinctions drawn between categories or to highlight the unlawful nature of a given set of practices. After developing these categories, from April to November 2011, a total of six KHRG staff members analysed and coded existing as well as incoming information, assessed each piece of documentation for content and quality, and assigned it a translation and publication priority. A second round of analysis, in which coding was confirmed or adjusted and collated by district, was conducted in December 2011. KHRG staff then identified the number of districts in which each type of abuse was documented, and used this information to draw conclusions about the nature and geographic scope of human

rights concerns raised by villagers. Results of this coding are summarised in Table A.1 below. Full analysis of these results make up the bulk of this report, in sections II to IV.

Censoring of names, locations and other details

Where quotes or references include identifying information that KHRG has reason to believe could put villagers in danger, particularly the names of individuals or villages, this information has been censored, and the original name has been replaced by a random letter or pair of letters. The censored code names do not correspond to the actual names in the relevant language or to coding used by KHRG in previous reports, with the exception of excerpts taken from previously published KHRG reports. All names and locations censored according to this system correspond to actual names and locations on file with KHRG. Thus, censoring should not be interpreted to mean the absence of information. In many cases, further details have been withheld for the security of villagers and KHRG researchers.

Independence, obstacles to research and selection bias

Though KHRG often operates in or through areas controlled by armed forces and groups including the Tatmadaw, Tatmadaw Border Guard battalions and non-state armed groups (NSAGs), KHRG is independent and unaffiliated. Access to some contexts has sometimes been facilitated by the Karen National Liberation Army (KNLA), particularly in cases where KHRG researchers need to cross vehicle roads or enter villages that the Tatmadaw has burned or are likely to be mined. Other groups were not willing to facilitate research by KHRG; Tatmadaw, Border Guard and Democratic Karen Buddhist Army (DKBA) soldiers were the chief obstacles to safely conducting research in eastern Burma during the reporting period. Villagers documenting human rights abuses did so with the understanding that they risked arrest or execution should perpetrators of abuse learn of their activities; in some areas, bounties have been placed on the heads of villagers for documenting human rights abuses.

Because of the obstacles described above, it is only possible for villagers collecting testimony to interview civilians who are not likely to report documentation activities to authorities in a way that would place those villagers in danger. This does not represent a research constraint in areas where whole communities are in hiding, view authorities perpetrating abuse as a threat, and as such are likely to flee rather than risk encountering them. In other areas, however, security considerations mean that villagers are not always able to openly interview civilians from all perspectives. Villagers most likely to compromise the security of villagers working with KHRG may also be villagers that are most likely to present a positive view of Tatmadaw, and be critical of NSAGs that continue to be in conflict with Burma's central government.

It is important to acknowledge that these limitations restrict KHRG's ability to make conclusions about all aspects of operations by opposition NSAGs or about potentially positive activities conducted by the government. For this reason, this report avoids making conclusions that would be unsupported by the data set, including practices of the government in areas where research was not conducted, or the non-occurrence of events about which KHRG did not collect information. Instead, this report focuses on sharing concerns raised by villagers that relate to events they experienced over the last 12 months, and analysing those experiences in light of patterns previously identified by KHRG.

It is equally important to acknowledge that research limitations do not call into question the veracity of documentation regarding practices by the Tatmadaw or other groups. While there is a risk that individuals interviewed by KHRG might hold personal biases that cause them to provide exaggerated or inaccurate information, the verification practices described above are designed to prevent such inaccuracies from being reported by KHRG. Furthermore, the sheer volume and consistency of information gathered by KHRG during the reporting period, as well as over the last 20 years, minimises the potential for inaccurate or incorrectly identified patterns. Ultimately, the constraints faced by KHRG mean that there are unanswered questions about issues not present in the data set, on which further research needs to be conducted. Patterns

identified across such a substantial data set, however, mean that there should be no question regarding the seriousness, or widespread nature, of abuses villagers faced during the last year.

Table 1: Geographical spread of abuses, November 2010 to 2011

	Thaton	Toungoo	Nyaunglebin	Tenasserim	Papun	Dooplaya	Pa'an
Explicit threats of violence	Yes	Yes	No	Yes	Yes	Yes	Yes
Torture	No	Yes	No	No	Yes	Yes	Yes
Violent abuse	No	Yes	No	No	Yes	Yes	Yes
Rape and sexual violence	Unconfirmed	Unconfirmed	No	Unconfirmed	Unconfirmed	Yes	No
Deliberate attacks targeting civilians	No	Yes	Yes	Yes	Yes	Yes	Yes
Indiscriminate firing of mortars or small arms	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Landmines and UXO	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Forced minesweeping and human shields	Yes	Yes	No	Yes	Yes	Yes	Yes
Summary execution and other killing of civilians	No	Yes	No	Yes	Yes	Yes	Yes
	Thaton	Toungoo	Nyaunglebin	Tenasserim	Papun	Dooplaya	Pa'an
Forced relocation	Yes	Yes	No	No	Yes	Yes	Yes
Restrictions on freedom of movement or trade	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Denial of access to humanitarian goods and services	Yes	Yes	Yes	No	Yes	No	Yes
Arbitrary arrest and detention	No	Yes	No	No	Yes	Yes	Yes
Forced labour	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Arbitrary taxation and demands	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Forced recruitment	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Theft and looting	Yes	Yes	No	Yes	Yes	Yes	Yes
Land confiscation	Yes	Yes	Yes	Yes	Yes	Yes	Yes

II. Harming villagers

A. Explicit threats of violence

This category includes documented incidents entailing the issue of an explicit threat of the use of violence, either verbally or in writing. In the past 20 years, KHRG has consistently documented explicit threats of violence issued against civilians in all seven research areas.⁴

"On July 15th 2011, Tatmadaw LIB #220 led by and under the command of Battalion Commander Zaw Win Htun, which is based in S---, T--- and H--- villages, did not let villagers in the area leave their villages. They [the Tatmadaw] did not let villagers go out to look after their cattle or go to their farms. Then they said they will kill any villagers and village heads who contact the Karen National Liberation Army [KNLA], if the KNLA comes and shoots at them."

Situation update written by a villager,
Pa'an Township, Thaton District



This photo, taken on July 1st 2011, shows U Sa--- (back right) with his wife and three children. The family fled Pa-- village, Dooplaya District, on June 16th 2011 amid Tatmadaw threats and abuse after the capture by the DKBA of a Tatmadaw soldier at U Sa---'s shop on June 15th. U Sa-- said Tatmadaw soldiers threatened to kill him if the captured soldier was not returned, and that the same soldiers arrested and threatened to kill the mother of the DKBA officer believed to have captured the Tatmadaw soldier.³ [Photo: KHRG]

(October 2011)⁵

During the reporting period, villagers in six out of seven research areas⁶ reported explicit threats of violence against civilians. Villagers reported that they were threatened that they or a third party⁷ would be killed or their village burned⁸ if they failed to comply with movement or trade restrictions,⁹ if the Karen National Liberation Army (KNLA) attacked Tatmadaw soldiers,¹⁰ if

³ "Dooplaya Interview: U Sa---, July 2011," KHRG, July 2011.

⁴ See for example: "Thaton Situation Update: June to October 2011," KHRG, November 2011; *Civilian and Military order documents: March 2008 to July 2011*, KHRG, October 2011; *SPDC and DKBA order documents: January 2009 to June 2010*, KHRG, September 2010; *Self-protection under strain: Targeting of civilians and local responses in northern Karen State*, KHRG, August 2010; *Village Agency: Rural rights and resistance in a militarized Karen State*, KHRG, November 2008.

⁵ "Thaton Situation Update: June to October 2011," KHRG, November 2011

⁶ Thaton, Toungoo, Tenasserim, Papun, Dooplaya and Pa'an districts; that is, all districts except Nyaunglebin.

⁷ "Dooplaya Interview: U Sa---, July 2011," KHRG, July 2011.

⁸ "Village heads negotiate with Tatmadaw, armed groups to forestall human rights threats amid continued conflict in Dooplaya District," KHRG, August 2011; Displacement Monitoring Update No. 67: "DKBA demands payment from villages in Pa'an District, warns of escalation of conflict," KHRG, March 2011.

⁹ An unpublished report from Toungoo District received by KHRG in August 2011 notes that villagers face restrictions on transporting food to their agricultural workplaces that are back by the threat that villagers will be killed if they fail to comply with this restriction: "Whenever [Shah See Boh] villagers go to their farm they can only bring three small tins of rice. If the [Tatmadaw soldiers] check and see the villagers brought more than three small milk tins of rice, they will kill the villagers." See also: "Toungoo Situation Update: July to October 2011," KHRG, November 2011: "On July 28th 2011, IB #73, which is based in B--- army camp, restricted B--- villagers from going to sleep at their farm huts and they [villagers] were not allowed to use flashlights either. The commander said: "If I see villagers using flashlights or sleeping in their huts, I'll take action and it'll be dta thee gka dtaw ['death time' or 'time to die'] for them."

¹⁰ "Thaton Situation Update: June to October 2011," KHRG, November 2011.

villagers did not comply with demands for forced labour¹¹ or taxation demands,¹² if they refused to join a *pyi thu sit* 'people's militia' group¹³ or if a captured Tatmadaw soldier was not released.¹⁴

"On August 9th 2011, Tatmadaw Border Guard Battalion #1014 [soldiers] led by Company Commander Tin Win ordered villagers from each village in O--- village tract to porter and stay with them for three months. If a village did not provide porters, the village had to pay 450,000 kyat (US \$584)... They threatened that they would boh [cover with cloth or plastic] the village heads' heads [if they did not provide porters or payment]."

Situation update written by a villager, Pa'an Township, Thaton District
(October 2011)¹⁵

"After that [arrest], the Burma Tatmadaw came and scolded and threatened villagers and village leaders that they'd burn our Pa--- village and that they'd shoot [at] our homes and beat our villagers if they didn't get their soldier back ... what happened [the capture of the Tatmadaw soldier] happened at my house, and they said that if they didn't get their soldier back then they'd kill me. So for me, I fled ... They talked to Saw R---'s father, and told him to go and get their soldier back from his son. The officer wrote two sentences [for Saw R---], which said: 'Return the soldier by tomorrow. If you do not find the soldier by tomorrow, come and get your mother's body here.'"

U Sa--- (male, 50), Pa--- village, Kawkareik Township, Dooplaya District
(July 2011)¹⁶

Villagers also continued to specifically request that KHRG not publish or otherwise share their names or personal details; this is strongly indicative of the extent to which villagers fear threats to their physical security if they report human rights abuses or share information with groups not affiliated with the Burma government.¹⁷

"SPDC Army [Tatmadaw]¹⁸ Battalion Commander Aye Lwin of IB #561, which has been active in the area, ordered the Kh--- village head on December 19th 2010 to go and meet him [and other village heads] at his army camp in Hton Ton. He ordered these village heads to organise villagers to go and porter rations for him to Gk--- army camp... One person from every household had to go. People who did not go had to pay 40,000 kyat each. This information was reported by a leader of the Kh--- village area who does not want his name to be made public."

Situation Update written by a villager, Te Naw Th'Ri Township, Tenasserim Division
(April 2011)¹⁹

¹¹ "Thaton Situation Update: June to October 2011," KHRG, November 2011.

¹² Displacement Monitoring Update No. 67: "DKBA demands payment from villages in Pa'an District, warns of escalation of conflict," KHRG, March 2011.

¹³ "Tenasserim Situation Update: Te Naw Th'Ri Township, May to September 2011," KHRG, December 2011.

¹⁴ "Dooplaya Interview: U Sa---, July 2011," KHRG, July 2011.

¹⁵ "Thaton Situation Update: June to October 2011," KHRG, November 2011.

¹⁶ "Dooplaya Interview: U Sa---, July 2011," KHRG, July 2011.

¹⁷ "Tenasserim Situation Update: Te Naw Th'Ri Township, April 2011," KHRG, September 2011.

¹⁸ The villager who wrote this information used the term *Na Ah Pa* (State Peace and Development Council, or SPDC) to refer to Burmese military authorities. Many Karen villagers continue to use the phrase *Na Ah Pa* to refer to military or civilian government officials, despite the official dissolution of the SPDC in March 2011; see: "Mission Accomplished as SPDC 'dissolved'," Myanmar Times, April 4-10th 2011. Similarly, older villagers may still use the phrase *Na Wa Ta* (State Law and Order Restoration Council, or SLORC) to refer to the Burmese government, even though the SLORC has not officially existed since 1997. Where villagers have used the term *Na Ah Pa*, "SPDC" has been retained in the translations included in this report.

¹⁹ "Tenasserim Situation Update: Te Naw Th'Ri Township, April 2011," KHRG, September 2011.

B. Torture

Article 1 of the 1984 Convention Against Torture (CAT) defines “torture” as: “severe pain or suffering, whether physical or mental ... intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.” In the last twenty years, KHRG has consistently documented incidents in which civilians have been tortured by persons acting in an official capacity on behalf of the Burma government.²⁰

“He was beaten on the whole body. His whole body was full of bruises. At his belly and his armpits were full of scars from knife cuts. Once a day he was interrogated. When he first came back, his left eye was very red and I worried something will become worse.”

Villager trained by KHRG, Phop Phra District, Tak Province, Thailand
(January 2011)²¹

During the reporting period, villagers in four out of seven districts²² reported incidents in which severe pain or suffering was intentionally inflicted by Tatmadaw or Tatmadaw Border Guard soldiers for the purpose of obtaining information,²³ eliciting a confession,²⁴ punishing for an act they or a third person committed or was suspected to have committed,²⁵ or intimidating or coercing them or a third person.²⁶

“They saw three Karen soldiers and opened fire immediately ... When they were firing, they [LIB #102] shot Saw K---, the SPDC-appointed L--- village head, in the hand ... They found Saw K--- in a monastery and, without asking him anything, arrested him immediately and accused him of being a Karen soldier. After that, they took him to the village’s vehicle road and threw stones at him, but he did not die. So afterwards, they shot him in the head with a gun and left his body on the side of the vehicle road.”

Situation report written by a villager, Dweh Loh Township, Papun District
(November 2011)²⁷

²⁰ See for example: *From Prison to Front Line: Analysis of convict porter testimony 2009 – 2011*, KHRG, July 2011; *Dead Men Walking: Convict Porters on the Front Lines in Eastern Burma*, KHRG and Human Rights Watch, July 2011; “Livelihood consequences of SPDC restrictions and patrols in Nyaunglebin District,” KHRG, September 2010; “Attacks on cardamom plantations, detention and forced labour in Toungoo District,” KHRG, May 2010; “Villagers responses to forced labour, torture and other demands in Thaton District,” KHRG, October 2008; “Oppressed twice over: SPDC and DKBA exploitation and violence against villagers in Thaton District,” KHRG, March 2008; “SPDC soldiers arrest and kill villagers on allegations of contacting KNU/KNLA,” KHRG, January 2008; *Setting Up the Systems of Repression: The progressive regimentation of civilian life in Doooplaya District*, KHRG, September 2006; *Surviving in Shadow: Widespread Militarization and the Systematic Use of Forced Labour in the Campaign for Control of Thaton District*, KHRG, January 2006; “Proliferation of SPDC Army camps in Nyaunglebin District leads to torture, killings and landmine casualties,” KHRG, July 2005; *PHOTO SET 2005-A: Detention and Torture*, KHRG, May 2005.

²¹ Displacement Monitoring Update No. 46: “Physical abuse during interrogation and extended detention of civilian from Waw Lay,” KHRG, January 2011.

²² Toungoo, Papun, Doooplaya and Pa’an districts.

²³ Displacement Monitoring Update No. 42: “Arbitrary arrest, detention and confiscation of property in the Waw Lay village area,” KHRG, January 2011.

²⁴ Displacement Monitoring Update No. 60: “Villagers arrested, tortured by Tatmadaw soldiers in Oo Kreh Htah village,” KHRG, February 2011.

²⁵ “Villager executed in Papun District,” KHRG, October 2011; “Toungoo Situation Update: July to October 2011,” KHRG, November 2011.

²⁶ “Villager executed in Papun District,” KHRG, October 2011.

²⁷ “Papun Situation Update: Dweh Loh Township, Received in November 2011,” KHRG, December 2011.

It should be noted that KHRG's ability to document torture is limited by the fact that victims of torture often do not return to the community, and thus are not available to give testimony. Signs of torture were nonetheless present on bodies of villagers arrested by Tatmadaw and Tatmadaw Border Guard soldiers and subsequently found by villagers trained to document abuses, which serves as strong evidence of torture. On February 1st 2011, Saw M--- was executed by soldiers from Tatmadaw Border Guard Battalion #1015, who suspected him of contacting the KNLA. Villagers who found his body and later spoke with KHRG described signs of a severe beating, including a broken jaw and neck.²⁸

"They abused him along the way and later they killed him. They shot him twice, once at the back of his neck and another close to his ear. They shot him twice ... The back of his neck become swollen. His jaw and neck was broken because of the beating ... They came and did this for no reason. Until now, I don't know why they killed him."

Naw L--- (female, 23), Gk--- village, Lu Pleh Township, Pa'an District
(January 2011)²⁹

Other examples of individuals subjected to documented incidents of torture during the reporting period include a village head in Toungoo District who was beaten so severely as punishment for a KNLA attack on Tatmadaw troops that, two months later, he remained bed-ridden;³⁰ and a village head in Papun District, who was stoned with rocks following a clash between the Tatmadaw and KNLA, before he was executed with a shot to the head at point-blank range.³¹

"On August 8th 2011, the KNLA also went and shot at SPDC soldiers and then the SPDC [Tatmadaw] arrested the local village head and beat him seriously. His name is Saw De---, 35 years old, and his father's name is Saw Th---. He isn't guilty of doing anything wrong. They beat him and abused him until he couldn't eat and he became sick. He has had to stay lying down in his bed until now."

Situation Update written by a villager, Tantabin Township, Toungoo District
(November 2011)³²

²⁸ "Extrajudicial execution of two civilians in Pa'an District," KHRG, February 2011.

²⁹ This is an excerpt from a previously unpublished incident report written by a villager trained by KHRG to document human rights abuses in January 2011 in Lu Pleh Township, Pa'an District with Naw L---, a 23-year-old resident of Gk--- village, who described the summary execution of Saw T---, 27, another resident of Gk---, suspected of contacting the KNLA. This interview was received by KHRG in August 2011, along with eleven other interviews, two situation updates, two incident reports and 155 photos. For a published report providing further details on this incident, see: "Extrajudicial execution of two civilians in Pa'an District," KHRG, February 2011.

³⁰ "Toungoo Situation Update: July to October 2011," KHRG, November 2011.

³¹ "Villager executed in Papun District," KHRG, October 2011.

³² "Toungoo Situation Update: July to October 2011," KHRG, November 2011.



These photos, taken on February 13th 2011, show knife wounds sustained by Saw M---, 35 during interrogation by Tatmadaw soldiers on February 11th. Saw M--- had had returned to retrieve charcoal left behind when he fled his village to avoid conflict between the Tatmadaw and DKBA in Doooplaya District. He and another villager, Saw Y---, 20, was arrested by Tatmadaw soldiers, who accused them of being DKBA soldiers planning to attack Tatmadaw forces and detained them overnight in a nearby Tatmadaw camp. During their detention Saw M--- and Saw Y--- were tied up and then punched and threatened as interrogating soldiers attempted to elicit a confession. Soldiers used a knife to make two cuts in Saw M---'s head, shown in the pictures above, while Saw Y--- had a knife held to his throat and a cut made along the left side of his forehead. The men were released the following day after a group of village elders, three men and two women, visited the Tatmadaw camp to negotiate their release. The source that spoke with KHRG said that their village headman had been too afraid to meet the Tatmadaw soldiers alone and did not go to the camp.³³ [Photos: KHRG]

³³ Displacement Monitoring Update No. 60: "Villagers arrested, tortured by Tatmadaw soldiers in Oo Kreh Htah village," KHRG, February 2011

C. Violent abuse

This category is included in order to summarise concerns raised by villagers about incidents which, while perhaps falling short of the internationally-accepted legal definition of torture, nonetheless constitute serious abuse perpetrated against civilians by military actors. In the past 20 years, KHRG has consistently documented the violent abuse of civilians in all seven research areas.³⁵

During the reporting period, villagers in four out of seven research areas³⁶ reported incidents of violent abuse of civilians by Tatmadaw and Tatmadaw Border Guard soldiers. Because it is not always clear whether the degree of harm caused or the purpose for which the harm was caused reach the threshold for torture detailed in Section II: B above, incidents documented by villagers in these four districts should at the very least highlight the need for further investigation of the specific circumstances surrounding each incident.

Examples of individuals subjected to documented incidents of violent abuse during the reporting period include a villager who was bound and left in the sun for an hour every day for ten days and, in the evenings, kept handcuffed in the same position;³⁷ a villager who was bound and badly beaten;³⁸ an elderly woman who was kicked by a Tatmadaw soldier;³⁹ a villager who was punched, kicked, struck with a rifle butt and knocked



This photo, taken on March 9th 2011, shows Saw H---, 27, a resident of Te--- village, Kawkareik Township, Dooplaya District, who fled with his family to Mi--- in Thailand's Phop Phra District in November 2010. Saw H--- said he is an ex-DKBA soldier, having left the DKBA in early 2010. He told KHRG that on February 20th at approximately 4 pm, he was seized by a man he believed to be an out-of-uniform Tatmadaw soldier while gathering vegetables on the Thai side of the Moei River, dragged across the river to To---, an uninhabited agricultural area which is under Tatmadaw control in Kawkareik Township. Saw H--- said his assailant brought him to two other men in civilian clothes, but armed with MA-1 assault rifles, whom he also believed to be Tatmadaw soldiers; the three men accused him of planting landmines, and beat him unconscious. Saw H--- said he did not think the soldiers knew he was a former DKBA soldier.³⁴ [Photo: KHRG]

³⁴ Displacement Monitoring Update No. 64: "Man seized by Tatmadaw soldier in Thailand, beaten unconscious in Burma," KHRG, March 2011.

³⁵ See for example: *Self-protection under strain: Targeting of civilians and local responses in northern Karen State*, KHRG, August 2010; "Attacks on cardamom plantations, detention and forced labour in Toungoo District," KHRG, May 2010; "Exploitative abuse and villager responses in Thaton District," KHRG, November 2009; "Starving them out: Food shortages and exploitative abuse in Papun District," KHRG, October 2009; *Village Agency: Rural rights and resistance in a militarized Karen State*, KHRG, November 2008; "Oppressed twice over: SPDC and DKBA exploitation and violence against villagers in Thaton District," KHRG, March 2008; "Militarisation, violence and exploitation in Toungoo District," KHRG, February 2008; *Setting Up the Systems of Repression: The progressive regimentation of civilian life in Dooplaya District*, September 2006.

