



Ongoing Impunity

Continued Burma Army atrocities against the Kachin people

About KWAT

Background

Owing to the deteriorating political, economic and social situation in Kachin State, many Kachin people, mainly young men and women, have left their homeland and scattered to foreign countries. The number of Kachin people coming to Thailand for various purposes has increased year by year. Problems in the Kachin community in Thailand have also increased accordingly. Recognizing the urgent need for women to organize themselves to solve their own problems, the Kachin Women's Association Thailand (KWAT) was formed in Chiang Mai on the 9th September 1999.

Mission

The empowerment and advancement of Kachin women in order to improve the lives of women and children in Kachin society.

Vision

As a non-profit-making organisation working on behalf of Kachin women, we have a vision of a Kachin State where all forms of discrimination are eliminated; where all women are empowered to participate in decision making at a local, national and international level; and where all Kachin children have the opportunity to fulfil their potential.

Values

We are committed to meeting the needs of the Kachin community by promoting equality, respect, human dignity and independence. To this purpose, we are committed to the development of KWAT as a strong organisation, based upon unity and trust through transparency and honesty. As individuals, we are committed to working together with love, patience, wisdom and sacrifice.

Strategic aims

- To promote women's rights, children's rights and gender equality
- To promote women's participation in politics and in peace & reconciliation processes
- To oppose all forms of violence against women including human trafficking
- To provide health education & health services
- To promote women's awareness of how to manage and protect the environment

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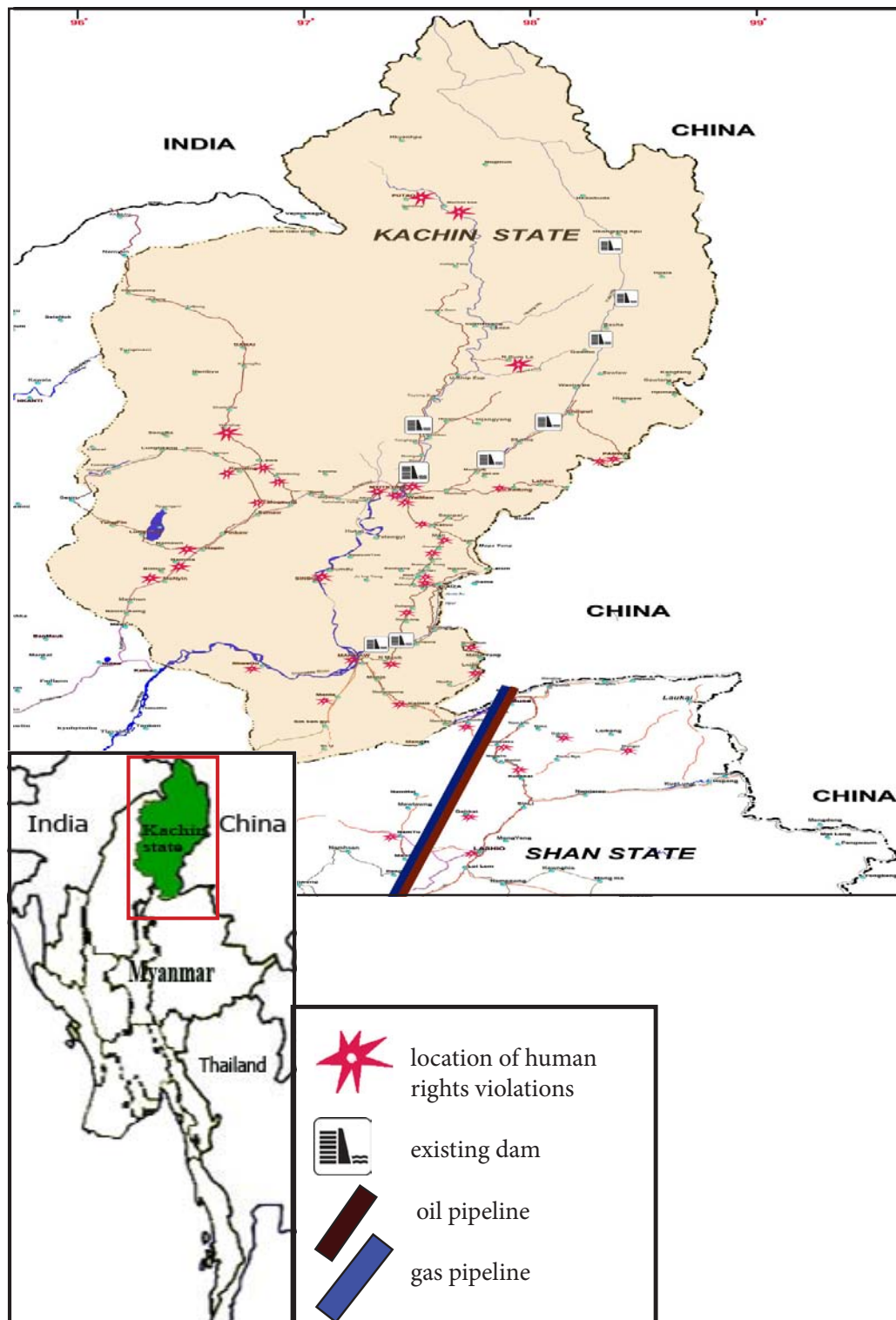
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Map: Location of human rights violation since June 2011



Summary

This report provides an update of atrocities committed by the Burma Army against civilians since it broke its 17-year ceasefire with the Kachin Independence Army (KIA) one year ago. It highlights the particular suffering of women during the conflict, who have been forced to be porters, used as sex slaves, gang-raped and killed.

Since the start of the conflict, there has been a huge deployment of Burmese troops into Kachin State and northern Shan State. Currently about 150 battalions are being used to crush the KIA, tripling the number of Burmese troops in the area. These troops have deliberately targeted civilians for abuse, causing villagers to flee in terror, leaving large swathes of countryside depopulated.

There is strong evidence that Burmese troops have used rape systematically as a weapon of war. In the past year, KWAT has documented the rape or sexual assault of at least 43 women and girls, of whom 21 were killed. The rapes have been widespread, occurred in thirteen townships, by ten different battalions. Women have been openly kept as sex slaves by military officers, and gang-raped in church.

There has been complete impunity for these crimes. When the husband of a Kachin woman abducted by the Burmese military tried to press charges, the Naypyidaw Supreme Court dismissed the case without even hearing his evidence.

The continued abuse against civilians has swelled the numbers of internally displaced persons in Kachin State to over 75,000, most of whom are sheltering in makeshift camps along the China border, where little international aid has reached them.

KWAT is calling on the international community to denounce the ongoing human rights abuses, and maintain pressure on the Burmese government to immediately implement a nationwide ceasefire, pull back Burma Army troops from ethnic areas and start dialogue with the United Nationalities Federal Council towards a process of genuine political reform.

Introduction

In the seven months since the publication of the report *Burma's Covered up War: Atrocities Against the Kachin People* by the Kachin Women's Association Thailand (KWAT) the situation has not improved for