³⁶ Toungoo, Papun, Dooplaya and Pa'an districts.

³⁷ Displacement Monitoring Update No. 46: "Physical abuse during interrogation and extended detention of civilian from Waw Lay," KHRG, January 2011.

³⁸ "Dooplaya Situation Update: August 2011," KHRG, October 2011.

³⁹ This information comes from a previously unpublished incident report written by a villager trained by KHRG to document human rights abuses in November 2011 in Dta Greh Township, Pa'an District, describing an incident in which Naw K---, a 75-year-old resident of K--- village, was kicked by a Tatmadaw soldier who forcibly entered her house and stole her food. This incident was received by KHRG in November 2011, along with seven other incident reports, eight interviews, one situation update, and 137 photos.

unconscious after being accused of making landmines for a non-state armed group (NSAG);⁴⁰ and three villagers beaten with rifle butts after the summary execution of a fourth villager in their presence.⁴¹

"The soldier didn't ask permission and climbed into the house. The soldiers entered the kitchen room and ate rice. She [Naw K---, 75 years old] stayed in the kitchen room and told the soldier she was only eating rice with fish paste and pounded chilli, without curry. The Burmese [Tatmadaw soldier] took rice and moved to leave the kitchen room. At that time, she also stood up in front of the door. The Burmese soldier kicked her ankle and she fell down on the floor, in front of the kitchen door ... The Burmese soldier kicked her and she fell down on the floor."

Incident report written by a villager, Dta Greh Township, Pa'an District
(November 2010)⁴²



The photo on the left, taken on March 9th, shows the shirt Saw H--- (above), a 27-year-old resident of Te--- village, Kawkareik Township, Dooplaya District, was wearing when he was attacked, which was torn when he was seized and physically dragged across the river. The photo on the right, also taken on March 9th, shows the left side of Saw H---'s jaw, where he says he was struck with a rifle butt by one of his attackers, and knocked unconscious. While his external injuries have healed, Saw H--- told KHRG that more than two weeks after the incident he was still having difficulty hearing in his left ear, which was oozing blood and pus, and experiencing chest pains when he breathed.⁴³ [Photos: KHRG]

⁴⁰ Displacement Monitoring Update No. 64: "Man seized by Tatmadaw soldier in Thailand, beaten unconscious in Burma," KHRG, March 2011.

⁴¹ "Villager executed in Papun District," KHRG, October 2011.

⁴² This is an excerpt from a previously unpublished incident report written by a villager trained by KHRG to document human rights abuses in November 2011 in Dta Greh Township, Pa'an District. This incident was received by KHRG in November 2011, along with seven other incident reports, eight interviews, one situation update, and 137 photos.

⁴³ Displacement Monitoring Update No. 64: "Man seized by Tatmadaw soldier in Thailand, beaten unconscious in Burma," KHRG, March 2011.

D. Rape and sexual violence

Over the past 20 years, KHRG has documented rape and sexual violence against women and girl children by military actors in all seven research areas.⁴⁴ During the reporting period, villagers in one research area⁴⁵ gathered detailed evidence of specific incidents⁴⁶ of rape and sexual violence by Tatmadaw soldiers. Reports needing further confirmation were also received from four other research areas.⁴⁷

“They raped a woman named Naw G---, who’s 38 years old. Her father’s name is Saw H---. After they raped her, they let her go. They didn’t do it on an order from Officer S--- [of LIB #336, under MOC #7]. They just did as they wanted.”

Incident report written by a villager, Than Daung Township, Toungoo District (April 2011)⁴⁸



This photo was taken on December 22nd 2010 near the Waw Lay village school in Kawkareik Township, Dooplaya District, by a villager trained by KHRG to document human rights abuses. The villager estimated that the woman, who appeared to be between the ages of 20 to 30, had been killed approximately two days previously. [Photo: KHRG]

On December 22nd 2010, a villager trained to document local human rights conditions photographed the body of a woman found naked near the Waw Lay village school in Kawkareik Township, Dooplaya District; it was estimated by that villager that the woman had been killed at least two days before her body was photographed. Subsequent testimony from a Tatmadaw deserter strongly suggests that the deceased was also raped before being killed. On January 11th 2011 Ko A---, a 17-year-old former child soldier with Tatmadaw LIB #202 based in Waw Lay, reported that a Sergeant and three soldiers from his battalion raped and killed two girls approximately one month prior to the date of his interview.

“Three soldiers who followed their officer came back and told me that two girls were

⁴⁴ See for example: *Attacks on Health and Education: Trends and incidents from eastern Burma, 2010-2011*, KHRG, December 2011; “Nyaunglebin Interview: Naw P---, May 2011,” KHRG, July 2011; “Human rights abuses and obstacles to protection: Conditions for civilians amidst ongoing conflict in Dooplaya and Pa’an districts,” KHRG, January 2011; *KHRG Photo Gallery 2010 - Displacement Monitoring: Photo updates on protection concerns for villagers in Dooplaya District and Tak Province*, KHRG, January 2011; “Villagers flee to avoid fighting and portering: Conflict continues to impact civilians in Dooplaya District,” KHRG, December 2010; “Protection concerns expressed by civilians amidst conflict in Dooplaya and Pa’an districts,” KHRG, November 2010; *Grave Violations: Assessing abuses of child rights in Karen areas during 2009*, KHRG, January 2010; “IDP conditions and the rape of a young girl in Papun District,” KHRG, April 2009; *Growing up under militarisation: Abuse and agency of children in Karen State*, KHRG, April 2008; *Dignity in the Shadow of Oppression: The abuse and agency of Karen women under militarisation*, KHRG, November 2006.

⁴⁵ Dooplaya District.

⁴⁶ Displacement Monitoring Update No. 39: “Body of unidentified naked woman found near Waw Lay village,” KHRG, January 2011; Displacement Monitoring Update No. 48: “Interviews with Tatmadaw deserters confirm earlier reported incidents of abuse and general threats to civilians,” KHRG, January 2011. Two unpublished interviews conducted during February 2011 also contained information regarding specific incidents of rape in Papun District.

⁴⁷ Papun, Thaton, Toungoo and Tenasserim districts. Note that in all of these instances, KHRG was unable to confirm the date of the incident in question.

⁴⁸ This is an excerpt from an unpublished incident report written by a villager in Thandaung Township, Toungoo District who has been trained by KHRG to document human rights abuses. It was submitted to KHRG in May 2011 along with nine other incident reports, eleven interviews and 350 photos.

raped. After they raped her, the girl who was raped by the officer was killed. Her head was cut off. Another girl who was raped by them was killed like this. They did not cut off the [other] girl's head. They stabbed her with a knife. I did not know the three soldiers who followed the officer, but their officer was the sergeant, Soe Than."

Ko A--- (male, 17), former child soldier with
Tatmadaw LIB #202
(January 2011)⁵⁰

Villagers also raised past experiences with sexual violence and the expectation of future threats when explaining how they made decisions to engage or avoid the Tatmadaw. Examples included villagers fleeing changes in military dynamics that exposed them to the Tatmadaw⁵¹ and villagers covertly abandoning forced relocation sites and opting to hide in upland areas. When given an opportunity to highlight the abuses faced while living in a relocation site in Nyaunglebin District, for example, Naw P---, age 40, who subsequently managed to return to her old village, chose to highlight the following incident:



Ko A---, a 17-year-old former child soldier with Tatmadaw LIB #202, told KHRG that soldiers in his battalion had boasted to him that they, and their commanding officer Sergeant Soe Than, raped and killed two girls in Waw Lay village, Kawkareik Township, Dooplaya District.⁴⁹ [Photo: KHRG]

"They abuse the villagers' rights. They forced the villagers to move to a relocation site... and the SPDC Army [Tatmadaw soldiers] raped the girls. That battalion was LIB #440, from the army camp called Py---. The name of the officer [in LIB #440] was Bo Thu Kha. They said that if the villagers didn't want to move to the relocation site, then the most beautiful young girls had to marry [be like a wife to] the soldiers... The next day, the SPDC Army soldier called the girl to come see him at the school. She said she wouldn't go and he said to the girl: 'If you won't come, I'll arrest your mother.' She was afraid that the SPDC soldiers would come to her house again and he lied to her, saying: 'Don't worry, a few of your friends are at the school.' She was afraid and didn't have a choice, and she went to the school and the soldier raped her. The girl came back and complained to the KWO [Karen Women Organisation]."

Naw P--- (female, 40), Ta--- village, Ler Doh Township, Nyaunglebin District
(May 2011)⁵²

It is important to note that the villagers whom KHRG has trained to document human rights abuses are predominately male; as such, they face certain social and cultural challenges related to gathering information about the particularly sensitive issue of rape and sexual violence. KHRG was able to gather and confirm information regarding one incident of rape in the Waw Lay village area at the end of December 2010, for example; but a deserter from the Tatmadaw unit in the area reported two incidents during the same period. In another example, during September 2011, a villager who has been working to document human rights abuses since

⁴⁹ Displacement Monitoring Update No. 48: "Interviews with Tatmadaw deserters confirm earlier reported incidents of abuse and general threats to civilians," KHRG, January 2011.

⁵⁰ Displacement Monitoring Update No. 48: "Interviews with Tatmadaw deserters confirm earlier reported incidents of abuse and general threats to civilians," KHRG, January 2011.

⁵¹ *Protection concerns expressed by civilians amidst conflict in Dooplaya and Pa'an districts*, KHRG, November 2010.

⁵² "Nyaunglebin Interview: Naw P---, May 2011," KHRG, July 2011.

1997 gathered initial details regarding an incident of rape occurring the previous month in Dweh Loh Township, Papun District. He was unable to verify the information, however, when community members indicated they did not wish to further discuss the incident.

The limited geographical spread of information about rape and sexual violence documented during the reporting period is therefore not necessarily indicative of the scope or the scale of sexual violence in research areas; rather, it speaks to the inherent limits on information-gathering in eastern Burma primarily conducted by men. The prevailing military situation, particularly in areas that have seen an influx of troops or changes in military dynamics, is characterised by the presence of a large number of armed soldiers who operate on an understanding that soldiers who perpetrate sexual violence will not face consequences for their actions. As KHRG has previously reported, the combination of these two factors creates conditions in which the probability of incidents of rape and sexual violence increases substantially.⁵³ Community-based women's organisations that conduct information-gathering as well as provide support for victims have reported a larger number of incidents of rape and sexual violence elsewhere in Burma during the reporting period.⁵⁴ After Naw P--- described the incident in her relocation site, for example, she noted that the victim sought support from the Karen Women's Organisation (KWO), which has released reports detailing significantly more incidents of sexual violence in many of the same areas of eastern Burma in which KHRG works.⁵⁵

⁵³ *Dignity in the shadow of oppression: The abuse and agency of Karen women under militarization*, KHRG, November 2006, p.47.

⁵⁴ For example, the Kachin Women's Association of Thailand (KWAT) reported 37 incidents of rape in the two months following the end of a 17 year-long ceasefire between the Kachin Independence Army (KIA) and the Tatmadaw, and the renewal of conflict in Kachin State on June 9th 2011, See "Burma's Covered Up War: Atrocities Against the Kachin People," KWAT, October 2011. See also "Rape cases documented during Burma Army offensive in northern Shan State Since 13 March 2011," *Shan Women's Action Network (SWAN)*, Press release July 14th 2011.

⁵⁵ See most recently: *Walking amongst sharp knives: The unsung courage of Karen women village chiefs in conflict areas of Eastern Burma*, Karen Women's Organisation (KWO), February 2010; *State of Terror: The ongoing rape, murder, torture and forced labour suffered by women living under the Burmese Military Regime in Karen State*, KWO, February 2007.

E. Attacks on civilians

Customary international humanitarian law (IHL) requires parties to both international and non-international armed conflict to adhere to the principle of distinction; parties must distinguish between civilians and combatants, and between civilian objects and military objectives, at all times, including during the planning and execution of military operations.⁵⁷ Customary IHL therefore prohibits parties to conflict from deliberately attacking civilians or civilian objects. Additional rules of customary IHL derived from the principle of distinction furthermore prohibit attacks which are "indiscriminate" in nature, because they are not or cannot be directed at a specific military objective.⁵⁸

In the past 20 years, KHRG has consistently documented attacks in violation of the principle of distinction in all seven research areas, including both incidents in which civilians and civilian objects were deliberately attacked,⁵⁹ as well as attacks on civilians and civilian objects as a result of indiscriminate military practices.⁶⁰



This photo, taken on February 26th 2011, shows the remains of a home in Dteh Neh village, Lu Thaw Township, Papun District, burned by Tatmadaw troops on February 25th. Saw L---, the Dteh Neh village head, and villager documenting this incident both reported that one house and two rice barns in the village were burned down in the attack.⁵⁶
[Photos: KHRG]

⁵⁶ "Tatmadaw attacks destroy civilian property and displace villages in northern Papun District," KHRG, April 2011.

⁵⁷ ICRC Customary IHL Database, *Rule 1: The Principle of Distinction between Civilians and Combatants*: "The parties to the conflict must at all times distinguish between civilians and combatants. Attacks may only be directed against combatants. Attacks must not be directed against civilians"; and *Rule 7: The Principle of Distinction between Civilian Objects and Military Objectives*: "The parties to the conflict must at all times distinguish between civilian objects and military objectives. Attacks may only be directed against military objectives. Attacks must not be directed against civilian objects." See also: *Rule 8. Definition of Military Objective*: "... military objectives are limited to those objects which by their nature, location, purpose or use make an effective contribution to military action and whose partial or total destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage."; *Rule 9: Definition of civilian object*: "Civilian objects are all objects that are not military objectives."

⁵⁸ ICRC Customary IHL Database, *Rule 11: Indiscriminate attacks*; *Rule 12: Definition of indiscriminate attacks*: "Indiscriminate attacks are those: (a) which are not directed at a specific military objective; (b) which employ a method or means of combat which cannot be directed at a specific military objective; or (c) which employ a method or means of combat the effects of which cannot be limited as required by international humanitarian law; and consequently, in each such case, are of a nature to strike military objectives and civilians or civilian objects without distinction."

⁵⁹ See for example: "Attacks on cardamom plantations, detention and forced labour in Toungoo District," KHRG, May 2010; "Attacks and displacement in Nyaunglebin District," KHRG, April 2010; "Attacks, killings and the food crisis in Papun District," KHRG, February 2009; "Mortar attacks, landmines and the destruction of schools in Papun District," KHRG, August 2008.

⁶⁰ See for example: "Tatmadaw soldiers shell village, attack church and civilian property in Toungoo District," KHRG, November 2011; Displacement Monitoring Update No. 40: "KHRG Photos document examples of damage to property caused by shelling in Waw Lay village," KHRG, January 2011; "SPDC mortar attack on school in Papun District," KHRG, February 2010; "Update on SPDC/DKBA attacks at Ler Per Her and new refugees in Thailand," KHRG, June 2009.

Documentation by KHRG over the past 20 years, and in 2011, suggests a general pattern to these attacks. Deliberate attacks in which civilians and civilian objects are targeted, with shelling and/ or ground attacks, take place in geographic and/ or temporal isolation from legitimate military objectives or armed engagements between the Tatmadaw and NSAGs, and frequently when no recent or proximate engagements have occurred. These attacks appear to be perpetrated against communities perceived to support NSAGs – sometimes as apparent retaliation for recent clashes with NSAGs – and/ or communities residing in difficult-to-control upland areas which Tatmadaw forces have sought to depopulate over decades of military operations.

Attacks on civilians and civilian objects as a result of indiscriminate practices, meanwhile, typically occur in geographic or temporal proximity to legitimate military objectives or armed engagements between the Tatmadaw and NSAGs. In such contexts, civilians and civilian objects are attacked when soldiers fail to direct attacks at specific military objectives, either deliberately or by utilising weapons and practices that cannot be directed at those objectives; for example, by firing mortars into a wide area in which civilians live or work during or immediately after an engagement, either with knowledge of civilian presence, or without verifying the civilian or military nature of the area.

1. Deliberate attacks targeting civilians or civilian objects

During the reporting period, villagers documented attacks on civilians or civilian objects in six of seven research areas.⁶¹ In Dooplaya and Pa'an districts, following the refusal of elements of the Democratic Karen Buddhist Army (DKBA) to transform into Tatmadaw Border Guard Battalions,⁶² civilian settlements in areas of previously-longstanding government control experienced deliberate attacks.⁶³ Elsewhere, in areas of long-running low-intensity conflict in Tenasserim, Nyaunglebin, Toungoo and Papun districts, hiding sites,⁶⁴ houses and places of worship⁶⁵ were knowingly and wilfully sought out and destroyed by Tatmadaw troops.

"They ... killed villagers' chickens and pigs, and destroyed the church ... moreover, they broke the cooking pots ... They not only suspected our villagers [had contact with the KNLA], they also wanted to kill our villagers. Because they didn't kill any villagers, they destroyed our place of worship and our cultural items in the village. Moreover, they broke the statue of Mary into three pieces and shot all over the pictures on the wall."

Saw F--- (male, 55), W--- village, Than Daung Township, Toungoo District
(November 2011)⁶⁶

In five districts,⁶⁷ attacks were not triggered by prior fire from NSAG forces; rather, groups of battalions launched coordinated operations against identified areas, remotely shelling villages

⁶¹ Toungoo, Nyaunglebin, Tenasserim, Papun, Dooplaya, and Pa'an districts.

⁶² Media sources reported that these breakaway elements of the DKBA, under the command of Brigadier General Saw Lah Pwe, or 'Na Kha Mway,' agreed to a ceasefire with government troops on November 4th 2011. See "DKBA Brigade 5 Reaches Ceasefire with Naypyidaw," *The Irrawaddy*, November 4th 2011. For more on the origins of the post-election conflict in Dooplaya and Pa'an districts, see: "Protection concerns expressed by civilians amidst conflict in Dooplaya and Pa'an districts," KHRG, November 2010.

⁶³ "Dooplaya Interview: U Sa---, July 2011," KHRG, July 2011.

⁶⁴ "Tenasserim Interview: Saw K---, August 2011," KHRG, September 2011; "Tenasserim Situation Update: Te Naw Th'ri Township, April 2011," KHRG, September 2011.

⁶⁵ "Tatmadaw soldiers shell village, attack church and civilian property in Toungoo District," KHRG, November 2011.

⁶⁶ "Toungoo Interview: Saw F---, October 2011," KHRG, November 2011.

⁶⁷ Toungoo, Tenasserim, Papun, Dooplaya and Pa'an districts.

and then sometimes entering on foot to destroy civilian objects and food supplies,⁶⁸ or entering villages which were not immediately proximate to an area in which a clash with NSAG soldiers had previously occurred.⁶⁹ In an incident documented in Papun District in February 2011, a villager told KHRG that there had not been any clash between the Tatmadaw and a NSAG before Tatmadaw forces fired more than 30 shells into civilian areas and agricultural workplaces around his community in the space of an hour, after which Tatmadaw soldiers entered the area on foot.⁷⁰

"As these villagers are displaced villagers, they had to flee in fear suddenly during the shelling. ... They shelled over 30 mortars."

Saw L---, 30, Village head, Dteh Neh village, Saw Muh Bplaw village tract, Lu Thaw Township, Papun District
(March 2011)⁷¹

Tatmadaw forces shelled civilian objects remotely from Tatmadaw mortar positions on nearby hilltops,⁷² as well as entered civilian settlements on foot after shelling an area.⁷³ Villages thought to be supporting NSAGs were also shelled as punishment for clashes between the Tatmadaw a military group at a proximate location.⁷⁴ In July 2011, also in Doooplaya District, civilians' houses were fired on in retaliation for the capture of a Tatmadaw soldier.⁷⁵

"It was because they couldn't capture Saw R---. So they [Tatmadaw soldiers] came down [to the village], and before they arrived at Saw R---'s house they started firing. Then the whole group fired at Saw R--- house and ran up to the house. At that time, I was on the street and while they ran up to the house, I dared to watch it, and went up into my house. It happened right in front of me. I could see it. When the soldiers were firing at the house, inside the house there were three kids, inside the bomb shelter."

U Sa--- (male, 50), Pa--- village, Kawkareik Township, Doooplaya District
(July 2011)⁷⁶

Civilian objects, including those essential to the survival of the civilian population, were also knowingly and wilfully damaged or destroyed. Villagers raised concerns about food stores, agricultural inputs, food preparation equipment⁷⁷ and agricultural projects under cultivation⁷⁸

⁶⁸ "Tatmadaw attacks destroy civilian property and displace villages in northern Papun District," KHRG, April 2011.

⁶⁹ "Tatmadaw soldiers shell village, attack church and civilian property in Toungoo District," KHRG, November 2011.

⁷⁰ "Tatmadaw attacks destroy civilian property and displace villages in northern Papun District," KHRG, April 2011.

⁷¹ "Tatmadaw attacks destroy civilian property and displace villages in northern Papun District," KHRG, April 2011.

⁷² "Tatmadaw soldiers shell village, attack church and civilian property in Toungoo District," KHRG, November 2011.

⁷³ "Tenasserim Interview: Saw K---, August 2011," KHRG, September 2011; "Tenasserim Situation Update: Te Naw Th'ri Township, April 2011," KHRG, September 2011; "Tatmadaw attacks destroy civilian property and displace villages in northern Papun District," KHRG, April 2011.

⁷⁴ "Tatmadaw soldiers shell village, attack church and civilian property in Toungoo District," KHRG, November 2011.

⁷⁵ "Doooplaya Interview: U Sa---, July 2011," KHRG, July 2011.

⁷⁶ "Doooplaya Interview: U Sa---, July 2011," KHRG, July 2011.

⁷⁷ "Tatmadaw attacks destroy civilian property and displace villages in northern Papun District," KHRG, April 2011; "Joint Tatmadaw patrol burns field huts and seed stores, displace six villages in Toungoo District," KHRG, June 2011.

⁷⁸ An unpublished set of 50 photos taken by a villager in Toungoo District in August 2011 document the knowing and wilful destruction of villagers' coffee, cardamom, mangosteen, betelnut and durian plantations in the Gk--- area

being sought out and destroyed by being chopped down,⁷⁹ set fire to,⁸⁰ fired upon with small arms,⁸¹ and shelled with mortars from remote locations.⁸² During the Tatmadaw attack on civilian settlements in Papun District in February 2011, for example, villagers collected testimony and photographic documentation showing how Tatmadaw soldiers had methodically attacked the food supply in the village, including: burning paddy barns; pouring paddy seed stores onto the ground; piercing cooking implements and food and water storage containers with a bayonet or knife; firing small arms at a rice mill; and chopping down banana trees.⁸³

“Then, the SPDC Army [Tatmadaw soldiers] came to burn down a villager’s hut and destroyed two rice barns ... They burned Ht---’s mother’s paddy ... They burned 90 big tins of paddy (941 kg. / 2074 lb.) ... They also burned paddy kept in a rice barn. They burned one rice barn owned by N---’s mother ... It was more than 10 or around 20 big tins of paddy (105 – 209 kg. / 230 – 461 lb.) ... They took all the rice owned by K--- and also took a lot of other property. They [the damaged property] will cost over 50,000 [baht] ... They destroyed all the buildings to keep the ducks or other animals [pens] by firing bullets. They also broke all pots, pans, plates, and so on.”

Saw L---, 30, Village head, Dteh Neh village, Saw Muh Bplaw village tract, Lu Thaw Township, Papun District (March 2011)⁸⁴

Villagers in four research areas documented the flight of civilians due to attacks on civilians and civilian objects.⁸⁵ Flight disrupted villagers’ access to education and health facilities,⁸⁶ and resulted in temporary,⁸⁷ prolonged⁸⁸ or permanent displacement.⁸⁹ Villagers in areas of prolonged displacement raised concerns to KHRG that villagers in the area were facing an unprecedented food crisis, as increasing numbers of villagers were forced to seek safety by hiding in upland areas where arable land is limited.⁹⁰

“The villagers’ livelihoods don’t go well. The first reason is, because of the SPDC Army’s [Tatmadaw’s] restrictions these villagers can’t stay in their own villages. Moreover, Plah Koh village tract [residents] fled and it became more people staying in the same village tract. So, we don’t have enough land to cultivate. The numbers of hill fields and people are not balanced.”

of Tantabin Township by soldiers from Tatmadaw LIB #378 and #380. See also “Toungoo Situation Update: July to October 2011,” KHRG, November 2011.

⁷⁹ “Toungoo Situation Update: July to October 2011,” KHRG, November 2011; “Tatmadaw attacks destroy civilian property and displace villages in northern Papun District,” KHRG, April 2011.

⁸⁰ “Tatmadaw attacks destroy civilian property and displace villages in northern Papun District,” KHRG, April 2011; “Papun Situation Update: Bu Tho Township, August 2011,” KHRG, October 2011.

⁸¹ “Tatmadaw attacks destroy civilian property and displace villages in northern Papun District,” KHRG, April 2011.

⁸² “Tenasserim Interview: Saw K---, August 2011,” KHRG, September 2011.

⁸³ “Tatmadaw attacks destroy civilian property and displace villages in northern Papun District,” KHRG, April 2011.

⁸⁴ “Tatmadaw attacks destroy civilian property and displace villages in northern Papun District,” KHRG, April 2011.

⁸⁵ Toungoo, Tenasserim, Papun and Pa’an districts.

⁸⁶ “Attacks on Health and Education: Trends and incidents from eastern Burma, 2010-2011,” KHRG, December 2011.

⁸⁷ “Dooplaya Interview: U Sa---, July 2011,” KHRG, July 2011.

⁸⁸ “Tenasserim Interview: Saw K---, August 2011,” KHRG, September 2011.

⁸⁹ *Acute food shortages threatening 8,885 villagers in 118 villages across northern Papun District*, KHRG, May 2011.

⁹⁰ *Acute food shortages threatening 8,885 villagers in 118 villages across northern Papun District*, KHRG, May 2011.

Saw Th--- (male, 52), Yeh Muh Bplaw village tract secretary, Ta--- village, Yeh Muh Bplaw village tract (February 2011)⁹¹

"Out of 40 families, just three or four will have enough food. For these cases, we can't look after them ... Here, we have to gkaw aw may ['stop eating'] and I've seen that. Some people eat once a day and some people don't eat. They just let their children eat. There are people like this. They stay the whole day without eating."

Saw Y--- (male, 45), Ler Muh Bplaw village head, in hiding at Gk---, Ler Muh Bplaw village tract (March 2011)⁹²

In some cases, villagers utilised early-warning systems to flee approaching columns of Tatmadaw soldiers on patrol⁹³ and prepared belongings ahead of time in order to be ready to flee the firing of mortars and small arms in civilian areas; during the attack on civilian settlements in Papun District in February 2011, for example, villagers said that they fired three warning shots into the air to warn others of the attack.⁹⁴

"[They] fired [mortars] at the Dteh Neh area. They saw some of the villagers' huts and fired at them many times ... my villagers worried about me very much and went to find me. They ... went near my hill field and warned me by firing a gun three times. Therefore, I knew that the SPDC Army [Tatmadaw] had come to fire at the villagers in the village ... I was very afraid and went to find my villagers, and then I saw them in the forest."

Saw T--- (male, 40), Village head, Gklaw Bpaw Kee village, Lu Thaw Township (March 2011)⁹⁵

In other cases, villagers had no advance warning of attacks and fled, leaving possessions and food supplies behind; during an attack on a civilian settlement in Tenasserim Division on January 26th 2011, villagers fled mortar fire without any of their possessions and were unable to return to their village due to the subsequent planting of landmines in that settlement.

"They shelled the village with mortars, and when the mortar shells fell we were shocked and ran away with nothing [without possessions]. At that time, they [Tatmadaw soldiers] entered and burned the village ... They stayed in the village for about a week, and they stayed near the village for a month, so we had to hide for a month ... [The villagers] didn't dare to go back because the SPDC Army soldiers had placed landmines. Even me, I didn't dare to go back."

Saw K--- (male, 30), Backpack (BPHWT) medic, Tenasserim Division (August 2011)⁹⁶

⁹¹ *Acute food shortages threatening 8,885 villagers in 118 villages across northern Papun District*, KHRG, May 2011.

⁹² *Acute food shortages threatening 8,885 villagers in 118 villages across northern Papun District*, KHRG, May 2011.

⁹³ "Tatmadaw attacks destroy civilian property and displace villages in northern Papun District," KHRG, April 2011. See also detailed discussion in *Acute food shortages threatening 8,885 villagers in 118 villages across northern Papun District*, KHRG, May 2011.

⁹⁴ "Tatmadaw attacks destroy civilian property and displace villages in northern Papun District," KHRG, April 2011.

⁹⁵ "Tatmadaw attacks destroy civilian property and displace villages in northern Papun District," KHRG, April 2011.

⁹⁶ This is an excerpt from an interview conducted by a villager trained by KHRG to document human rights abuses in August 2011 with a Back Pack Health Worker Team (BPHWT) medic, who witnessed a joint attack by Tatmadaw soldiers from three different battalions on a civilian settlement in Ma No Roh village tract, Te Naw Th'ri Township, Tenasserim Division in January 2011 while he was providing health care in that settlement. Note that this excerpt has been slightly modified from the original published version, in order to clarify references to subjects which may



These photos, taken on February 26th 2011, show damage to the food supply and agricultural and cooking equipment perpetrated by Tatmadaw LIB #252 during the attack on Dteh Neh village, Lu Thaw Township, Papun District.⁹⁷ [Photos: KHRG]

not be clear out of context and without the interviewer's questions. See: "Tenasserim Interview: Saw K---, August 2011," KHRG, September 2011.

⁹⁷ "Tatmadaw attacks destroy civilian property and displace villages in northern Papun District," KHRG, April 2011.



These photos, taken on October 21st 2011, show damage to civilian property perpetrated by soldiers from Tatmadaw LIB #603 and IB #92 during an attack on W--- village, Than Daung Township, Toungoo District, on October 12th. The soldiers fired an estimated 50 mortars into the village from an elevated position after a clash with KNLA soldiers at a location approximately 45 minutes on foot from W---, damaging homes and causing villagers to flee the area. The soldiers then approached and entered the recently-abandoned village, where they shot residents' animals, damaged cooking equipment, and looted essential civilian property including money, jewellery and stores of cardamom seeds, as well as hunting muskets, blankets and clothes. The soldiers also fired small arms at civilian structures, including homes and a church, and other property including clay jars, religious statues and monuments, and traditional instruments.⁹⁸ [Photos: KHRG]

⁹⁸ Tatmadaw soldiers shell village, attack church and civilian property in Toungoo District, KHRG, November 2011

2. Attacks on civilians and civilian objects as a result of indiscriminate methods and means of combat

“They met with soldiers from the KNLA and they started to fight outside the village. The Tatmadaw soldiers who fought with the KNLA soldiers were from the same troops that entered the village. The other troops shelled mortars from the mountain peak... They shelled about 50 mortar rounds I guess... The mortars fell on houses and many were damaged... There were four or five mortar rounds which fell on villagers’ houses.”

Saw F--- (male, 55), W--- village, Than Daung Township, Toungoo District (October 2011)¹⁰⁰



The photo above was taken on January 11th 2011. It shows Saw W---, 20 years old from Kawkareik Township, Dooplaya District, a former Tatmadaw soldier with LIB #586, wearing his military uniform. Saw W--- told KHRG that Tatmadaw soldiers operating in eastern Dooplaya in December 2010 were explicitly ordered by their officers to fire against civilians.⁹⁹ [Photo: KHRG]

During the reporting period, villagers in all seven research areas¹⁰¹ documented attacks which were not directed at a specific military objective, in which Tatmadaw forces responded to engagements with NSAGs at fixed positions such as military camps by returning fire indiscriminately with mortars or small arms.¹⁰² Incidents described include the indiscriminate firing of mortars and small arms into areas with civilian resident populations¹⁰³ and into civilians’ agricultural workplaces,¹⁰⁴ resulting in damage to houses,¹⁰⁵ injury to livestock¹⁰⁶ and the destruction of villagers’ possessions.¹⁰⁷

“On April 26th 2011, SPDC [Tatmadaw] IB #283, based in Meh Naw Ah, shelled a village with mortars and two villagers were injured. The two villagers’ names are Saw N---, 40

⁹⁹ Displacement Monitoring Update No. 48: “Interviews with Tatmadaw deserters confirm earlier reported incidents of abuse and general threats to civilians,” KHRG, January 2011.

¹⁰⁰ “Toungoo Interview: Saw F---, October 2011,” KHRG, November 2011.

¹⁰¹ Thaton, Toungoo, Nyaunglebin, Tenasserim, Papun, Dooplaya, and Pa’an districts.

¹⁰² Incidents were documented in which civilian objects were attacked that were located at a considerable distance from the location of a clash. For example, on October 12th 2011, following a clash with the Karen National Liberation Army (KNLA) at a location estimated by a villager familiar with the local geography to be approximately 45 minutes on foot from W--- village, one group of Tatmadaw soldiers then shelled W--- while another group approached W--- on foot. For a complete description of the incident see “Tatmadaw soldiers shell village, attack church and civilian property in Toungoo District,” KHRG, November 2011.

¹⁰³ Displacement Monitoring Update No. 83: “Shelling in Myawaddy Town,” KHRG, June 2011.

¹⁰⁴ “Dooplaya Situation Update: August 2011,” KHRG, October 2011.

¹⁰⁵ Displacement Monitoring Update No. 40: “KHRG Photos document examples of damage to property caused by shelling in Waw Lay village,” KHRG, January 2011; “Dooplaya Interview: U Sa---, July 2011,” KHRG, July 2011; “Dooplaya Situation Update: August 2011,” KHRG, October 2011; “Tatmadaw shelling kills one child, injures another in Mae T’Ler village,” KHRG, June 2011; “Arrest, looting and flight: Conflict continues to impact civilians in Dooplaya District,” KHRG, November 2010.

¹⁰⁶ “Dooplaya Situation Update: August 2011,” KHRG, October 2011.

¹⁰⁷ “Dooplaya Situation Update: August 2011,” KHRG, October 2011.

years old, and Naw N---, 41 years old. One house and [several] things belonging to villagers were destroyed... and one cow belonging to Saw P--- was injured."

Situation report written by a villager, Kawkareik Township, Dooplaya District (August 2011)¹⁰⁸

Villagers in six research areas¹⁰⁹ documented specific incidents in which civilians were killed or injured as a result of indiscriminate fire.¹¹⁰ During a DKBA assault on a Tatmadaw hilltop camp in Dooplaya District in June 2011, five 81 mm shells fired by Tatmadaw forces landed inside Mae T'Ler village, located approximately five kilometres from the site of the clash; a 7-year-old boy who sustained a shrapnel wound to the head subsequently died as a result of the injury.¹¹¹

"Our leader gave us the order. If the fighting happens in a village, kill all the villagers in the village, burn down the village, or shell it with mortars. When we are sentries at night, if we see villagers traveling at night, even if we don't know whether they are villagers or not, if we see anyone, shoot them. He will take the responsibility. He said it like this."

Saw W---, 20 years old, former soldier with the Tatmadaw, Light Infantry Battalion #586 (January 2011)¹¹²

The firing of mortars and small arms in civilian areas, especially where sustained, regular or prolonged, frequently results in villagers fleeing the area. Villagers in six of seven research areas¹¹³ documented the flight of civilians due to the indiscriminate firing of mortars or small arms at civilian objects and areas.¹¹⁴ Flight disrupted villagers' access to education and health facilities,¹¹⁵ and resulted in temporary,¹¹⁶ prolonged¹¹⁷ or permanent¹¹⁸ displacement.

¹⁰⁸ "Dooplaya Situation Update: August 2011," KHRG, October 2011.

¹⁰⁹ Thaton, Toungoo, Papun, Dooplaya and Pa'an districts.

¹¹⁰ See: "Tatmadaw shelling kills one child, injures another in Mae T'Ler village," KHRG, June 2011; "Dooplaya Situation Update: August 2011," KHRG, October 2011; "Villager shot and killed by Tatmadaw in southern Dooplaya," KHRG, April 2011; "Pa'an Situation Update: June to August 2011," KHRG, October 2011; "Toungoo Incident Reports: March and April 2011," KHRG, June 2011; "Toungoo Situation Update: July to October 2011," KHRG, November 2011; Displacement Monitoring Update No. 61: "Woman and 8-month-old baby injured by mortar in Htee Ther Leh," KHRG, February 2011; Displacement Monitoring Update No. 75: "One villager injured by mortar fire, one villager beaten during clash in Th'Waw Thaw village," KHRG, June 2011; Displacement Monitoring Update No. 77: "DKBA soldiers fire on car, injure passenger on Myawaddy - Kawkareik road," KHRG, June 2011; Displacement Monitoring Update No. 83: "Shelling in Myawaddy Town," KHRG, June 2011.

¹¹¹ "Tatmadaw shelling kills one child, injures another in Mae T'Ler village," KHRG, June 2011,

¹¹² Displacement Monitoring Update No. 48: "Interviews with Tatmadaw deserters confirm earlier reported incidents of abuse and general threats to civilians," KHRG, January 2011,

¹¹³ Toungoo, Nyaunglebin, Tenasserim, Papun, Dooplaya and Pa'an districts,

¹¹⁴ Displacement Monitoring Update No. 37: "More shelling in Palu as villagers make plans to hold Christmas celebrations elsewhere," KHRG, December 2010; Displacement Monitoring Update No. 40: "KHRG Photos document examples of damage to property caused by shelling in Waw Lay village," KHRG, January 2011; Displacement Monitoring Update No. 51: "Villagers denied access to refuge in Thailand despite continued physical security, humanitarian concerns in Kawkareik Township," KHRG, January 2011; Displacement Monitoring Update No. 66: "More than 10,000 villagers continue to seek refuge along the Thailand - Burma border," KHRG, March 2011; "Human rights abuses and obstacles to protection: Conditions for civilians amidst ongoing conflict in Dooplaya and Pa'an districts," KHRG, January 2011; "Villagers flee to avoid fighting and portering: Conflict continues to impact civilians in Dooplaya District," KHRG, December 2010.

¹¹⁵ *Attacks on Health and Education: Trends and incidents from eastern Burma, 2010-2011*, KHRG, December 2011.

¹¹⁶ Displacement Monitoring Update No. 38: "KHRG photos document strategic displacement of villagers during Palu's harvest season," KHRG, January 2011.

¹¹⁷ Particularly where subsequent increased militarization led to an increase in extractive abuses such as forced portering, see Displacement Monitoring Update No. 33: "Shelling and fears of portering prolong displacement, disrupt the harvest in Palu village," KHRG, December 2010.

¹¹⁸ For a detailed discussion of permanent displacement, see *Acute food shortages threatening 8,885 villagers in 118 villages across northern Papun District*, KHRG, May 2011.

"We fled because we are afraid of bullets. People were shooting mindlessly. The Burmese [Tatmadaw] were shooting. On that day, they heard that KNLA was coming to Oh Poe Htar and the Burmese shot mindlessly. They shelled five mortars into the village [Waw Lay] as other people said. So, we fled."

Naw Af--- (female, 45), Waw Lay village, Kawkareik Township
(November 2010)¹¹⁹



The two photos above were taken on June 7th 2011 and show Saw Te---, 7, and Pah No---, 17, after they were injured by fragments from an 81 mm shells fired by Tatmadaw LIB #283 into Mae T'Ler village, Kawkareik Township, Dooplaya District. Saw Te--- later died of his wounds. The villagers were injured after Tatmadaw soldiers fired mortars in response to an attack by DKBA forces. Shells landed in areas up to five kilometres from the location of the engagement.¹²⁰ [Photos: KHRG]

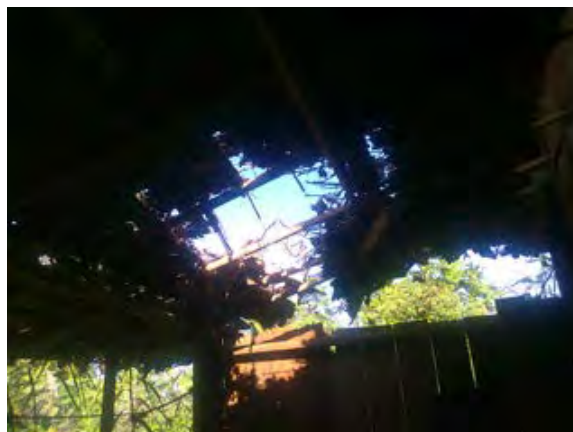


The two photos above show Naw P---, a 50-year-old resident of R--- village, Dta Greh Township, Pa'an District. According to the villager who documented the incident, on July 20th 2011 Naw P--- was injured in her stomach and right leg by mortar shrapnel when Tatmadaw Border Guard soldiers fired mortars indiscriminately into the R--- village area, following a KNLA attack on the Tatmadaw camp in B--- village. Following this incident, other R--- villagers lent Naw P--- money to pay for her medical care in hospitals in Burma and Thailand, which was estimated to cost approximately 600,000 kyat (US \$723).¹²¹ [Photos: KHRG]

¹¹⁹ Protection concerns expressed by civilians amidst conflict in Dooplaya and Pa'an districts, KHRG, November 2010

¹²⁰ "Tatmadaw shelling kills one child, injures another in Mae T'Ler village," KHRG, June 2011.

¹²¹ "Pa'an Situation Update: June to August 2011," KHRG, October 2011.



During conflict between DKBA and Tatmadaw forces in eastern Dooplaya District, Waw Lay village, Kawkaik Township – the home village of commander Na Kha Mway before the conflict began – was one of the initial focal points for conflict. The above two photos were taken on December 15th 2010 and show examples of damage to homes caused by shelling of Waw Lay.¹²² [Photos: KHRG]

¹²² Displacement Monitoring Update No. 40: “KHRG Photos document examples of damage to property caused by shelling in Waw Lay village,” KHRG, January 2011.

F. Landmines and UXO

Customary IHL requires that parties to conflict use landmines in a manner that minimises indiscriminate effects,¹²³ clearly mark deployed mines¹²⁴ and safely remove mines following the cessation of hostilities.¹²⁵ In the last 20 years, KHRG has consistently documented the planting of unmarked landmines by the Tatmadaw and NSAGs in civilian areas, as well as death and injury to civilians as the result of landmines, in all seven research areas.¹²⁶

During the reporting period, villagers in all seven research areas raised concerns that landmines posed threats to villagers' physical security. The planting of landmines by the Tatmadaw,¹²⁷ Tatmadaw Border Guard¹²⁸, Tatmadaw-allied forces¹²⁹ and by NSAGs¹³⁰ was documented. Villagers have reported that landmines were not clearly marked, that communities were not warned of new dangerous landmine areas, and that mines were frequently not removed when camps were vacated or troops rotated.¹³¹ In other cases, villagers reported receiving warnings from armed groups after they planted landmines.¹³²

"The landmines were planted by [Tatmadaw] Border Guard Battalion #1017 Corporal Saw Bpa Mi Hsaw and his soldiers. They planted the landmines and sharpened bamboo stakes around the village ... The villagers also reported that the armed groups which are most active in this area are the Border Guard and KNLA, and that they plant landmines. However, the KNLA plants the landmines around their army camp, and when they plant the landmines they tell the villagers where they plant them. Border Guard Battalion #1017 soldiers use the villages as their army camp and they also plant landmines to protect themselves, but they do not let the villagers know where they plant them."

Situation update written by a villager, T'Nay Hsah Township, Pa'an District
(September 2011)¹³³

Landmines were documented to have been placed in new conflict areas in which government forces were attempting to regain control,¹³⁴ to push populations to enter and remain in lowland

¹²³ Rule 81: *Restrictions on the Use of Landmines*: "When landmines are used, particular care must be taken to minimize their indiscriminate effects."

¹²⁴ Rule 82: *Recording of the Placement of Landmines*: "A party to the conflict using landmines must record their placement, as far as possible."

¹²⁵ Rule 83: *Removal or Neutralization of Landmines*: "At the end of active hostilities, a party to the conflict which has used landmines must remove or otherwise render them harmless to civilians, or facilitate their removal."

¹²⁶ See, for instance, Displacement Monitoring Update No. 11: "Portering and landmine concerns in Waw Lay," KHRG, December 2010; Displacement Monitoring Update No. 86: "Villager injured by landmine in Palu Poe village," KHRG, October 2011; "Papun Situation Update: Bu Tho Township, August 2011," KHRG, October 2011. For photos of a landmine placed by the DKBA in Pa'an District, see *KHRG Photo Gallery 2009*, KHRG, July 2009. For photos of unexploded shells recovered after being fired by the GOM Army, see: *KHRG Photo Gallery 2008: Landmines, mortars, army camps and soldiers*, KHRG, February 2009.

¹²⁷ "Tenasserim Interview: Saw K---, August 2011," KHRG, September 2011.

¹²⁸ "Pa'an Situation Update: June to August 2011," KHRG, October 2011.

¹²⁹ "Papun Situation Update: Dweh Loh Township, May 2011," KHRG, September 2011.

¹³⁰ "Papun Situation Update: Bu Tho Township, August 2011," KHRG, October 2011; Displacement Monitoring Update No. 11: "Portering and landmine concerns in Waw Lay," KHRG, December 2010.

¹³¹ "Papun Situation Update: Bu Tho Township, August 2011," KHRG, October 2011; "Papun Situation Update: Dweh Loh Township, May 2011," KHRG, September 2011; Displacement Monitoring Update No. 74: "Dtaing bomb planted beside villager's plantation in Doooplaya District," KHRG, May 2011.

¹³² "Pa'an Situation Update: September 2011," KHRG, November 2011.

¹³³ "Pa'an Situation Update: September 2011," KHRG, November 2011.

¹³⁴ Displacement Monitoring Update No. 86: "Villager injured by landmine in Palu Poe village," KHRG, October 2011; Displacement Monitoring Update No. 79: "Villager injured by landmine near Shwe Aye Myaing village," KHRG, June 2011; Displacement Monitoring Update No. 71: "Landmine injures two villagers in Oo Kreh Htah," KHRG, May 2011; Displacement Monitoring Update No. 70: "Landmines planted around Waw Lay and Palu

relocation sites,¹³⁵ to prevent villagers in hiding from returning to abandoned villages,¹³⁶ to construct defensive perimeters around camps and bases,¹³⁷ as well as in civilian agricultural areas.¹³⁸ Landmines were also documented in areas where NSAGs engage in guerrilla-style attacks on government forces or seek to deny government forces access to territory.¹³⁹

"On September 13th 2011, a Gk--- villager named Saw P---, 30, had gone to his farm to replant his rice paddy... He returned to his village in the evening and on the way, at 6:30 pm, he stepped on a landmine outside his farm. His farm is far from Gk--- village, about a 20-minute walk. He stepped on the landmine along the La--- River bank outside his farm. His left foot was torn apart when the landmine exploded ... The Gk--- village head also mentioned that because of the landmines, dogs, goats and a herd of cows have also been killed."

Situation update written by a villager, T'Nay Hsah Township, Pa'an District (September 2011)¹⁴⁰

In the last year, villagers in four research areas¹⁴¹ documented specific incidents in which civilian death or injury was caused by landmines.¹⁴² In the first five months of 2011 in areas of post-election conflict in Dooplaya District, villagers documented a total of ten separate incidents in which villagers staying in Burma or at refuge sites in Thailand to protect themselves from armed conflict triggered or discovered landmines or other unexploded ordnance while attempting to return to their homes or to pursue their livelihoods inside Burma.¹⁴³ Those cases, including one in which a 7-year-old girl was seriously injured by a landmine, and two in which other civilians were killed by landmines, highlight the risks faced by villagers who return to areas of ongoing or recent conflict in eastern Burma.

"I guess, there are about 30 unexploded bombs or more in my village. I saw three unexploded bombs in the lemon plantation. Yesterday, we went and harvested paddy in my friend's farm and we saw two unexploded bombs in his farm. We didn't dare to go near. We just harvested around it. Next year, I think people won't dare to plant in Hsee Cour. Now it is the time for us to clean [brush] in our lime, lemon and rubber plantations. But some people don't dare to clean their plantations. Some people rely on their fate. They went and cleaned their plantation at the same time they checked [for bombs]."

Situation update written by a villager, Kawkareik Township, Dooplaya District

villages kill one villager, injure two," KHRG, April 2011; Displacement Monitoring Update No. 62: "7-year old girl injured by landmine in Shwe Aye Myaing village," KHRG, March 2011.

¹³⁵ "Papun Situation Update: Dweh Loh Township, May 2011," KHRG, September 2011.

¹³⁶ "Tenasserim Interview: Saw K---, August 2011," KHRG, September 2011.

¹³⁷ "Pa'an Situation Update: June to August 2011," KHRG, October 2011.

¹³⁸ Displacement Monitoring Update No. 74: "Dtaing bomb planted beside villager's plantation in Dooplaya District," KHRG, May 2011; Displacement Monitoring Update No. 86: "Villager injured by landmine in Palu Poe village," KHRG, October 2011.

¹³⁹ Displacement Monitoring Update No. 86: "Villager injured by landmine in Palu Poe village," KHRG, October 2011. See also the testimony of Thant Shin, a 48-year-old escaped convict porter who stepped on a landmine in a Karen village after fleeing from the Tatmadaw patrol column for which he was forced to porter. See *From Prison to Front Line: Analysis of convict porter testimony 2009 – 2011*, KHRG, July 2011, p.284.

¹⁴⁰ "Pa'an Situation Update: September 2011," KHRG, November 2011.

¹⁴¹ Nyaunglebin, Papun, Dooplaya and Pa'an districts.

¹⁴² "Pa'an Situation Update: September 2011," KHRG, November 2011; Displacement Monitoring Update No. 86: "Villager injured by landmine in Palu Poe village," KHRG, October 2011. An unpublished interview from Thaton District received by KHRG in August 2011 and a set of photos from Nyaunglebin District received in May 2011 document specific landmine incidents.

¹⁴³ See: Displacement Monitoring Update No. 71: "Landmine injures two villagers in Oo Kreh Htah," KHRG, May 2011; Displacement Monitoring Update No. 70: "Landmines planted around Waw Lay and Palu villages kill one villager, injure two," KHRG, April 2011; Displacement Monitoring Update No. 62: "7-year old girl injured by landmine in Shwe Aye Myaing village," KHRG, March 2011.

(January 2011)¹⁴⁴

Villagers raised concerns that landmines were placed, or were believed to have been placed, around villages, in fields and along roads, creating *de facto* movement restrictions which severely impede villagers' ability to pursue livelihoods effectively.¹⁴⁵

"On January 1st 2011, DKBA soldiers became part of the [Tatmadaw] Border Guard battalions and they went back [rotated to a different location] but they did not remove the landmines that they had planted and, since then, the villagers have not dared to go to work in their hill fields or travel. The villagers have faced these problems of not being able to work in their hill fields or travel. Not only villagers, but also animals [could not go to those areas]; the animals could not eat grass [graze] along the mountains. The landmines still exist to the west of the Bu Loh River."

Situation update written by a villager, Dweh Loh Township, Papun District
(May 2011)¹⁴⁶

In contrast to concerns regarding the use of landmines expressed by many villagers, in some areas villagers explained that they perceive landmines as a useful tool for protecting their communities from unlawful attacks,¹⁴⁷ such as those described in Section II: E. Civilians described using landmines to deter, delay or provide warning of approaching Tatmadaw foot patrols.

"The SPDC Army base in Htaw Mu Bpleh Meh is located close to our old village. It takes 15 minutes [on foot]. We have not been able to go back to our village, until now. To be able to do our work, we plant landmines to protect ourselves. It is very helpful for villagers to be able to do their own work."

Saw Ra--- (male, 51), Wa--- village, Ler Muh Bplaw village tract, Lu Thaw Township, Papun District
(January 2011)¹⁴⁸



These photos show factory-produced claymore mines; the villager who took these photos reported that these mines were provided by the Tatmadaw to Border Guard Battalion #1015, which planted the mines near the gate of Battalion #1015 camp at R---, Pa'an District. In the photo at right, the Burmese inscription 'yan thu bet' translates as 'enemy side' or 'side facing enemy'; in the photo bottom right, the inscription 'shay twet

¹⁴⁴ This is an excerpt from an unpublished situation update written by a villager in Dooplaya District and received by KHRG in January 2011.

¹⁴⁵ "Papun Situation Update: Dweh Loh Township, May 2011," KHRG, September 2011; Displacement Monitoring Update No. 74: "Dtaing bomb planted beside villager's plantation in Dooplaya District," KHRG, May 2011

¹⁴⁶ "Papun Situation Update: Dweh Loh Township, May 2011," KHRG, September 2011

¹⁴⁷ *Self-protection under strain: Targeting civilians and local responses in northern Karen State*, KHRG, August 2011.

¹⁴⁸ "Papun Incident Reports: November 2010 to January 2011," KHRG, August 2011.

maing a saing 36/11' reads 'frontline mine width 36/11'.¹⁴⁹ [Photos: KHRG]



These photos, taken on September 10th 2011, of mortar fired on August 27th 2011 during a clash between soldiers from Tatmadaw Border Guard #1014, led by Tin Win Ba Tha Ger and KNLA soldiers near B--- village in Pa'an Township, Thaton District.¹⁵⁰ [Photos: KHRG]



¹⁴⁹ "Pa'an Situation Update: June to August 2011," KHRG, October 2011.

¹⁵⁰ These previously unpublished photos were received in August 2011, along with 137 other photos taken by a villager in Thaton District.



These photos were taken on January 23rd 2011 and show Saw Ra---, a Ho--- villager in his thirties who stepped on a landmine between We--- and Ho--- villages in Mone Township, Nyaunglebin District, as he was returning to Ho--- after hunting near We---. According to a villager who submitted information to KHRG concerning this incident, Saw Ra--- stepped on the mine approximately 45 minutes on foot from We--- while he was travelling along a path that had been recently created by a patrolling column of Tatmadaw soldiers; a friend who had been hunting with him returned to Ho--- village, approximately three hours from the site of the incident, and summoned help. The villager who submitted this information told KHRG that We--- is the site of a jungle market where villagers living outside government control engage in covert trade with villagers living in government-controlled areas.¹⁵¹ [Photos: KHRG]



These photos, taken on February 25th 2011, show Naw S---, a 7-year-old-girl from Shwe Aye Myaing Village, Kawkaik Township, Dooplaya District, was injured by a landmine while returning to her village with her father. Naw S--- was injured in both of her legs when the cart her father was driving triggered a landmine that had been placed on a path near the village. The injury to her left leg is more serious, according to a doctor that treated the girl, and Naw S--- has now been hospitalized for more than 20 days. Naw S--- accompanied her father back to their village, because her father was worried that he would be accused of being a DKBA soldier if he was seen travelling alone by Tatmadaw soldiers active near Shwe Aye Myaing. Naw S---'s family had been staying in a discreet refuge site to protect themselves from physical security and human rights risks to civilians associated with continued Tatmadaw – DKBA conflict in Dooplaya District.¹⁵² [Photos: KHRG]

¹⁵¹ These previously unpublished photos were received in May 2011, along with 110 other photos taken by a villager in Nyaunglebin District. For more information about strategies villagers living in areas outside government control adopt in response to human rights abuse, see *Village agency: Rural rights and resistance in a militarized Karen State*, KHRG, November 2008; *Self-protection under strain: Targeting of civilians and local responses in Karen State*, KHRG, August 2010.

¹⁵² Displacement Monitoring No. 62: “7-year old girl injured by landmine in Shwe Aye Myaing village,” KHRG, March 2011.

G. Forced minesweeping and use of human shields

The use of human shields, that is, the use of the presence or movement of civilians to render certain points, areas or military forces immune from military operations,¹⁵⁵ is prohibited under customary IHL during both international and non-international armed conflict.¹⁵⁶ In the last 20 years, KHRG has documented the use of civilians to shield troops from, or prevent, hostile fire and/ or landmines in all seven research areas.¹⁵⁷

Villagers in six of seven research areas raised incidents in which civilians were used by Tatmadaw and Tatmadaw-allied forces to shield troops from, or prevent, hostile fire or landmines. Villagers in three districts¹⁵⁸ additionally reported that civilians were killed or injured while forced to sweep for mines or shield troops.¹⁵⁹



This photo, taken on February 1st 2011, shows Naw A-- and her family, former residents of Y--- village, Kya In Township, Doooplaya District.¹⁵³ Naw A--- told KHRG that, on January 27th 2011, at around 3:00 pm, a column of soldiers from Tatmadaw LID #22 forced her family, along with other residents of Y--- village, to come out of bomb shelters they had constructed near their homes, and walk on either side of the column as human shields, during an attack by the KNLA.¹⁵⁴ [Photo: KHRG]

"They demanded those villagers but the village heads would not give them, so they [Border Guard soldiers] arrested as many of them as they could, and... they forced these villagers to walk at the front [of the column] and step on landmines along the road. Among the villagers, some of them stepped on landmines and their legs were blown off."

Situation update written by a villager, Dweh Loh Township, Papun District (May 2011)¹⁶⁰

¹⁵³ Kya In Township is sometimes locally-referred to as Noh T'Gkaw Township.

¹⁵⁴ Displacement Monitoring Update No. 53: "Villagers used as human shields by Tatmadaw troops," KHRG, February 2011.

¹⁵⁵ Third Geneva Convention, Article 23, first paragraph (ibid., § 2251); Fourth Geneva Convention, Article 28 (ibid., § 2252); Additional Protocol I, Article 12(4) (adopted by consensus) (ibid., § 2253) and Article 51(7) (ibid., § 2254); ICC Statute, Article 8(2)(b)(xxiii) (ibid., § 2255).

¹⁵⁶ *Rule 97: Human shields*: "The use of human shields is prohibited."

¹⁵⁷ See for example: "Attacks on cardamom plantations, detention and forced labour in Toungoo District," KHRG, May 2010; "Functionally Refoulement: Camps in Tha Song Yang District abandoned as refugees bow to pressure," KHRG, April 2010; "Attacks and displacement in Nyaunglebin District," KHRG, April 2010; "Exploitative abuse and villager responses in Thaton District," KHRG, November 2009; "Patrols, movement restrictions and forced labour in Toungoo District," KHRG, September 2009; *KHRG Photo Gallery 2009*, KHRG, July 2009; "IDP responses to food shortages in Nyaunglebin District," KHRG, April 2009; "Insecurity amidst the DKBA - KNLA conflict in Doooplaya and Pa'an districts," KHRG, February 2009; *KHRG Photo Gallery 2008: Landmines, mortars, army camps and soldiers*, KHRG, February 2009; *Cycles of Displacement: Forced relocation and civilian responses in Nyaunglebin District*, KHRG, January 2009; "Routine forced labour in Pa'an District," KHRG, October 2008; "Human minesweeping and forced relocation as SPDC and DKBA step up joint operations in Pa'an District," KHRG, October 2008; "Burma Army attacks and civilian displacement in northern Papun District," KHRG, July 2008; *Less than Human: Convict Porters in the 2005 - 2006 Northern Karen State Offensive*, KHRG, August 2006; *Surviving in Shadow: Widespread Militarization and the Systematic Use of Forced Labour in the Campaign for Control of Thaton District*, KHRG, January 2006.

¹⁵⁸ Toungoo, Papun and Doooplaya districts.

¹⁵⁹ "Papun Situation Update: Dweh Loh Township, May 2011," KHRG, September 2011; "Papun Interview: Maung Y---, February 2011," KHRG, September 2011; *From Prison to Front Line: Analysis of convict porter testimony 2009 - 2011*, KHRG, July 2011.

¹⁶⁰ "Papun Situation Update: Dweh Loh Township, May 2011," KHRG, September 2011.

Villagers reported specific incidents in which civilians were forced to clear landmines, by using a rake¹⁶¹ or walking or driving their vehicles in front of patrols to trigger mines, booby-traps or ambushes.¹⁶²

"When they arrested me I was at home, working ... They pointed their guns at me and said: 'Don't run. If you run, we'll kill you.' And then we had to go with them ... They said to the people who were left: 'If you run, we really will shoot you ... You were very disobedient, so we had to go and arrest you.' They also called us the people of Lieutenant Steel [KNLA]. We had to clear the landmines that Lieutenant Steel placed ... When we arrived back [to K'Ter Htee camp] we had to clear landmines ... They said: 'The KNU placed the landmines, so you have to clear them.' After that, they gave us a rake and we started to clear landmines ... We started from Mae Kae Kyaw in Kho Wah Lay and cleared [mines] to T'Ray Pa Baw. It took two days ... They ordered us to go with their soldiers, so we went. We had to rake for landmines, and we raked."

Maung Y--- (male, 32), T--- village, Dweh Loh Township, Papun District
(February 2011)¹⁶³

Villagers also reported forced labour entailing dangerous or *de facto* mine sweeping, including being forced to porter for troops in areas known or suspected to be mined by parties to the conflict¹⁶⁴ and to clear brush and debris from roadsides and camp perimeters known or suspected to be have been mined.¹⁶⁵

"They transported rations by truck but they ordered 20 villagers from Kler La village to go with them. These 20 villagers have to walk in the front as landmine sweeper. If there are landmines and explode, there trucks were not hit and it will hit those villagers."

Situation update written by a villager, Tantabin Township, Toungoo District
(May 2011)¹⁶⁶

¹⁶¹ "Papun Interview: Maung Y---, February 2011," KHRG, September 2011; Displacement Monitoring Update No. 52: "Three former convict porters confirm serious human rights abuses in the current conflict in Dooplaya District," KHRG, February 2011.

¹⁶² "Tenasserim Interview: Saw K---, August 2011," KHRG, September 2011; "Papun Situation Update: Dweh Loh Township, May 2011," KHRG, September 2011; "Papun Interview: Maung Y---, February 2011," KHRG, September 2011; "Tenasserim Situation Update: Te Naw Th'Ri Township, May to September 2011," KHRG, December 2011. See: "Toungoo Situation Update and Interviews: May 2010 to January 2011," KHRG, May 2011: *"They transported ration by truck but they ordered 20 villagers from Kler La village to go with them. These 20 villagers have to walk in the front as landmine sweeper. If there are landmines and explode, there trucks were not hit and it will hit those villagers."* See also: "Toungoo Situation Update: April 2011," KHRG, June 2011: *"When the SPDC sends food to the Buh Hsa Kee army base they ask for villagers' trucks and, more than this, they ask for the villagers' trucks to go in front of them. The SPDC soldiers force the villagers' trucks to go and send food, and every year we see villagers' trucks are damaged by landmines. On December 22nd 2010, a truck belonging to Kler La villager Ga--- went and took SPDC soldiers' food to the Naw Soh and Buh Hsa Kee army camps and when he was coming back, the truck was damaged by a landmine in old Le--- village [where Le--- village used to be]."*

¹⁶³ This is an excerpt from an interview conducted in February 2011 with a 32-year old villager who described being arrested at gunpoint by Tatmadaw Border Guard Battalion #1013 soldiers, arbitrarily detained and forced to porter and clear landmines during his detention. See: "Papun Interview: Maung Y---, February 2011," KHRG, September 2011. Note that this excerpt has been slightly modified from the original published version, in order to clarify references to subjects which may not be clear out of context and without the interviewer's questions.

¹⁶⁴ "Toungoo Incident Reports: March and April 2011," KHRG, May 2011: *"On March 13th 2011, villagers had to carry food for the SPDC Army [Tatmadaw] starting from Kaw Day camp to T'Aye Hta camp. At this time, 30 villagers had to go, including 10 women. The villagers had to carry rice and milk. It took three days for the villagers to carry that. We started from our village and had to sleep in Gh--- village, and the second day we took things from the SPDC Army camp which is located in Ko Day. To go from the SPDC Army camp at Ko Day to Th'Ay Hta camp takes three hours. Because there are landmines along the way, it took a long time because we had to avoid them."*

¹⁶⁵ "Papun Interview: Maung Y---, February 2011," KHRG, September 2011.

¹⁶⁶ "Situation Update: Toungoo District, May 2010 to January 2011," KHRG, May 2011.

Villagers also raised incidents in which they were forced to guide active patrol columns,¹⁶⁷ to wear military uniforms while portering or providing other forced labour services for troops,¹⁶⁸ and to walk interspersed with soldiers in a patrol column.¹⁶⁹ In an incident which occurred on January 27th 2011, civilians, including women and children, were forced to stand in front of Tatmadaw soldiers under hostile fire.¹⁷⁰

¹⁶⁷ "Tenasserim Situation Update: Te Naw Th'ri Township, May to September 2011," KHRG, December 2011.

¹⁶⁸ Displacement Monitoring Update No. 63: "Villager forced to wear Tatmadaw uniform while portering Tatmadaw supplies," KHRG, March 2011; "Pa'an Situation Update: September 2011," KHRG, October 2011.

¹⁶⁹ "Thaton Situation Update: June to October 2011," KHRG, November 2011; Displacement Monitoring Update No. 87: "Tatmadaw movement restrictions, arrests and use of human shields in Ta Uh Htar village," KHRG, October 2011.

¹⁷⁰ Displacement Monitoring Update No. 53: "Villagers used as human shields by Tatmadaw troops," KHRG, February 2011.

H. Summary execution and other killing of civilians

This category includes deaths due to (1) failure to distinguish civilians and combatants, both via indiscriminate fire and knowing and wilful military attacks; and (2) deaths caused by summary execution. In the last 20 years, KHRG has documented both categories consistently in all research areas.¹⁷¹

Villagers in five out of seven research areas¹⁷² reported the killing of civilians. Villagers in three research areas¹⁷³ reported specific incidents in which civilians were killed by indiscriminate fire of mortars and small arms during clashes between Tatmadaw, Tatmadaw Border Guard battalions and NSAGs. In June 2011, in Dooplaya District, a 7-year-old child was killed and a 17-year-old child and 25-year-old woman were injured in Mae T’Ler village when Tatmadaw LIB #283 fired more than thirty 81 mm mortars into several villages, while repelling a DKBA attack on a hilltop Tatmadaw camp approximately five kilometres away.¹⁷⁴

Villagers in five research areas¹⁷⁵ documented summary executions of civilians suspected of supporting, contacting or cooperating with a NSAG or in retaliation for an attack by a NSAG.¹⁷⁶ In September 2011, in Papun District, the village head of L--- village in Dweh Loh Township was summarily executed by an unidentified Sergeant from Tatmadaw Light Infantry Battalion (LIB) #218, under Light Infantry Division (LID) #11 following a clash with KNLA soldiers; according to other villagers present during his execution, the L--- village head who was executed told the soldiers under interrogation that he wasn’t a soldier, and they could check with their MOC (or TOC) commander to verify he was a government-appointed village head. In November 2010, in Pa’an District, a 27-year-old man, who served as a local administrator for the Karen Education Department (KED), was arrested, tortured and executed by soldiers from Tatmadaw Border Guard Force Battalion #1015, following accusations that he had made contact with and provided information to the Karen National Union (KNU).

“They came and called and asked him to send them to Ma Tah Kyo. They just left for a while and then they did another way ... They abused him along the way and later they killed him. They shot him for two times, one at his back and another close at his ear. They shot two times ... No [they didn’t break his arms or legs] but his back neck become swell up. His jaw and neck was broke because of the beating ... I don’t know [why they did it]. They didn’t tell me for what reason. They came and did like this with no reason. Until now I don’t know why they killed him.”

Naw L---, (female, 23), Gk--- village, Lu Pleh Township, Pa’an District

¹⁷¹ See for example: “Attacks and displacement in Nyaunglebin District,” KHRG, April 2010; “Forced Labour, Movement and Trade Restrictions in Toungoo District,” KHRG, March 2010; “SPDC mortar attack on school in Papun District,” KHRG, February 2010; “Living conditions for displaced villagers and ongoing abuses in Tenasserim Division,” KHRG, October 2009; “Update on SPDC/DKBA attacks at Ler Per Her and new refugees in Thailand,” KHRG, June 2009; “Attacks, killings and the food crisis in Papun District,” KHRG, February 2009; *KHRG Photo Gallery 2008: Attacks and killings*, KHRG, February 2009; “Mortar attacks, landmines and the destruction of schools in Papun District,” KHRG, August 2008; “Attacks, killings and the food crisis in Toungoo District,” KHRG, August 2008; “Militarisation, violence and exploitation in Toungoo District,” KHRG, February 2008; “Attacks, killings and increased militarisation in Nyaunglebin District,” KHRG, January 2008.

¹⁷² Toungoo, Tenasserim, Dooplaya, Papun and Pa’an districts.

¹⁷³ Dooplaya, Pa’an and Papun districts.

¹⁷⁴ “Tatmadaw shelling kills one child, injures another in Mae T’Ler village,” KHRG, June 2011.

¹⁷⁵ Toungoo, Tenasserim, Dooplaya, Papun and Pa’an districts.

¹⁷⁶ “Villager executed in Papun District,” KHRG, October 2011; “Tenasserim Situation Update: Te Naw Th’Ri Township, May to September 2011,” KHRG, December 2011; “Toungoo Situation Update: May to July 2011,” KHRG, October 2011; Displacement Monitoring Update No. 88: “Arrest, detention and summary execution of civilian,” KHRG, October 2011; Displacement Monitoring Update No. 57: “Two civilians in Kyo G’Lee village found dead after being arrested, forced to porter by Tatmadaw soldiers,” KHRG, February 2011; “Extrajudicial execution of two civilians in Pa’an District,” KHRG, February 2011.

(January 2011)¹⁷⁷

Tatmadaw forces continue to employ “free-fire” or “shoot-on-sight” practices, particularly in areas in which movement restrictions or curfews are being enforced, areas from which civilians have previously been forcibly relocated, or in areas where control by Tatmadaw forces is weak vis-à-vis NSAGs. A villager in Doooplaya documented an incident in which a man was shot and killed on February 24th 2011 while walking with his wife at night in breach of a curfew.¹⁷⁸ In another example described by a villager in Toungoo District, on August 18th 2011 a group of villagers hunting at night chased a group of monkeys near to an army camp, where patrolling Tatmadaw soldiers spotted and fired on them, killing two villagers:

“On August 18th 2011, LIB #540 from Dh--- army camp in Tantabin Township in Toungoo District shot two Hs--- villagers while those villagers were hunting in the jungle. There were six villagers hunting monkeys in the jungle at night. The monkeys ran close to the army camp. The SPDC soldiers were patrolling on the lower side of their camp when they saw the villagers and they shot at the villagers. The two villagers who were killed were Saw Hs---, 32 years old, whose father’s name is Saw Pa---, and Saw C---, 23 years old, whose father’s name is Saw Gh---.”

Situation update written by a villager, Tantabin Township, Toungoo District
(November 2011)¹⁷⁹



This photo was taken by a villager in L--- village, Saw Y---, after Saw K---’s body was transported back to his home for burial following his summary execution by an officer in LIB #218 near G--- Pagoda, Dweh Loh Township, Papun District. In the enlarged section of the same photo at right, the entry and exit wounds from the bullet fired at point-blank range are visible on the right side of Saw K---’s forehead and head. Saw Y--- explained that the coins were placed over Saw K---’s eyes and mouth by his wife as part of funeral proceedings; according to the same villager, Saw K--- is the father of seven children ranging in age from six to twenty-six years old.¹⁸⁰ [Photos: KHRG]

¹⁷⁷ This is an excerpt from a previously unpublished incident report written by a villager trained by KHRG to document human rights abuses in January 2011 in Lu Pleh Township, Pa’an District with Naw L---, a 23-year-old resident of Gk--- village, who described the summary execution of Saw T---, 27, another resident of Gk---, suspected of contacting and providing information to the KNU. This interview was received by KHRG in August 2011, along with eleven other interviews, two situation updates, two incident reports and 155 photos. For a published report providing further details on this incident, see: “Extrajudicial execution of two civilians in Pa’an District,” KHRG, February 2011.

¹⁷⁸ “Villager shot and killed by Tatmadaw in southern Doooplaya,” KHRG, April 2011.

¹⁷⁹ “Toungoo Situation Update: July to October 2011,” KHRG, December 2011.

¹⁸⁰ “Villager executed in Papun District,” KHRG, October 2011.



These photos, taken on June 7th 2011, show 7-year-old Saw Te---, who was severely injured in his head when Tatmadaw LIB #283 shelled Mae T'Ler village. In the photo on the right, Saw Te---'s wound is visible, including white matter that was described to KHRG's researcher as part of the boy's brain. Saw Te--- died shortly after arriving at a hospital in Mae Sot District from another facility in Umphang District that was unable to treat his injury. [Photos: KHRG]



The photo on the left, taken on March 3rd 2011 in Kya In Township, Dooplaya District, show the body of Pah Te---. Tatmadaw soldiers from LIB #407 shot and killed Pah Te--- as he and his wife returned to their field hut on the night of February 24th 2011. The photo on the right, taken on the same day, shows the place where Tatmadaw soldiers from LIB #407 attempted to bury and hide the body of Pah Te--- on February 25th 2011, the day after shooting him.¹⁸¹ [Photos: KHRG]

¹⁸¹ "Villager shot and killed by Tatmadaw in southern Dooplaya," KHRG, April 2011.

III. Restricting villagers' lives and livelihoods

A. Forced relocation

Forced relocation is narrowly defined as the involuntary movement of civilians to a designated location as the result of a direct order, typically backed by an explicit or implicit threat of violence and/ or enforcement with the use of violence. In the past 20 years, KHRG has documented the widespread use of forced relocation to move civilian populations to areas where they can be controlled, both to prevent them from supporting NSAGs and so they can be utilised to support the Tatmadaw and Tatmadaw-allied groups, in all seven research areas.¹⁸²

During the reporting period, villagers in four of the seven research areas¹⁸³ raised incidents in which villages were forced to relocate,¹⁸⁴ were issued with an explicit threat that they would be forced to relocate, or were prevented from returning to a village from which they had been forcibly relocated due to the planting of landmines in that area.¹⁸⁵ An unpublished report from Toungoo District received by KHRG in November 2011, for example, included an explicit threat by a Tatmadaw battalion to forcibly relocate communities if fighting occurred with KNLA soldiers.¹⁸⁶

*"They [LIB #375] ordered all the village elders that they will force all the Play Hsa Loh villages to move to Ba Ya Na Thee if the KNLA army shoots at them."*¹⁸⁷

Situation report written by a villager, Toungoo District
(November 2011)

Villagers documented examples of forced relocation used to secure land for development or natural resource extraction and to ensure a ready supply of labour at project sites,¹⁸⁸ as well as to move communities to designated relocation sites in government-controlled lowland areas.¹⁸⁹

"When DKBA soldiers dug for gold in the Meh Gkleh Law River on August 15th 2010, the villagers who lived in villages around the Meh Gkleh area were forced to live in [relocated to] the place called Meh Gkleh Nee [literally 'along the Meh Gkleh riverbank']. [Currently] they do not dare to go back and live in their old villages even though the DKBA soldiers are not there [any more], because landmines are [still] there. Therefore, they keep living in the relocation site."

Situation report written by a villager, Dweh Loh Township, Papun District
(May 2011)¹⁹⁰

¹⁸² See for example: "Attacks on cardamom plantations, detention and forced labour in Toungoo District," KHRG, May 2010; "Attacks on displaced villagers in Nyaunglebin District," KHRG, January 2010; "Living conditions for displaced villagers and ongoing abuses in Tenasserim Division," KHRG, October 2009; *Cycles of Displacement: Forced relocation and civilian responses in Nyaunglebin District*, KHRG, January 2009; "Village-level decision making in responding to forced relocation: A case from Papun District," KHRG, March 2008.

¹⁸³ Toungoo, Papun, Dooplaya and Pa'an districts.

¹⁸⁴ "Pa'an Situation Update: June to August 2011," KHRG, October 2011.

¹⁸⁵ "Papun Situation Update: Dweh Loh Township, May 2011," KHRG, September 2011.

¹⁸⁶ An unpublished report written by a villager trained by KHRG to document human rights abuses in Toungoo District documented that soldiers from LIB #375 based at Play Hsa Loh army camp informed village leaders that villagers would be relocated if the battalion was attacked by the KNLA. This report was received in November 2011 along with other information, including three incident reports, eight interviews and 204 photographs.

¹⁸⁷ This is a quote from a previously unpublished report written by a villager trained by KHRG to document human rights abuses in Toungoo District. This report was received in November 2011 along with other information, including three incident reports, eight interviews and 204 photographs.

¹⁸⁸ "Papun Situation Update: Dweh Loh Township, May 2011," KHRG, September 2011.

¹⁸⁹ "Pa'an Situation Update: June to August 2011," KHRG, October 2011.

¹⁹⁰ "Papun Situation Update: Dweh Loh Township, May 2011," KHRG, September 2011.

“For Tun Bo and Law Hsaw Lo villagers, they can’t come back and live in their village. They weren’t allowed to come back and live in their village. They were kept in another place in the lower area of the Day Loh [River] ... At that time, a group came and they checked the whole area here ... After that the people responsible [for the dam project] from the Tantabin office came and met with local people. They said “Tun Bo village is located in the project area, so you can’t come back to live. Your properties, cultivations, plantations, land and other things are in the project area.”

Saw W--- (male, 37), Z--- village, Tantabin Township, Toungoo District
(April 2011)¹⁹¹

Orders to relocate were enforced with the use of violence. In October 2011, for example, a villager in Nyaunglebin District documented an incident in which a villager was shot in the leg while walking in his betelnut field in an area from which residents had previously been ordered to relocate.¹⁹² In another incident, documented by a villager in Pa’an District, eight villages in Lu Pleh Township were informed that they had five days to relocate, after which their villagers were shelled heavily for two days.¹⁹³

“On July 15th 2011, the Border Guard units managed by Major General Tun Laing, Major General Pah Nwee and Major Maung Chit Thu ordered [all eight] village heads together and forced all of them to move their villagers from their villages and relocate to the Kaw Taw [area]... Within five days, the villagers had left and, while some went to Kaw Taw, there were a lot of people who fled to other places... On July 20th 2011, a Border Guard force with about 80 soldiers... joined with and were led by the SPDC [the ten SPDC Army soldiers from the Klo Pa Doh heavy weapons unit] approached L--- village and shelled the village with mortar fire for two days. The reason they shelled [the village] with mortars, the Border Guard said, was that the villagers who had not left and stayed in the village must either be DKBA or KNU [KNLA] soldiers.”

Situation report written by a villager, Pa’an District
(September 2011)¹⁹⁴

¹⁹¹ This is an excerpt from a previously unpublished interview conducted by a villager trained by KHRG to document human rights abuses in April 2011 in Tantabin Township, Toungoo District, with Saw W---, a 37-year-old Township representative, who described the building of dams and subsequent flooding predicted to devastate large areas of land. This interview was received by KHRG in May 2011, along with one incident report, one situation update and 144 photographs.

¹⁹² This previously unpublished information was received by KHRG in December 2011. According to the villager who documented this incident, Saw Gh--- is a resident of M--- village near Ler Doh Town, to which villagers from five village tracts in the Ya--- area were ordered to relocate in 1974. While residents from Saw Gh---’s village tract and another village tract abided by the relocation order, residents of Te---, Gi--- and Ca--- village tracts remain in the Ya--- area and, as the shooting of Saw Gh--- demonstrates, violence continues to be exercised against villagers who remain in this area.

¹⁹³ “Pa’an Situation Update: June to August 2011,” KHRG, October 2011.

¹⁹⁴ “Pa’an Situation Update: June to August 2011,” KHRG, October 2011.



The photos above show abandoned residences and other buildings in P--- village, Pa'an District, including the P--- village high school (top left) and primary school (bottom right). According to the villager who took these photos and wrote this report, on July 15th 2011, Tatmadaw Border Guard commanders ordered residents of P---, along with residents of L---, N---, B---, A---, M---, W--- and K---, to relocate to a designated site within five days. According to the same villager, the P--- village schools served the children of at least five villages, including B---, A---, M---, W--- and P--- villages, before residents were forced to relocate.¹⁹⁵ [Photos: KHRG]



¹⁹⁵ "Pa'an Situation Update: June to August 2011," KHRG, October 2011.



According to the villager who took these photos, the B--- village bridge, Pa'an District, top left, played an important role in local commerce prior to the forced relocation of B--- residents, along with those of seven other communities in the area on July 20th 2011. The villager who took these photos reported that heavy shelling into B---, W---, M--- and L--- villages by Border Guard troops commenced on July 20th, the villagers' deadline for relocation, and lasted for a full day and night, after which all remaining residents had fled the area. In the two bottom photos, soldiers from a Karen armed group are seen crossing the B--- bridge, after residents had abandoned B--- village.¹⁹⁶ [Photos: KHRG]



These pictures, taken on April 8th 2011, show Khaw Klaw village, Dweh Loh Township, Papun District, which is located beside the Meh Gkleh Law River. The villager who took these photos reported that villagers living in areas adjacent to the Meh Gkleh Law River were relocated to Khaw Klaw village on the Meh Gkleh Law riverbank after August 2010, when the DKBA commenced gold-mining activities in the river. Even though the DKBA mining operation in the Meh Gkleh Law River is no longer active, villagers continue to live in Khaw Klaw due to the presence of landmines in their original villages.¹⁹⁷ [Photos: KHRG]

¹⁹⁶ "Pa'an Situation Update: June to August 2011," KHRG, October 2011.

¹⁹⁷ "Papun Situation Update: Dweh Loh Township, May 2011," KHRG, September 2011.

B. Restrictions on freedom of movement or trade

This category is defined narrowly as direct orders or requirements that result in restrictions on villagers’ freedom to travel or transport goods along roads, rivers or footpaths, to leave their own villages, to access other villages or larger towns, or to access or sleep in agricultural areas. In the past 20 years, KHRG has documented examples of every one of these kinds of direct orders in all seven research areas.¹⁹⁸

During the reporting period, villagers in all seven research areas¹⁹⁹ documented restrictions on villagers’ freedom of movement. Specific restrictions reported during the reporting period include road tolls at checkpoints along vehicle roads,²⁰⁰ the requirement that villagers’ hold written travel permission documents,²⁰¹ orders to dismantle field huts,²⁰² road²⁰³ and river²⁰⁴ closures, as well as the imposition of curfews or other rules that prevent villagers from travelling at night or accessing agricultural workplaces.²⁰⁵ KHRG documented enforcement of such restrictions by units of the Tatmadaw, Tatmadaw Border Guard and NSAGs.

“On July 28th 2011, IB #73, which is based in B--- army camp, restricted B--- villagers from going to sleep at their farm huts and they [villagers] were not allowed to use flashlights either. The commander said: ‘If I see villagers using flashlights or sleeping in their huts, I’ll take action and it’ll be dta thee gka dtaw [‘death time’ or ‘time to die’] for them.’”

Situation report written by a villager, Toungoo District
(November 2011)²⁰⁶

Restrictions were imposed specifically following the establishment of a forced relocation site,²⁰⁷ after fighting occurred²⁰⁸ or following the desertion or defection of soldiers in the area.²⁰⁹

“On July 15th 2011, Tatmadaw LIB #220 led by and under the command of Battalion Commander Zaw Win Htun, which is based in S---, T--- and H--- villages, did not let villagers in the area leave their villages. They [the Tatmadaw] did not let villagers go out to look after their cattle or go to their farms. Then they said they will kill any villagers and village heads who contact the Karen National Liberation Army [KNLA], if the KNLA comes and shoots at them.”

Situation report written by a villager, Thaton District

¹⁹⁸ See for example: “Forced Labour, Movement and Trade Restrictions in Toungoo District,” KHRG, March 2010; *Flight, hunger and survival: Repression and displacement in the villages of Nyaunglebin District*, KHRG, October 2001; “Starving them out: Food shortages and exploitative abuse in Papun District,” KHRG, October 2009.

¹⁹⁹ Thaton, Toungoo, Nyaunglebin, Tenasserim, Papun, Dooplaya and Pa’an districts.

²⁰⁰ “Toungoo Situation Update: May to July 2011,” KHRG, October 2011.

²⁰¹ “Papun Situation Update: Bu Tho Township, April 2011,” KHRG, September 2011; Displacement Monitoring Update No. 55: “Villager registration and movement restrictions in the Palu area,” KHRG, February 2011.

²⁰² “Nyaunglebin Situation Update: Ler Doh Township, May to July 2011,” KHRG, November 2011.

²⁰³ “Toungoo Situation Update: April to July 2011,” KHRG, October 2011.

²⁰⁴ Displacement Monitoring Update No. 87: “Tatmadaw movement restrictions, arrests and use of human shields in Ta Uh Htar village,” KHRG, October 2011.

²⁰⁵ Displacement Monitoring Update No. 55: “Villager registration and movement restrictions in the Palu area,” KHRG, February 2011; “Toungoo Situation Update: July to October 2011,” KHRG, November 2011.

²⁰⁶ “Toungoo Situation Update: July to October 2011,” KHRG, November 2011.

²⁰⁷ “Pa’an Situation Update: April 2011,” KHRG, September 2011.

²⁰⁸ “Toungoo Situation Update: April to July 2011,” KHRG, October 2011; Displacement Monitoring Update No. 84: “IB #24 orders forced labour in Tn---, issues movement restriction in Ht---,” KHRG, August 2011.

²⁰⁹ Displacement Monitoring Update No. 82: “Detention, arbitrary taxation and movement restrictions in T’Nay Hsah Township,” KHRG, July 2011.

(November 2011)²¹⁰

Movement restrictions prevent communities in rural areas from purchasing or transporting necessary supplies such as food and medicine; in some cases, villagers expressed concerns about the death of civilians who could not access necessary supplies.²¹¹ Further details on restrictions that entail denying villagers access to humanitarian support are included in Section III: C.

“When they [villagers] get sick and can’t get treatment in the village, we carry them to Ler Doh. If you carry medicine, you have to carry it secretly. We can’t carry it publicly. ... They don’t like that. Definitely, you can’t carry it [yourself]. If you carry it, you have to carry it secretly ... I don’t know how they see villagers and why they don’t allow us to carry medicine. Maybe they think we’re bringing it back for the KNLA. I thought of this because the KNLA lives in the jungle and doesn’t have medicine. They [the Tatmadaw] will think about this. That’s my opinion.”

Saw My--- (male, 45), Ta--- village, Ler Doh Township, Nyaunglebin District
(May 2011)²¹²

Restrictions may shorten workdays, prevent farmers from accessing fields or selling agricultural products, and often fail to take into account seasonal needs related to the agricultural cycle – sometimes forcing farmers to miss key planting or harvest periods and undermining or destroying crop yields. For rural agricultural communities, this may have devastating and lasting impacts on a household’s ability to support itself.

“On July 8th 2011... SPDC Army [Tatmadaw] soldiers ordered villagers not to travel, especially by car or motorbike along the vehicle road. Villagers who live in the Gkaw Thay Der village tract depend on this vehicle road for their livelihoods. They go to sell fruits and vegetables they harvest in Kler La and, with the money that they get, they buy rice and other things they need. The food that villagers buy comes from Toungoo Town and the fruit and vegetables villagers sell in Kler La are sent to Toungoo Town to be resold. Because the SPDC Army closed the road, villagers could not go and sell their fruits and vegetables, such as durian, dog fruit, betel leaf, mangosteen and others. They did not allow [villagers] to go, so, day by day, their incomes were negatively affected, costing some of them hundreds of thousands [of kyat] ... Some have not been able to buy enough rice, so this has become a worry for them.”

Situation report written by a villager, Toungoo District
(August 2011)²¹³

Villagers raised concerns that they were threatened with violence if they failed to comply with movement or trade restrictions.²¹⁴ In some cases, soldiers enforced these restrictions by firing on villagers who failed to comply.²¹⁵ A villager in Dooplaya District, for example, documented an

²¹⁰ “Thaton Situation Update: June to October 2011,” KHRG, November 2011.

²¹¹ A villager trained by KHRG to document human rights abuses in Pa’an Township, Thaton District, submitted a yet unpublished interview conducted in April 2011. The villager interviewed Naw T---, a 45-year-old Buddhist plantation farmer, who described critically ill villagers being refused medical treatment at government hospitals. One villager in question who was denied medical treatment subsequently succumbed to his disease and died. This interview was received by KHRG in August 2011, along with 12 other interviews, one situation update and 138 photographs.

²¹² “Nyaunglebin Interview: Saw My---, May 2011,” KHRG, August 2011.

²¹³ “Toungoo Situation Update: April to July 2011,” KHRG, October 2011.

²¹⁴ “Toungoo Situation Update: July to October 2011,” KHRG, November 2011.

²¹⁵ Order #140 and 141, *Civilian and Military order documents: March 2008 to July 2011*, KHRG, October 2011; see also: “Dooplaya Interview: U Sa---, July 2011,” KHRG, July 2011: “After that [6 pm], villagers couldn’t go

incident in which Tatmadaw soldiers opened fire on Pah Te--- and his wife as they returned home from their field at night, in breach of a curfew order; Pah Te--- was shot and killed.²¹⁶

"When I attended the meeting Commander Ew--- said: 'From now on, your villagers [whether] male or female aren't allowed to travel on the vehicle road or walk on the road. If we see them, we'll shoot every one of them with our guns.' When I came back I told the villagers not to use the vehicle road. The villagers don't dare to cross the road, and they can't go to plant their vegetables [such as] long beans, and their bean [crops] are destroyed."

Written explanation from a village head who was issued with a forced labour order from Tatmadaw LIB #---, Battalion Commander, Ev--- army camp, Papun District (November 2010)²¹⁷



The photo on the left, taken on March 3rd 2011 in Kya In Township, Dooplaya District, show the body of Pah Te---. Tatmadaw soldiers from LIB #407 shot and killed Pah Te--- as he and his wife returned to their field hut on the night of February 24th 2011. The photo on the right, taken on the same day, shows the place where Tatmadaw soldiers from LIB #407 attempted to bury and hide the body of Pah Te--- on February 25th 2011, the day after shooting him.²¹⁸ [Photos: KHRG]

outside the village. They [Tatmadaw soldiers] said that if they saw [anyone] after 6 pm they'd shoot them." See also: "Villager shot and killed by Tatmadaw in southern Dooplaya," KHRG, April 2011.

²¹⁶ "Villager shot and killed by Tatmadaw in southern Dooplaya," KHRG, April 2011.

²¹⁷ This is a direct quote from a village head in Papun District who was issued with an order letter to come and meet the local Tatmadaw commander who issued this threat. See: Order #140 and 141, *Civilian and Military order documents: March 2008 to July 2011*, KHRG, October 2011.

²¹⁸ "Villager shot and killed by Tatmadaw in southern Dooplaya," KHRG, April 2011.

C. Denial of access to humanitarian goods and services

This category includes acts impeding the unhindered and safe movement of humanitarian personnel and materials, including supplies necessary for the provision of food, health and education. Such acts are prohibited under customary IHL during both international and domestic armed conflicts.²²⁰ This prohibition has recently been emphasised by the UN Security Council with the adoption of Resolution 1612.²²¹ In the past 20 years, KHRG has documented the denial of access to humanitarian relief in all seven research areas.²²²



Villagers in five of the seven research areas²²³ raised concerns that they were prevented from accessing humanitarian goods or services, due to restrictions on the transport of food and medicine,²²⁴ restrictions on the passage of, including arrest of, medical personnel,²²⁵ and travel restrictions which prevent villagers from accessing healthcare facilities.²²⁶

The photo above shows residents of R--- village, P-- village tract, Lu Pleh Township, Pa'an District, travelling covertly to access medical assistance.²¹⁹ [Photos: KHRG]

“Even though you go to towns and can buy medicines, it is difficult for villagers to bring back these medicines. If the SPDC Army sees when you bring the medicines, they will give you punishment and harm you. There is no medicine when the villagers get sick because the SPDC Army does not allow villagers to transport medicines in mountainous areas. There are some people who die with curable diseases.”

²¹⁹ “Pa’an Situation Update: April 2011,” KHRG, September 2011.

²²⁰ *Rule 55: Access to Humanitarian Relief for Civilians in Need*: “The parties to the conflict must allow and facilitate rapid and unimpeded passage of humanitarian relief for civilians in need, which is impartial in character and conducted without any adverse distinction, subject to their right of control.” See also: Fourth Geneva Convention, Article 23 (cited in Vol. II, Ch. 17, § 361).

²²¹ In February 2005, the UN Secretary General’s report to the UN Security Council and UN General Assembly outline six “grave violations” of children’s rights. One of these grave violations was “Denial of humanitarian access for children.” *Children and armed conflict: Report of the Secretary-General*, UN-Doc A/59/695-S/2005/72, (2005). In July 2005, the Security Council established a UN-led “monitoring and reporting mechanism” to gather information regarding these violations to inform appropriate responses. See: *Resolution on children and armed conflict*, SC Res. 1612, UN SCOR, 60th Year, 5235th Meeting, UN Doc S/Res/1612 (2005).

²²² See for example: *Attacks on Health and Education: Trends and incidents from eastern Burma, 2010-2011*, KHRG, December 2011; *Self-protection under strain: Targeting of civilians and local responses in northern Karen State*, KHRG, August 2010; *Grave Violations: Assessing abuses of child rights in Karen areas during 2009*, KHRG, January 2010; “SPDC spies and the campaign to control Toungoo District,” KHRG, March 2008.

²²³ Thaton, Toungoo, Nyaunglebin, Papun and Pa’an districts.

²²⁴ KHRG has received documentation of restrictions imposed by Tatmadaw units on villagers relating to the sale and transport of medicine in an unpublished report written by a villager in Toungoo District and received in May 2011 along with seven incident reports, nine interviews and 453 photographs. This report specified that villagers were threatened that they would be punished by Tatmadaw soldiers if caught transporting medicine. Similarly, KHRG has also received documentation regarding restrictions imposed by Tatmadaw units on villagers relating to the transport of food in another unpublished report written by a villager in Nyaunglebin District received in November 2011 along with three interviews and 116 photographs. This report raised concerns that villagers were forbidden from transporting food to their villages and for personal use while working on plantations.

²²⁵ This previously unpublished information was submitted to KHRG by a villager who travelled to the area and conducted interviews with villagers in the area. Due to the sensitive nature of this information, KHRG has withheld further details related to this incident.

²²⁶ “Pa’an Situation Update: April 2011,” KHRG, September 2011.

Situation report written by a villager, Toungoo District (May 2011)²²⁷

Villagers reported specific instances in which a sick or injured villager was denied medical treatment during forced labour,²²⁸ or repeatedly denied entry to government medical facilities.²²⁹ A villager in Papun District documented an incident in which health care workers were arrested while attempting to travel to provide medical assistance to a woman who had recently given birth and who subsequently died.²³⁰

"In the beginning of the rainy [monsoon] season this year, one patient went to hospital. At that time, the patient was very good. When the patient arrived at the hospital the doctor didn't accept the patient. They would not check him into the hospital. The doctor came and checked them on the road in the horse cart and then said to go to another hospital. They went to another hospital and the doctor said to go to another, and then the patient was in the hospital only one night and he died. I think, they would have thought that patient didn't have money so they didn't look at him."

Naw H--- (female, 45) Gr--- village, Ha Ta Ra village tract, Pa'an Township, Thaton District (April 2011)²³¹

An unpublished report from Toungoo District received by KHRG in August 2011 noted that villagers in Tantabin Township face restrictions on transporting food to their agricultural workplaces that are backed by a threat that villagers will be killed if they fail to comply.

"Whenever [Shah See Boh] villagers go to their farm they can only bring three small tins of rice. If the [Tatmadaw soldiers] check and see the villagers brought more than three small milk tins of rice, they will kill the villagers."

Situation update written by a villager, Tantabin Township, Toungoo District (November 2011)²³²

²²⁷ This is an excerpt from a situation update submitted to KHRG in May 2011 and written by a villager in Toungoo District who has been trained by KHRG to monitor human rights conditions. This situation update was received along with other information, including seven incident reports, nine interviews and 453 photographs.

²²⁸ "Papun Interview: Maung Y---, February 2011," KHRG, September 2011.

²²⁹ A villager trained by KHRG to document human rights abuses in Pa'an Township, Thaton District, submitted a yet unpublished interview conducted in April 2011. The villager interviewed Naw T---, a 45-year-old Buddhist plantation farmer, who described critically ill villagers being refused medical treatment at government hospitals. One villager in question who was denied medical treatment subsequently succumbed to his disease and died. This interview was received by KHRG in August 2011, along with 12 other interviews, one situation update and 138 photographs.

²³⁰ This previously unpublished information was submitted to KHRG by a villager who travelled to the area and conducted interviews with villagers in the area. Due to the sensitive nature of this information, KHRG has withheld further details related to this incident.

²³¹ This is an excerpt from an unpublished interview conducted by a villager in Thaton District that was received by KHRG in August 2011 along with 12 other interviews, one situation update and 138 photographs.

²³² This is an excerpt from an unpublished situation update submitted to KHRG in November 2011 and written by a villager in Toungoo District who has been trained by KHRG to monitor human rights conditions.

D. Arbitrary arrest and detention

This category includes incidents in which civilians are arrested and/ or detained without any formal charge or observance of due judicial process. In the past 20 years, KHRG has consistently documented incidents in which civilians have been detained, abused, persecuted or summarily executed after being suspected or accused of supporting, contacting or cooperating with the KNU or its armed wing, the KNLA, in all seven research areas.²³⁴ Suspicion and related abuse of civilians by Tatmadaw forces typically occurs in areas where NSAGs are active, exert influence or administer communities. However, KHRG has also documented instances in which villagers were detained on the pretence of connection to NSAGs, but in instances in which the community felt that an economic dispute motivated the killing.²³⁵

Villagers in four out of seven research areas²³⁶ reported the arbitrary arrest and detention of civilians by Tatmadaw and Tatmadaw Border Guard soldiers. Villagers raised incidents of arbitrary arrest following clashes between Tatmadaw and Tatmadaw-allied groups and NSAGs,²³⁷ or after the desertion of Tatmadaw Border Guard soldiers.²³⁸ Incidents were also reported in which villagers were detained for arbitrary periods,²³⁹ had to secure a guarantor or pay money in order to be released,²⁴⁰ were forced to labour in Tatmadaw camps,²⁴¹ or were interrogated,²⁴² beaten,²⁴³ tortured²⁴⁴ or executed.²⁴⁵



This photo, taken on December 26th 2010, shows G---, a resident of Waw Lay village, Kawkareik Township, Dooplaya District, who was arrested and detained for 15 days, during which time he was bound and left in the sun for an hour everyday for ten days and, in the evenings, was kept in the same position while restrained with handcuffs. He told KHRG that he was fed just enough to survive while he was detained in this way.²³³ [Photo: KHRG]

²³³ Displacement Monitoring Update No. 46: "Physical abuse during interrogation and extended detention of civilian from Waw Lay," KHRG, January 2011.

²³⁴ See for example: "Livelihood consequences of SPDC restrictions and patrols in Nyaunglebin District," KHRG, September 2010; "Attacks on cardamom plantations, detention and forced labour in Toungoo District," KHRG, May 2010; "Starving them out: Food shortages and exploitative abuse in Papun District," KHRG, October 2009; "Villagers responses to forced labour, torture and other demands in Thaton District," KHRG, October 2008; "Oppressed twice over: SPDC and DKBA exploitation and violence against villagers in Thaton District," KHRG, March 2008; "SPDC soldiers arrest and kill villagers on allegations of contacting KNU/KNLA," KHRG, January 2008.

²³⁵ "Abuse in Pa'an District, Insecurity in Thailand: The dilemma for new refugees in Tha Song Yang District," KHRG, August 2009, which notes an incident in which DKBA officer Shwe Ah See executed a village headman for reasons local villagers suspected to include motivation to avoid repayment of a debt.

²³⁶ Toungoo, Papun, Dooplaya and Pa'an districts.

²³⁷ "Dooplaya Situation Update: August 2011," KHRG, October 2011.

²³⁸ Displacement Monitoring Update No. 82: "Detention, arbitrary taxation and movement restrictions in T'Nay Hsah Township," KHRG, July 2011.

²³⁹ Displacement Monitoring Update No. 46: "Physical abuse during interrogation and extended detention of civilian from Waw Lay," KHRG, January 2011.

²⁴⁰ "Papun Interview: Maung Y---, February 2011," KHRG, September 2011.

²⁴¹ Displacement Monitoring Update No. 68: "Villagers detained for two weeks at Mk--- by LIB #356 soldiers," KHRG, March 2011. An unpublished report written by a villager trained by KHRG to document human rights

"IB #73, under the command of the Southern Military Headquarters based in B---, arrested three villagers on August 3rd 2011. The soldiers from IB #73 based in B--- village arrested one O--- villager, named Saw F--- and two A--- villagers named Saw D---, whose father's name is Saw R---, and Naw N---, whose father's name is Saw M---, and the [IB #73] soldiers accused those villagers of communicating with the revolutionaries [KNLA]. The soldiers detained these villagers for six days in their camp and then let these villagers go back on August 9th 2011. Even though they let these villagers go back, they said they will ask these villagers to come and meet them whenever they need them."

Situation report written by a villager, Toungoo District
(November 2011)²⁴⁶

abuses in Toungoo District contained information that, on September 23rd 2011, IB #73 ordered a local village head to come and pay 300,000 kyat in order to release four villages the battalion had arrested two days prior. This report was received in November 2011 along with other information, including three incident reports, eight interviews and 204 photographs.

²⁴² Displacement Monitoring Update No. 46: "Physical abuse during interrogation and extended detention of civilian from Waw Lay," KHRG, January 2011; Displacement Monitoring Update No. 42: "Arbitrary arrest, detention and confiscation of property in the Waw Lay village area," KHRG, January 2011.

²⁴³ Displacement Monitoring Update No. 64: "Man seized by Tatmadaw soldier in Thailand, beaten unconscious in Burma," KHRG, March 2011.

²⁴⁴ Displacement Monitoring Update No. 60: "Villagers arrested, tortured by Tatmadaw soldiers in Oo Kreh Htah village," KHRG, February 2011.

²⁴⁵ "Extrajudicial execution of two civilians in Pa'an District," KHRG, February 2011.

²⁴⁶ "Toungoo Situation Update: July to October 2011," KHRG, November 2011.

IV. Taking villagers' labour, land or possessions

A. Forced labour

In determining whether an incident ought to be categorised as forced labour, KHRG relies upon the definition in Art. 2 (1) of the International Labour Organization (ILO) Forced Labour Convention: “*Forced or compulsory labour shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.*”²⁴⁸ Any demand levied on villagers that necessitates any additional work or service, whether through its production, gathering or delivery, can be categorised as forced labour. In the past 20 years, KHRG has consistently documented demands for forced labour in all seven research areas.²⁴⁹

During the reporting period, forced labour was documented in all seven research areas.²⁵⁰ Demands for forced labour documented by KHRG were often issued verbally at a face-to-face meeting, usually between a Tatmadaw commander and a village head, who then passed on the order to his or her community. KHRG also collected a total of 46 order letters issued by military and civilian officials of Burma's central government to village heads in six research areas²⁵¹ between November 14th 2010 and July 8th 2011.²⁵² In some cases, demands were backed by explicit threats of violence or other punishments for non-compliance.²⁵³



This photo, taken in February 2011, shows Maung Y---, 32, a married hill field farmer and resident of T--- village, in K’Hter Htee village tract, Dweh Loh Township, Papun District. Maung Y--- told KHRG that he was arrested at gunpoint by soldiers from Border Guard Battalion #1013 and detained for fifteen days, during which time he was forced to porter military rations and sweep for landmines.²⁴⁷ [Photo: KHRG]

²⁴⁷ “Papun Interview: Maung Y---, February 2011,” KHRG, September 2011.

²⁴⁸ ILO C29 Forced Labour Convention (1930) Art. 2(1).

²⁴⁹ See for example: *Civilian and Military order documents: March 2008 to July 2011*, KHRG, October 2011; “Forced Labour, Movement and Trade Restrictions in Toungoo District,” KHRG, March 2010; “Starving them out: Food shortages and exploitative abuse in Papun District,” KHRG, October 2009; *SPDC and DKBA order documents: August 2008 to June 2009*, KHRG, August 2009; “SPDC and DKBA road construction, forced labour and looting in Papun District,” KHRG, March 2009; “SPDC and DKBA extortion and forced labour in Thaton District,” KHRG, November 2008; “Routine forced labour in Pa’an District,” KHRG, October 2008; “Daily demands and exploitation: Life under the control of SPDC and DKBA forces in Pa’an District,” KHRG, September 2008; *Shouldering the Burden of Militarisation: SPDC, DKBA and KPF order documents since September 2006*, KHRG, August 2007.

²⁵⁰ Thaton, Toungoo, Nyaunglebin, Tenasserim, Papun, Dooplaya and Pa’an districts.

²⁵¹ Thaton, Toungoo, Tenasserim, Papun, Dooplaya and Pa’an districts; that is, all districts except Nyaunglebin.

²⁵² These 46 order letters issued since the November 2010 election, as well as a further 161 order letters issued between 2008 and November 7th 2010, are available in the thematic report *Civilian and Military order documents: March 2008 to July 2011*, KHRG, October 2011.

²⁵³ Order letters issued since the November 2010 election contain explicit written threats; see: *Civilian and Military order documents: March 2008 to July 2011*, KHRG, October 2011. For example, village heads have been threatened that soldiers would “*have to come to the village*” (Order #192) or would recognise villagers as “*enemies*” and “*punish [them] as a result*” (Order #123) if they failed to comply with an order and that the consequences for non-compliance would result in “*serious punishment*” (Order #201, 202).

"We already informed you, [regarding] the relevant villages, to repair the bridges quickly but until now no one has come, so that is why we are additionally informing you again. On November 15th 2010, the villagers have to come without fail. If the villagers default we will recognise you as enemies and will punish you as a result."

Written forced labour order from Tatmadaw LIB #---, Battalion Commander, Ev--- army camp, Papun District (November 2010)²⁵⁴

Forced labour demands may also be backed by threats of punishments not entailing violence. For example, an unpublished report from Dooplaya District received by KHRG in August 2011 includes an explicit threat of forced relocation issued against ten villages in the Kyo Gk'Lee area displaced during post-election conflict in December 2010 if the villagers failed to comply with demands to provide porters to the Tatmadaw. In cases where orders may not have included explicit threats of violence or other punishment, previous experiences with abuse may be sufficient to motivate villagers to comply.

"Whenever they need them, they call the villagers. If the villagers don't porter for them, they frighten the villagers and threaten that they will relocate them to Kyo Gk'Lee village. The villagers are farmers so it would not be easy for them to move."

Situation report written by a villager, Dooplaya District (August 2011)²⁵⁵

Villagers reported that they had to: clear vegetation from vehicle roads or from land adjacent to Tatmadaw camps;²⁵⁶ guide Tatmadaw troops;²⁵⁷ porter military supplies and equipment, including water, rice, milk, oil, beans, and canned meat, on foot or using villagers' own carts or vehicles;²⁵⁸ attend meetings or serve as cooks, sentries or *set tha*²⁵⁹ at Tatmadaw camps for up to three months;²⁶⁰ provide one-time payments of up to 1,200,000 kyat (US \$1,558)²⁶¹ or up to

²⁵⁴ This order letter was issued to the Cl--- village head in Papun District and was dated November 14th 2010. It was authorised with the stamp of the LIB #--- Battalion Commander at Ev--- camp. See: Order #123, *Civilian and Military order documents: March 2008 to July 2011*, KHRG, October 2011.

²⁵⁵ This is a quote from a previously unpublished report written in December 2010 by a villager trained by KHRG to document human rights abuses in Dooplaya District. This report was received in August 2011.

²⁵⁶ "Nyaunglebin Situation Update: Ler Doh Township, May to July 2011," KHRG, November 2011; "Dooplaya Situation Update: August 2011," KHRG, October 2011.

²⁵⁷ "Tenasserim Situation Update: Te Naw Th'ri Township, April 2011," KHRG, September 2011.

²⁵⁸ "Pa'an Situation Update: June to August 2011," KHRG, October 2011; "Papun Situation Update: Dweh Loh Township, May 2011," KHRG, September 2011; Displacement Monitoring Update No. 84: "IB #24 orders forced labour in Tn---, issues movement restriction in Ht---," KHRG, August 2011; Displacement Monitoring Update No. 63: "Villager forced to wear Tatmadaw uniform while portering Tatmadaw supplies," KHRG, March 2011; Displacement Monitoring Update No. 57: "Two civilians in Kyo G'Lee village found dead after being arrested, forced to porter by Tatmadaw soldiers," KHRG, February 2011; Displacement Monitoring Update No. 52: "Three former convict porters confirm serious human rights abuses in the current conflict in Dooplaya District," KHRG, February 2011; Displacement Monitoring Update No. 33: "Shelling and fears of portering prolong displacement, disrupt the harvest in Palu village," KHRG, December 2010; Displacement Monitoring Update No. 29: "Forced portering in Min Let Bpaing village," KHRG, December 2010; Displacement Monitoring Update No. 26: "Villagers at risk from landmines, shelling and portering in Gk'Neh Lay village," KHRG, December 2010; Displacement Monitoring Update No. 21: "Fears of portering prolong displacement, disrupt harvest in Palu village," KHRG, December 2010; Displacement Monitoring Update No. 14: "Daily forced labour in G'Neh Lay," KHRG, December 2010; Displacement Monitoring Update No. 11: "Portering and landmine concerns in Waw Lay," KHRG, December 2010; "Villagers flee to avoid fighting and portering: Conflict continues to impact civilians in Dooplaya District," KHRG, December 2010; "Village burnt and residents forced to relocate in Pa'an District," KHRG, June 2010.

²⁵⁹ *Set tha* is a Burmese term for forced labour duty as a messenger stationed at army camps or bases and serving as a go-between to deliver orders from army officers to village heads, but also involving other menial tasks when no messages are in need of delivery.

²⁶⁰ *Civilian and Military order documents: March 2008 to July 2011*, KHRG, October 2011; "Nyaunglebin Situation Update: Ler Doh Township, May to July 2011," KHRG, November 2011; "Pa'an Situation Update: June to August 2011," KHRG October 2011; "Toungoo Situation Update: April to July 2011," KHRG, October 2011;

200,000 kyat (US \$271) every month in lieu of supplying porters;²⁶² produce and deliver thatch, bamboo, wooden posts, and firewood;²⁶³ construct or repair buildings and infrastructure at Tatmadaw camps, including fencing and sandbag defences;²⁶⁴ build new roads or rebuild roads damaged during the annual monsoon;²⁶⁵ send money, food or information about villagers' households and military activity of NSAGs to Tatmadaw camps;²⁶⁶ labour on agricultural and extractive industrial projects;²⁶⁷ and pay fees to avoid portering or recruitment into an armed group.²⁶⁸

"On August 9th 2011, Tatmadaw Border Guard Battalion #1014 [soldiers] led by Company Commander Tin Win ordered villagers from each village in O--- village tract to porter and stay with them for three months. If a village did not provide porters, the village had to pay 450,000 kyat (US \$584). They demanded one porter from L--- village, one porter from N---, one porter from I--- village, two porters from B--- village and two porters from R--- village. They threatened that they would boh [cover with cloth or plastic] the village heads' heads [if they did not provide porters or payment]."

Situation report written by a villager, Thaton District
(November 2011)²⁶⁹

Villagers told KHRG that they had to provide their own food, use their own equipment and were not compensated for their labour or for injuries sustained while labouring.²⁷⁰ Villagers also reported facing serious threats to their physical security while providing forced labour. Specific incidents in which forced porters were required to wear military uniforms,²⁷¹ porter rations in areas known or feared to be contaminated by landmines,²⁷² porter during military operations against NSAGs,²⁷³ and sweep for landmines were all documented.²⁷⁴

"Toungoo Incident Reports: March and April 2011," KHRG, May 2011; "Toungoo Situation Update and Interviews: May 2010 to January 2011," KHRG, May 2011; Displacement Monitoring Update No. 68: "Villagers detained for two weeks at Mk--- by LIB #356 soldiers," KHRG, March 2011.

²⁶¹ All conversion estimates for the Kyat in this report are based on the fluctuating informal exchange rate rather than the government's official fixed rate of 6.5 kyat to US \$1. All conversions drawn from previous KHRG reports and interviews appearing in this report are calculated with respect to the unofficial exchange rate used prior to the publication of each report and interview. The fluctuating informal exchange rate used for conversion estimates appearing in this report therefore vary from one conversion estimate to the next. As of December 14th 2011, this unofficial rate as of when US \$1 = 770 kyat.

²⁶² "Papun Situation Update: Bu Tho Township, April 2011, KHRG, September 2011; "Thaton Situation Update: June to October 2011," KHRG, November 2011.

²⁶³ "Papun Situation Update: Dweh Loh Township, May 2011," KHRG, September 2011; "Papun Interview: Maung Y---, February 2011," KHRG, September 2011; "Dooطلا Situation Update: August 2011," KHRG, October 2011; Displacement Monitoring Update No. 80: "Forced labour in the Palu area," KHRG, July 2011.

²⁶⁴ "Nyaunglebin Situation Update: Ler Doh Township, May to July 2011," KHRG, November 2011; "Thaton Situation Update: June to October 2011," KHRG, November 2011.

²⁶⁵ "Toungoo Situation Update: July to October 2011," KHRG, November 2011.

²⁶⁶ Order #165, *Civilian and Military order documents: March 2008 to July 2011*, KHRG, October 2011; "Village heads negotiate with Tatmadaw, armed groups to forestall human rights threats amid continued conflict in Dooطلا District," KHRG, August 2011.

²⁶⁷ "Pa'an Situation Update: September 2011," KHRG, October 2011; "Pa'an Situation Update: April 2011," KHRG, September 2011.

²⁶⁸ The ILO categorises this type of payment as forced labour for the purposes of the Forced Labour Convention. See: "Thaton Situation Update: June to October 2011," KHRG, November 2011.

²⁶⁹ "Thaton Situation Update: June to October 2011," KHRG, November 2011.

²⁷⁰ "Pa'an Situation Update: April 2011," KHRG, September 2011.

²⁷¹ "Pa'an Situation Update: September 2011," KHRG, October 2011.

²⁷² "Toungoo Incident Reports: March and April 2011," KHRG, May 2011.

²⁷³ "Pa'an Situation Update: September 2011," KHRG, October 2011.

²⁷⁴ "Papun Interview: Maung Y---, February 2011," KHRG, September 2011.

"When they arrested me I was at home, working. I was taking rice to put it in a rice barn and then when I stepped out of my house they called me [to go with them] ... They pointed their guns at me and said: 'Don't run. If you run, we'll kill you.' And then we had to go with them ... They didn't kill anyone, but they said they saw people run. They said to the people who were left: 'If you run, we really will shoot you.' ... They said: 'The KNU placed the landmines, so you have to clear them.' After that, they gave us a rake and we started to clear landmines."

Maung Y--- (male, 32), T--- village, Dweh Loh Township, Papun District
(February 2011)²⁷⁵

Villagers in four research areas²⁷⁶ reported specific incidents in which villagers were killed by landmines, during armed engagements or were summarily executed while performing forced labour.²⁷⁷

"During the battle, one soldier from LIB #558 was killed and four others were injured. Because his soldier died and other soldiers were injured, [Captain] Myo Thaw Zin Oo killed a [villager] guide named Saw L---, 39 years old. Saw L--- was a villager from Ht--- village in Pewa Bplaw. A Pewa area village head, Saw W---, reported that Saw L--- left behind his wife, Naw T---, and four children, his youngest child being only two years old. The Burmese Army [Tatmadaw] soldiers [from LIB #558] ordered Saw L--- to guide the way for them when they went to clear [the KNLA] out of areas of Pewa."

Situation report written by a villager, Tenasserim Division
(October 2011)²⁷⁸

Even where no violence or harm to civilians occurs, forced labour demands divert villagers' labour from their own livelihoods pursuits, draining significant time that would otherwise be spent farming or earning other income.²⁷⁹

"Sometimes the SPDC Army [Tatmadaw] comes to our village and we can't work smoothly [without disruption] because they come and ask for villagers to do sentry duty for them and to carry things for them. My village is big so each time they ask for ten or fifteen people to porter for them. When they [villagers] go to carry things, it sometimes takes them five days, sometimes 15 days and sometimes one month ... Villagers have to go stand guard [perform sentry duty] at the army camp, and have no time to work for themselves."

Naw P--- (female, 40), Ta--- village, Ler Doh Township, Nyaunglebin District
(May 2011)²⁸⁰

²⁷⁵ "Papun Interview: Maung Y---, February 2011," KHRG, September 2011.

²⁷⁶ Toungoo, Papun, Tenasserim and Dooplaya districts.

²⁷⁷ Displacement Monitoring Update No. 57: "Two civilians in Kyo G'Lee village found dead after being arrested, forced to porter by Tatmadaw soldiers," KHRG, February 2011; "Tenasserim Situation Update: Te Naw Th'Ri Township, May to September 2011," KHRG, December 2011. Further information about this incident was provided by an unpublished incident report written by a villager trained by KHRG to document human rights abuses in Toungoo District. On August 15th 2011, two villagers IB #374 arrested to serve as guides were killed during a clash with KNLA troops. This report was received in November 2011 along with two other incident reports, eight interviews, one situation update and 204 photographs.

²⁷⁸ "Tenasserim Situation Update: Te Naw Th'Ri Township, May to September 2011," KHRG, December 2011.

²⁷⁹ Although no exact figures are available, it has been estimated that, despite the fact that approximately 75 per cent of the population of Burma live in rural areas and 65 per cent depend on agricultural and farm-related livelihoods activities, only one-fifth of the rural population operate farms of more than five acres; see: Nancy Hudson-Rodd and Sein Htay, "Farmers, land and military rule in Burma," pp.147 – 167 in Cheesman, Skidmore and Wilson (eds.), *Ruling Myanmar: From Cyclone Nargis to National Elections*, Singapore: Institute of Southeast Asian Studies, 2010, p.147.

²⁸⁰ "Nyaunglebin Interview: Naw P---, May 2011," KHRG, July 2011.

The cumulative effect of forced labour demands on rural villagers, compounded by the fact that demands can be made at any time and are therefore difficult to predict or prepare for, undermines villagers' ability to support themselves and their families. Previous research by KHRG has confirmed that this is sufficient in some cases to influence villagers' decisions of whether to remain in an area, to adopt temporary or permanent displacement strategies, or to migrate to a third country.²⁸¹

"I want to go back to my village... I want to go back if I can go back... [But they] take [people as] porters if men go back... If they take porters, I just have one husband. What am I going to eat with if they take [him as a] porter? How can I work and feed these six children?"

Daw --- (female, 40), Palu village, Kawkareik Township, Dooplaya District
(December 2010)²⁸²

²⁸¹ Displacement Monitoring Update No. 9: "Villagers flee to avoid fighting and portering: Conflict continues to impact civilians in Dooplaya District," KHRG, December 2010; Displacement Monitoring Update No. 21: "Fears of portering prolong displacement, disrupt harvest in Palu village," KHRG, December 2010; *Abuse, Poverty, Migration: Investigating migrants' motivations to leave home in Burma*, KHRG, June 2009.

²⁸² Displacement Monitoring Update No. 19: "Repeated flight and obstacles to refuge in Palu village," KHRG, December 2010.



The photos above show Saw B---, 35, a resident of Gk--- village in Lu Pleh Township, Pa'an District. Saw B--- told the villager who took these photos that his back was injured while performing forced labour, including forced portering, for Tatmadaw Border Guard Battalion #1011 troops under the control of Captain Pah Daw Boe, at a logging site on the G--- River. The villager did not further describe Saw B---'s injury, however, the photo above right shows what appears to be scarring on Saw B---'s lower back, suggesting that he may have sustained abrasions while portering. Saw B--- told the villager trained by KHRG to document human rights abuses that he received neither payment for his labour nor compensation or medical assistance for the injury he sustained.²⁸³ [Photos: KHRG]



This photo shows a logging site in the Mae Ta Woh area of Pa'an District controlled by Captains Pah Daw Boe and Officer Pah Ta Gkee of Border Guard Battalion #1011. The villager trained by KHRG to document human rights abuses who took this photo reported that villagers in the area were forced to provide unpaid labour at this site, performing duties which included sawing and transporting wood to lumber trucks.²⁸⁴ [Photo: KHRG]



This photo shows another logging operation carried out by Border Guard Battalion #1011 in the area of M--- and R--- villages, P--- village tract, Lu Pleh Township, Pa'an District. The villager trained by KHRG to document human rights abuses who took this photo reported that villagers in this area have been forced to serve as guides to help Border Guard soldiers locate trees suitable for felling, to cut and carry trees, and to construct shelters.²⁸⁵ [Photo: KHRG]

²⁸³ "Pa'an Situation Update: April 2011," KHRG, September 2011.

²⁸⁴ "Pa'an Situation Update: April 2011," KHRG, September 2011.

²⁸⁵ "Pa'an Situation Update: April 2011," KHRG, September 2011.



The two photos above show residents of Gk--- village in Lu Pleh Township, Pa'an District, carrying loads of palm leaves to logging sites operated by Border Guard Battalion #1011. According to the villager who took these photos, Gk--- villagers transport the palm leaves to the logging sites, where they also have to build huts, make thatch shingles using the palm leaves, and roof the huts with the thatch shingles.²⁸⁶
[Photos: KHRG]



This photo, taken on January 9th 2011, shows M--- villagers portering rations to Gkleh Muh Htah Border Guard camp from M--- village on the order of Tatmadaw Border Guard Battalion #1013. According to the villager who took this photo, Kyaw Beh, a Battalion #1013 officer, ordered each household in M--- village, Dweh Loh Township, Papun District, to provide one porter without fail. Approximately 50 M--- villagers portered rations to the camp at Gkleh Muh Hta on January 9th.²⁸⁷
[Photo: KHRG]



This photo, taken on February 15th 2011, shows L--- villagers in Dweh Loh Township, Papun District, producing thatch shingles in front of the L--- village head's house. The village head is visible standing in the foreground in the photo on the right. The villager who took this photo reported that Tatmadaw Border Guard Battalion #1013 Commander Maung Soe Myay demanded 8,000 thatch shingles from L--- village.²⁸⁸ [Photo: KHRG]

²⁸⁶ "Pa'an Situation Update: April 2011," KHRG, September 2011.

²⁸⁷ "Papun Situation Update: Dweh Loh Township, May 2011," KHRG, September 2011.

²⁸⁸ "Papun Situation Update: Dweh Loh Township, May 2011," KHRG, September 2011.



According to the villager who took the photos above, these villagers are residents of R--- village, Dta Greh Township, Pa'an District, who were forced to perform tasks for soldiers based at the Border Guard Battalion #1015 camp in R--- village under the command of Mu Maw Dweh. These tasks included cooking, sentry duty, camp repair and portering water and firewood without compensation. Note that all of the villagers shown in these photos are women, except for the man in the photo above right, at the far left of the photo.²⁸⁹ [Photos: KHRG]

²⁸⁹ "Pa'an Situation Update: June to August 2011," KHRG, October 2011.

B. Arbitrary taxation and demands

This category includes oral or written demands issued by civilian or military authorities on an *ad hoc*, irregular and unpredictable basis for the provision of villagers' money, food or possessions. These types of demands are conceptually distinct from demands that necessitate some additional work or action not yet completed on the part of the villager(s); acts of this latter type have been included in the category 'Forced Labour' in Section III: A above. In the past 20 years, KHRG has documented the levying of arbitrary demands for money and other goods consistently in all seven research areas.²⁹¹

During the reporting period, villagers in all seven research areas²⁹² reported the levying of arbitrary taxes or the issue of demands for goods, such as meat, fruit, cigarettes, alcohol stills, packs of instant coffee and noodles, salt, monosodium glutamate, and lumber.²⁹³ Demands were reported to have been issued by Tatmadaw,²⁹⁴ Tatmadaw Border Guard,²⁹⁵ and NSAGs,²⁹⁶ as well as by civilian government representatives.²⁹⁷



This photo, taken on February 10th 2011, shows residents of Palu Pa Doh village, Kawkareik Township, Dooplaya District, attending a meeting at the village football field. Local sources said that, at the meeting, the villagers were told that local Tatmadaw Border Guard Force commander Bo Gra Na had demanded 150,000 baht (US \$4,910) from the headman, but did not specify for what purpose the money would be used. The sources said that the villagers paid the specified amount on February 12th because the community was worried that the headman would be arrested by Tatmadaw Border Guard soldiers if they did not pay.²⁹⁰ [Photo: KHRG]

²⁹⁰ See: Displacement Monitoring Update No. 58: "Looting and arbitrary taxation in Palu village," KHRG, February 2011.

²⁹¹ See for example: *Civilian and Military order documents: March 2008 to July 2011*, KHRG, October 2011; "Forced Labour, Movement and Trade Restrictions in Toungoo District," KHRG, March 2010; "Exploitative abuse and villager responses in Thaton District," KHRG, November 2009; "Starving them out: Food shortages and exploitative abuse in Papun District," KHRG, October 2009; "Living conditions for displaced villagers and ongoing abuses in Tenasserim Division," KHRG, October 2009; *SPDC and DKBA order documents: August 2008 to June 2009*, KHRG, August 2009; "Military movements, forced labour and extortion in Nyaunglebin District," KHRG, May 2009; "Attacks, killings and the food crisis in Papun District," KHRG, February 2009; *Growing up under militarisation: Abuse and Agency of children in Karen State*, KHRG, April 2008; *Shouldering the Burden of Militarisation: SPDC, DKBA and KPF order documents since September 2006*, KHRG, August 2007.

²⁹² Thaton, Toungoo, Nyaunglebin, Tenasserim, Papun, Dooplaya and Pa'an districts.

²⁹³ In the case of these items, it is not clear whether villagers were required to deliver the items demanded or to provide any additional work or service; if they were, such demands would be categorised as forced labour. See: "Nyaunglebin Situation Update: Ler Doh Township, May to July 2011," KHRG, November 2011; Order #189, 190, and 194, *Civilian and Military order documents: March 2008 to July 2011*, KHRG, October 2011. Further information on the levying of arbitrary taxes and demands on villagers was submitted in an unpublished report written by a villager trained by KHRG to document human rights abuses in Nyaunglebin District that was received in November 2011 along with other information, including six interviews and 156 photographs. This report specified that villagers were required to provide money, firewood, lumber and food to Tatmadaw troops in September 2011.

²⁹⁴ "Toungoo Situation Update: July to October 2011," KHRG, November 2011.

²⁹⁵ Order #189, 190, and 194, *Civilian and Military order documents: March 2008 to July 2011*, KHRG, October 2011.

²⁹⁶ Displacement Monitoring Update No. 67: "DKBA demands payment from villages in Pa'an District, warns of escalation of conflict," KHRG, March 2011.

²⁹⁷ "Tenasserim Situation Update: Te Naw Th'ri Township, May to September 2011," KHRG, December 2011.

"Informing you that now is the date for you to start paying 200,000 kyat (US \$260). Now I am sending someone from Kp--- as a carrier [messenger] to go and take the money. You may give it to him. Receive [this letter] and follow it directly."

Written forced labour order from K1--- of Border Guard Battalion #---, Company #2,
If--- army camp, Papun District
(January 2011)²⁹⁸

Villagers reported that taxes were levied at checkpoints along roads,²⁹⁹ on vehicles, agricultural machinery, food production equipment and field huts,³⁰⁰ and that money was demanded to purchase land at a forced relocation site,³⁰¹ to secure the release of detained villagers who were forced to serve as porters at Tatmadaw camps,³⁰² to compensate for the desertion of soldiers and the loss of their weapons,³⁰³ to pay for the repair of roads and bridges, soldiers' and teachers' salaries, and the purchase of food and pre-paid telephone cards,³⁰⁴ or without any purpose being specified.³⁰⁵

"Village heads – The subject is that I [am] informing you if you get this letter, tomorrow at 10:00 am come and see me in Id--- village. If you come, bring tobacco, one viss of betelnut and one [viss of] glue and do it immediately."

Written forced labour order from Border Guard Battalion #---, Platoon #---, Company #3,
Platoon Commander, Papun District
(March 2011)³⁰⁶

Taxation and arbitrary demands of this type cumulatively drain villagers' income and household resources, and are particularly destructive for farming communities that survive by consuming the products of their labour, and/ or by relying on profits from the sale of agricultural produce to purchase food.³⁰⁷ Taxation which is not regularised, and thus not predictable or easily factored into household decision-making, is particularly damaging, as is taxation levied on agricultural

²⁹⁸ This order letter was issued to the Jv--- village head in Papun District on December 1st 2011 and was signed by Tatmadaw Officer Kn---. See: Order #193, *Civilian and Military order documents: March 2008 to July 2011*, KHRG, October 2011.

²⁹⁹ "Toungoo Situation Update: April to July 2011," KHRG, October 2011.

³⁰⁰ "Nyaunglebin Situation Update: Ler Doh Township, May to July 2011," KHRG, November 2011. An unpublished report written by a villager trained by KHRG to document human rights abuses in Thaton District received in August 2011 contained information stating that, on January 11th 2011, Tatmadaw Border Guard Company Commander Thaw Ma Na demanded money from tractor and rice mill owners in numerous villages of Thaton District.

³⁰¹ "Pa'an Situation Update: April 2011," KHRG, September 2011.

³⁰² "Papun Interview: Maung Y---, February 2011," KHRG, September 2011.

³⁰³ Displacement Monitoring Update No. 82: "Detention, arbitrary taxation and movement restrictions in T'Nay Hsah Township," KHRG, July 2011.

³⁰⁴ "Nyaunglebin Situation Update: Ler Doh Township, May to July 2011," KHRG, November 2011; "Tenasserim Situation Update: Te Naw Th' Ri Township, May to September 2011," KHRG, December 2011.

³⁰⁵ Displacement Monitoring Update No. 58: "Looting and arbitrary taxation in Palu village," KHRG, February 2011.

³⁰⁶ This order letter was issued to the village heads of Jv--- and Kx--- in Papun District on March 12th 2011 and was authorised with the stamp of the Tatmadaw Border Guard Battalion #--- office; it was signed: "'You know' [This letter] comes from the Platoon Commander of Platoon #---, Company #3" and additionally carried the stamp of the Platoon Commander, Platoon #---, Company #3, Border Guard Battalion #---. See: Order #204, *Civilian and Military order documents: March 2008 to July 2011*, KHRG, October 2011.

³⁰⁷ Although no exact figures are available, it has been estimated that 65 per cent of the population of Burma depend on agricultural and farm-related livelihoods activities. See: Nancy Hudson-Rodd and Sein Htay, "Farmers, land and military rule in Burma," pp.147 – 167 in Cheesman, Skidmore and Wilson (eds.), *Ruling Myanmar: From Cyclone Nargis to National Elections*, Singapore: Institute of Southeast Asian Studies, 2010, p.147.

communities without regard for variations in income based on the season and strength of harvest.³⁰⁸

"In the meeting, Battalion Commander Maung Chit from Battalion #1013 decided that Meh Mweh Hta village has to pay money [in lieu of providing] two porters and the total amount of money is 200,000 kyat (US \$271). The village would have to pay this every month. There are about 50 households in Meh Mweh Hta, so this has become a big problem for the villagers."

Situation report written by a villager, Bu Tho Township, Papun District
(April 2011)³⁰⁹

As with forced labour demands, villagers reported that demands were backed by implicit or explicit threats of violence for failure to comply.³¹⁰ For example, in an incident reported by KHRG on March 28th 2011, DKBA soldiers under the command of Na Kha Mway issued written demands for a cash payment of 50 million kyat (US \$56,818) from Htee Lone village and neighbouring communities in Hlaing Bwe Township, Pa'an District, and threatened to attack and burn Htee Lone as well as a nearby Tatmadaw camp outside a village occupied by retired Tatmadaw soldiers if the villagers did not pay.

"In Htee Lone, if villagers don't give that money, they [the DKBA] have threatened the villagers, for example that they'll burn down [the camp of] Unit [Tatmadaw Battalion] #203 at Sit Mu Htan Haung village. They just said things like that. They [the DKBA] also said there'll be war [an escalation of fighting] but that they don't know the exact date. At first I was surprised about this but when I asked people, I learned about it. In Htee Lone village, they say the same thing [that fighting will escalate] ... They didn't only target to burn Sit Mu Htan Haung. They targeted to burn both Htee Lone village and Sit Mu Htan Haung. I heard villagers there [in Htee Lone] say it was included in the letter that they'd do that."

Ma M---, Htee Lone village, Hlaing Bwe Township, Pa'an District
(March 2011)³¹¹

In another example, describing how he would respond to demands for an elephant tax, a villager from Pa'an District described being shot for refusing to pay a similar tax in 2003.

"We have to pay twice a year. Last time [they said] we have to pay 25,000 kyat. I haven't paid yet. They demanded it from us. We had to go and pull logs for them free. They didn't pay us money. We had to go and pull logs for them at Y---. We pulled logs from E--- to Y--- ... [Officer Pah Lay Koh] came and asked me [for money]. I felt bored to go. He forced me and shot me with a gun. I had to go and get treatment in Pa'an. It cost 2,500,000 kyat."

Saw T--- (male, 30), D--- village, M'No Ro village tract, Dta Greh Township, Pa'an District
(December 2010)³¹²

³⁰⁸ See: James C. Scott, *Moral Economy of the Peasant*, Yale University Press, September 1977.

³⁰⁹ "Papun Situation Update: Bu Tho Township, April 2011," KHRG, September 2011.

³¹⁰ Displacement Monitoring Update No. 58: "Looting and arbitrary taxation in Palu village," KHRG, February 2011; Displacement Monitoring Update No. 67: "DKBA demands payment from villages in Pa'an District, warns of escalation of conflict," KHRG, March 2011.

³¹¹ Displacement Monitoring Update No. 67: "DKBA demands payment from villages in Pa'an District, warns of escalation of conflict," KHRG, March 2011.

³¹² This is an excerpt from a previously unpublished interview conducted by a villager trained by KHRG to document human rights abuses in December 2010 in Dta Greh Township, Pa'an District with Saw T---, a 30 year-old Buddhist farmer, who described being faced with arbitrary taxation and demands, forced labour and violent abuse posed by local Tatmadaw forces. This interview was received by KHRG in February 2011 along with other



The photo above left shows a Tatmadaw camp situated on an elevated location near T--- village, which is depicted above right. The villager who took these photos reported that, on March 7th 2011, Colonel Zaw Win from TOC #2 of Tatmadaw MOC #19 ordered villagers living in upland areas adjacent to the camp to relocate to T--- village. Villagers who did not have land to build a house in T--- village were ordered to pay 300,000 kyat (US \$407) while all residents of T--- village were ordered to pay 150,000 kyat (US \$203) for a plot of land on which to build a house in the relocation site.³¹³ [Photos: KHRG]

information from Pa'an District, including two incident reports, 11 other interviews, two situation updates and 155 photographs.

³¹³ "Pa'an Situation Update: April 2011," KHRG, September 2011.

C. Forced recruitment

This category includes incidents in which villagers, including children under the age of 18, were forced to register or serve in government armed forces or militia and NSAGs, including the Tatmadaw, Tatmadaw Border Guard, DKBA, KNLA and *pyi thu sit* (local militia). In the past 20 years, KHRG has documented the forced recruitment of villagers in all seven research areas.³¹⁴

During the reporting period, forced recruitment was reported to have occurred in all seven research areas; villagers in four research areas flagged specific incidents of forced recruitment to KHRG.³¹⁵ Villagers reported that they were forced to join an armed group against their will,³¹⁶ or that irregular and unpredictable taxes were levied on local villagers in order to pay salaries for the new recruits.³¹⁷ In one example from Pa'an District, a group of 12 village heads were ordered in April 2011 to provide a total of 71 villagers to serve 18 months for the Tatmadaw Border Guard or to provide 50,000 baht in lieu of each soldier not provided.³¹⁸

"This Border Guard unit recruited soldiers to increase their strength, so they forced [forcibly recruited] Saw G---'s son, Saw B---, Saw H---, Saw T---, Saw P--- and Saw N--- in H--- village. They also demanded 13 people [recruits] from S---, Hs--- and T--- village. They will pay 35,000 kyat (US \$45.45) per month to these people. To recruit new soldiers and pay the new soldiers' salary, they demanded 2,000,000 kyat (US \$2,597) from S--- and 1,000,000 kyat (US \$1,298) from Hs--- villages, 1,000,000 kyat from T--- and 4,000,000 kyat (US \$5,194) total from Bp--- and U--- villages. Those villages have already paid half [the amount], but they will have to pay it all by August 30th 2011 ... Within the five months between June to October 2011, villagers have had to pay millions of kyat to the soldiers under the Tatmadaw and Border Guard commanders. Some villagers have had to sell their land and property to pay porter fees and the recruitment fees for new soldiers."

Situation report written by a villager, Thaton District
(November 2011)³¹⁹

The forced registration of children for military service was also documented. A villager in Ler Doh Township, Nyaunglebin District, raised concerns regarding the registration of a 14-year-old boy for military service by Tatmadaw Border Guard commander Bo K'Tee; an interview with the boy and a separate interview with his father confirmed that the boy was registered for service but had not, as of March 20th 2011, been called for active duty yet.

"They asked for [one of my children] ... They registered his name but I have not given him to them yet ... His name is Saw A--- ... He is 14 years old... The name of the commander [who asked for one of my children] is Bo T'kee ... [The Tatmadaw Border Guard soldiers] don't come here often, they just come sometimes ... They haven't paid [a salary to Saw A---] because they haven't taken him yet."

³¹⁴ See for example: *Grave Violations: Assessing abuses of child rights in Karen areas during 2009*, KHRG, January 2010; "Forced recruitment of child soldiers: An interview with two DKBA deserters," KHRG, August 2009; "IDPs, land confiscation and forced recruitment in Papun District," KHRG, July 2009; "Mistreatment and child soldiers in the Burma Army: Interviews with SPDC deserters," KHRG, June 2009; "Forced recruitment, child soldiers and abuse in the army: Interviews with SPDC deserters," KHRG, April 2009; "Interview with an SPDC deserter," KHRG, July 2008; "Life inside the Burma Army: SPDC deserter testimonies," KHRG, May 2008; *Growing up under militarisation: Abuse and agency of children in Karen State*, KHRG, April 2008.

³¹⁵ Thaton, Tenasserim, Nyaunglebin, Papun and Pa'an districts.

³¹⁶ "Tenasserim Situation Update: Te Naw Th'ri Township, May to September 2011," KHRG, December 2011.

³¹⁷ "Thaton Situation Update: June to October 2011," KHRG, November 2011.

³¹⁸ This previously unpublished information was provided by a villager trained by KHRG to document human rights abuses in Pa'an District. This report was received in April 2011.

³¹⁹ "Thaton Situation Update: June to October 2011," KHRG, November 2011.

Saw P--- (male, 42), B--- village, Ler Doh Township, Nyaunglebin District
(August 2011)³²⁰

While KHRG did not document instances of forced recruitment of children from rural areas to join regular Tatmadaw units during the reporting period, interviews with adult and child Tatmadaw deserters confirmed the continued presence of children in Tatmadaw units deployed for combat operations. KHRG also did not specifically document instances of forced recruitment of children by the KNLA or KNDO, however, KNLA and KNDO forces maintain a quota for households to provide recruits for one to three-year terms.

"I am 17 years old and my name is A--- ... I started joining the army when I was 15 years old ... I was recruited forcibly, as porters are, when I went to visit my aunt. Then, I was sent to the recruitment centre and attended the training for 20 days. After that, I was sent to the front line directly ... I was arrested to join the army. I was not willing to join the army."

Ko A--- (male, 17), former child soldier with the Tatmadaw, LIB #202
(January 2011)³²¹



These photos were taken on March 20th 2011 in T--- village, Ler Doh Township, Nyaunglebin District, and show Saw P---, 42 (left), with his 14 year-old son, Saw A--- (right). According to the villager who took these photos and interviewed these two villagers, Tatmadaw Border Guard soldiers under the command of *Bo T'Kee* registered Saw A--- to serve as a soldier, but have not yet called him up for active duty; the villager who collected this information said that he believed Saw A--- was not called to follow the soldiers because he is small for his age. Saw P--- reported that six other T--- villagers were recruited to be Tatmadaw Border Guard soldiers at the same time as Saw A---, but that some villagers avoided forced military service by paying a fee.³²² [Photos: KHRG]

³²⁰ This is an excerpt from a previously unpublished interview conducted by a villager trained by KHRG to document human rights abuses in March 2011 in Ler Doh Township, Nyaunglebin District, with Saw P---, a 42-year-old Buddhist farmer, who described the registration of his 14 year-old son for military service with Tatmadaw Border Guard commander *Bo T'Kee*. This interview was received by KHRG in August 2011, along with ten other interviews, one situation update and 98 photographs from Nyaunglebin and Papun districts.

³²¹ Displacement Monitoring Update No. 48: "Interviews with Tatmadaw deserters confirm earlier reported incidents of abuse and general threats to civilians," KHRG, January 2011; "Appendix to Displacement Monitoring Update No. 48," KHRG, January 2011.

³²² These previously unpublished photos were taken by a villager trained by KHRG to document human rights abuses in March 2011 in Ler Doh Township, Nyaunglebin District. They were received by KHRG in August 2011, along with ten interviews, one situation update and 96 other photographs from Nyaunglebin and Papun districts.

D. Theft and looting

This category includes incidents in which villagers' possessions were taken by military actors without any verbal or written demand being issued. In the past 20 years, KHRG has documented theft and looting of villagers' possessions consistently in all seven research areas.³²⁴

Villagers in six of the seven research areas³²⁵ reported that soldiers from Tatmadaw, Tatmadaw Border Guard and NSAGs stole or looted villagers' possessions. Villagers reported that Tatmadaw soldiers summarily executed a villager and looted items on his person,³²⁶ as well as entered or broke into houses during villagers' absence, sometimes due to conflict-induced displacement,³²⁷ after villagers fled a deliberate attack on their village,³²⁸ or while villagers were staying in their agricultural workplaces during the harvest season.³²⁹

"On July 26th 2011, LIB #380 and LIB #379 started operating in T--- and L--- villages. [On August 4th] They took two small tins of rice, and five viss (8 kg. / 17.6 lb.) of fish paste from Saw B---. They also cut down durian and dogfruit trees belonging to Saw B---. They also took all of Saw W---'s property in his hut, worth 150,000 kyat (US \$194.81). When the SPDC [soldiers] went and operated in the D--- area on August 4th 2011, they saw a field hut belonging to Saw B---, a D---



This photo, taken on February 6th 2011, shows a truck belonging to Tatmadaw soldiers that was driven into Palu village, Kawkaik Township, Dooplaya District. According to a local source, soldiers looted property from villagers' homes after which looted items were loaded onto the truck and the truck returned to the Tatmadaw camp at Kyaw Ket.³²³ [Photo: KHRG]

³²³ Displacement Monitoring Update No. 58: "Looting and arbitrary taxation in Palu village," KHRG, February 2011.

³²⁴ See for example: "Forced Labour, Movement and Trade Restrictions in Toungoo District," KHRG, March 2010; "SPDC and DKBA road construction, forced labour and looting in Papun District," KHRG, March 2009; "Oppressed twice over: SPDC and DKBA exploitation and violence against villagers in Thaton District," KHRG, March 2008; "Attacks, killings and increased militarisation in Nyaunglebin District," KHRG, January 2008. See also: "Arrest, looting and flight: Conflict continues to impact civilians in Dooplaya District," KHRG, November 2010.

³²⁵ Thaton, Toungoo, Papun, Tenasserim, Dooplaya and Pa'an districts; that is, in all research areas except Nyaunglebin District.

³²⁶ "Tatmadaw attacks destroy civilian property and displace villages in northern Papun District," KHRG, April 2011.

³²⁷ Displacement Monitoring Update No. 58: "Looting and arbitrary taxation in Palu village," KHRG, February 2011. An unpublished incident report written by a villager trained by KHRG to document human rights abuses in Dooplaya District included information stating that, on September 11th 2011, Battalion Deputy Commander Aung Kyaw Myint of IB #231 under Tatmdaw MOC #12 led a troop of 40 soldiers into K--- village and stole property belonging to Saw G---, including food, clothing, bedding, toiletries and cookware. This incident report was received in November 2011 along with four other incident reports and three interviews.

³²⁸ "Tatmadaw attacks destroy civilian property and displace villages in northern Papun District," KHRG, April 2011; "Tatmadaw soldiers shell village, attack church and civilian property in Toungoo District," KHRG, November 2011.

³²⁹ "Protection concerns expressed by civilians amidst conflict in Dooplaya and Pa'an districts," KHRG, November 2010.

villager, and they took two tins of rice [belonging to Saw B---] and destroyed all Saw W---'s possessions in the hut. All of his possessions cost 150,000 kyat."

Situation report written by a villager, Toungoo District
(November 2011)³³⁰

Items reported to have been looted in the past year include food and food preparation items, such as livestock, fowl and other animals, rice, chillies, cans of milk, fish paste, honey, durian jam and cooking pots; essential household items, such as clothing, bedding, blankets, shoes, mosquito nets, machetes, hunting muskets and soap; as well as valuables, including money, jewellery and harvested cardamom seeds.³³¹ For example, during an attack on civilian objects in W--- village, Than Daung Township, Toungoo District, on October 12th 2011, Tatmadaw soldiers stole a total of 2,850,000 kyat (US \$3,701) and carried off villagers' harvested cardamom seeds, worth a total of 4,392,000 kyat (US \$5,704), as well as food items, hunting muskets, clothing, shoes and jewellery belonging to W--- villagers.

"The income the village gets comes from the cardamom fields ... When they [Tatmadaw soldiers] entered the village, they did many different kinds of things. They took the villagers' clothes, killed villagers' chickens and pigs, and destroyed the church. They took money, gold necklaces and, moreover, they broke the cooking pots and took villagers' sandals. They took anything that looked new or good ... and, moreover, they took our money from the last cardamom seed harvest."

Saw F--- (male, 55), W--- village, Than Daung Township, Toungoo District
(October 2011)³³²

³³⁰ "Toungoo Situation Update: July to October 2011," KHRG, November 2011.

³³¹ "Protection concerns expressed by civilians amidst conflict in Dooplaya and Pa'an districts," KHRG, November 2010; Displacement Monitoring Update No. 58: "Looting and arbitrary taxation in Palu village," KHRG, February 2011; "Tenasserim Interview: Saw P---, Received in May 2011," KHRG, October 2011; "Joint Tatmadaw patrol burns field huts and seed stores, displace six villages in Toungoo District," KHRG, June 2011; "Tatmadaw soldiers shell village, attack church and civilian property in Toungoo District," KHRG, November 2011; "Toungoo Situation Update: July to October 2011," KHRG, November 2011. Three unpublished incident reports written by a villager trained by KHRG to document human rights abuses in Pa'an District and submitted to KHRG in November 2011 along with five other incident reports, eight interviews, one situation update and 137 photographs contained information on the looting of villagers' property in their absence, specifically that, on October 29th 2011, following a KNLA ambush on a LIB #230 under Tatmadaw MOC #12, the troops responded by shelling M--- village, Dta Greh Township, before entering the village. The troops then looted property belonging to Saw H--- and Naw G---, including money, chickens, food, drinking water, betlenut and a flashlight. Another unpublished incident report from Dooplaya District received in November 2011 along with four other incident reports and three interviews specified that, on September 11th 2011, Battalion Deputy Commander Aung Kyaw Myint of IB #231 under Tatmadaw MOC #12 led a column of 40 soldiers into K--- village and stole property belonging to Saw G---, including food, clothing, bedding, toiletries and cookware.

³³² "Toungoo Interview: Saw F---, October 2011," KHRG, November 2011.

E. Land confiscation

"If they take it, we can't do anything. We just have to give it to them... If they take it, we won't have a place to live... [Now] They'll only take the rubber [plantation] lands but I see, in the future, if they get those places [then] they'll take more and more land."

Saw Do--- (male, 60), Je--- village, Kawkareik Township, Doooplaya District (September 2011)³³³

Land confiscation is narrowly defined for the purposes of this report as incidents in which villagers' access to or use of land was forcibly supplanted by another actor without their consent. Incidents in this category are conceptually distinct from instances in which villagers are prevented from accessing their land due to forced relocation orders, restrictions on freedom of movement, armed conflict or generalised fears related to heightened activity by the Tatmadaw, Tatmadaw Border Guard or NSAGs. In the past 20 years, KHRG has documented incidents of land confiscation in all seven research areas.³³⁵

During the reporting period, villagers in all seven research areas³³⁶ raised concerns about incidents of land confiscation, or specific and imminent threats of land confiscation. Villagers documented the registration and survey of land and increased militarization at proposed development, extractive, industrial or private business sites prior to incidents of land confiscation and in areas adjacent to those sites, for the establishment of military camps or other infrastructure, road-building, and development projects, including hydro-electric dams, roads and agriculture.³³⁷



This photo, taken on September 30th 2011, shows a six-acre paddy farm in Je--- village, Kawkareik Township, Doooplaya District, owned by Saw A---. Saw A---'s family depends on its farm, but villagers that spoke with KHRG in September told KHRG local Tatmadaw forces planned to confiscate the land to build a *tat nan myay* (a military area or military zone) for Border Guard Battalion #1022.³³⁴ [Photo: KHRG]

"The first time they came to measure, it was nine [paddy] farms. They didn't want to collect [survey] the betelnut plantations because there were too many. The betelnut fields and durian fields were about 20 or 30 fields... There is one more rubber field but, as I told you, she [the owner] didn't come [to the interview location]. The man who came with me, his rubber plantation is very big, but when the SPDC government goes to take it, they will take it all... I plant once every three years. From three years ago I planted 2,000 plants, and this year I planted more 1,000 plants, so in all there are 3,000 rubber plants... The operation commander came to see village head, and the village head called us let us know... They'll build up both an army camp and their houses, and the

³³³ "Land confiscation threatens villagers' livelihoods in Doooplaya District," KHRG, October 2011.

³³⁴ "Land confiscation threatens villagers' livelihoods in Doooplaya District," KHRG, October 2011.

³³⁵ See for example: "Land confiscation threatens villagers' livelihoods in Doooplaya District," KHRG, October 2011; "Livelihood consequences of SPDC restrictions and patrols in Nyaunglebin District," KHRG, September 2009; "IDPs, land confiscation and forced recruitment in Papun District," KHRG, July 2009; "Land confiscation and the business of human rights abuse in Thaton District," KHRG, April 2009; *Development by Decree: The politics of poverty and control in Karen State*, KHRG, April 2007.

³³⁶ Thaton, Toungoo, Nyaunglebin, Tenasserim, Papun, Doooplaya and Pa'an districts.

³³⁷ "Land confiscation threatens villagers' livelihoods in Doooplaya District," KHRG, October 2011.

battalion... When they come to base here, their families and children will follow and come to stay with them."

Saw Ca--- (male, 45), Je--- village, Kawkareik Township, Dooplaya District
(September 2011)³³⁸

The large-scale loss of cultivable land, forest, waterways and natural resources due to environmental degradation as a result of development or extractive industrial projects – without compensation for the loss or destruction of land – was also extensively documented.³³⁹ A villager in Dweh Loh Township, Papun District, for example, documented the loss of 50 acres of previously cultivable land, and the loss of fish stocks in three rivers due to sluice and hydraulic pump gold-mining operations.³⁴⁰ Companies undertaking mining operations in this area have purchased permission from officers of the Tatmadaw, Tatmadaw Border Guard and NSAGs.

"The Shwe Poo, Shwe Jya Nar Dar, Yong Nee Oo, and Irrawaddy Htaw Tah Companies dug for gold in the Buh Loh [Bilin] River and the forest was destroyed ht'ler meh kwa ['to the end of one's vision']. There were no more trees or bamboo. People's agricultural workplaces and plants were destroyed. The forest was destroyed."

Situation report written by a villager, Dweh Loh Township, Papun District
(May 2011)³⁴¹

Villagers documented incidents of land confiscation that coincided with increased militarization and were backed by implicit or explicit threats of violence; villagers consistently raised concerns that they had limited opportunity to negotiate or refuse compensation due to the coercive nature of the expropriation.³⁴² For this reason, all the incidents of land confiscation documented during the reporting period involved villagers receiving inadequate or no compensation for loss of land, crops or other natural resources on which livelihoods depended.

"The dam project plan will be in the Day Loh area, at the place called Tun Bo ... The river bends to the west of Day Lo. It's close to Naypyidaw. There's a long bend and they will build it between Shan Taw and Nah Wah Soe ... The Shwe Swa Yin Company met with local people and ... they said there are over 30,000 acres that the water will flood. They said they'll do the project within four years. They said: 'We'll do it until it succeeds.' So if we review from 2007, they said they'd do it until they succeed, and now it's 2011, so they're close to success."

Saw W--- (male, 37), Z--- village, Tantabin Township, Toungoo District
(April 2010)³⁴³

³³⁸ "Land confiscation threatens villagers' livelihoods in Dooplaya District," KHRG, October 2011.

³³⁹ For detailed photographic documentation of the impact of gold-mining operations on the local environment, see: "Papun Situation Update: Dweh Loh Township, May 2011," KHRG, September 2011.

³⁴⁰ "Papun Situation Update: Dweh Loh Township, May 2011," KHRG, September 2011.

³⁴¹ "Papun Situation Update: Dweh Loh Township, May 2011," KHRG, September 2011.

³⁴² 'According to a report submitted by a KHRG researcher, on October 2nd 2010, U Thaw Kyi and U Chit Oo, representatives from the AIS Company,[33] came to the Gkay area of Te Naw Th' Ri Township and announced plans to develop date palm plantations in R---, N--- and Y--- villages. Gkay is the area of Te Naw Th' Ri Township in which Tatmadaw-control is most firmly established. According to Saw C---, a local land-owner, U Thaw Kyi and U Chit Oo surveyed 13 acres of his land and subsequently forced him to sell the land to AIS. Saw C--- said he was unwilling to sell, but did so after he was told by U Thaw Kyi and U Chit Oo that the Tatmadaw soldiers would make 'a problem' for him if he did not agree to the deal. In exchange for his land, Saw C--- received just 50,000 kyat (US \$56.81) per acre for his land.' See: "Militarization, Development and Displacement: Conditions for villagers in southern Tenasserim Division," KHRG, March 2011. See also: "Land confiscation threatens villagers' livelihoods in Dooplaya District," KHRG, October 2011; "Pa'an Situation Update: September 2011," KHRG, October 2011.

³⁴³ This is an excerpt from a previously unpublished interview conducted by a villager trained by KHRG to document human rights abuses in April 2010 in Tantabin Township, Toungoo District, with Saw W---, a 35-year-old Township representative, who described the building of dams and subsequent flooding predicted to devastate large

Most households in rural eastern Burma depend on access to land for agrarian livelihoods activities, hill and flat-field paddy farming, animal husbandry, non-timber forest products and other natural resources, and small-scale cash-crop plantations. The loss or destruction of land is singularly devastating for communities, as it dramatically undercuts the food security of individual families and undermines the ways in which communities in rural areas support themselves.

“The companies asked for permission from the Karen [KNU] leaders and they dug for gold. For the indigenous people, their children will face problems to do their livelihoods. Old people [our ancestors] said that pwa k’nyaw may bper tar nay, haw koh k’htaw gaw law [‘the land will be red if Karen people are ruling the land’]. Now is the time when the land is becoming red, because of the digging in the gold mines. The fish drink htee du [dirty, dark or muddy water] and can not survive. You will see no more fish because all of the fish have died.”

Situation report written by a villager, Dweh Loh Township, Papun District
(May 2011)³⁴⁴



The photo at left, taken on September 30th 2011, shows 48-year-old Saw C--- and parts of his 20-acre rubber plantation in the Mi--- area of Je--- village, Kawkareik Township, Dooplaya District. Saw C---’s plantation has approximately 4,500 rubber trees which he planted four years prior. The photo at right, also taken on September 30th, shows 60-year-old Saw B---, and parts of his 20-acre rubber plantation in the Mi--- area of Je--- village. Saw B---’s plantation has approximately 500 rubber trees which he planted over four years prior. Both men’s plantations were earmarked for confiscation by Tatmadaw Border Guard Battalion #1022 and LIBs #355 and 546 at the end of the 2011 monsoon.³⁴⁵ [Photos: KHRG]

areas of land. This interview was received by KHRG in May 2011, along with one incident report, one situation update and 144 photographs.

³⁴⁴ “Papun Situation Update: Dweh Loh Township, May 2011,” KHRG, September 2011.

³⁴⁵ “Land confiscation threatens villagers’ livelihoods in Dooplaya District,” KHRG, October 2011.



These photos, also taken on September 30th 2011, show more agricultural projects in Je--- village, Kawkareik Township, Dooplaya District, among the 167 acres of land that local Tatmadaw forces planned to confiscate in Je--- village, according to local villagers. The photo at left shows a three-acre betelnut and durian plantation owned by Saw A---; the photo at right shows a three-acre durian plantation containing approximately 400 durian trees belonging to Saw D---.³⁴⁶ [Photos: KHRG]



These photos, taken on April 11th 2011, show the Shwe Nyaw Bpay mining site on the Baw Baw Loh River in Dweh Loh Township, Papun District. The villager who took these photos reported that the forest was destroyed *ht'ler meh kwa* ['end of one's vision'; as far as a person can see in all directions]; the photo at right shows show once-arable farmland at Shwe Nyaw Bpay that can no longer be cultivated by the local community.³⁴⁷ [Photos: KHRG]

³⁴⁶ "Land confiscation threatens villagers' livelihoods in Dooplaya District," KHRG, October 2011.

³⁴⁷ "Papun Situation Update: Dweh Loh Township, May 2011," KHRG, September 2011.



These photos, taken on April 13th 2011, show a private gold mining operation at Kyaw Koh on the Baw Baw Loh River. According to the villager who took these photos, the *Shwe Myat Na Da* Company employs workers to manually sieve the riverbed; this is depicted in the photo at left. The photo at right shows blockages of freshwater sources around the mining site.³⁴⁸ [Photos: KHRG]



These photos, taken on April 13th 2011, show a private gold mining operation at Kyaw Koh on the Baw Baw Loh River. According to the villager who took these photos, the *Shwe Myat Na Da* Company employs workers to manually sieve the riverbed; this is depicted in the photo at left. The photo at right shows blockages of freshwater sources around the mining site.³⁴⁹ [Photos: KHRG]

³⁴⁸ “Papun Situation Update: Dweh Loh Township, May 2011,” KHRG, September 2011.

³⁴⁹ “Papun Situation Update: Dweh Loh Township, May 2011,” KHRG, September 2011.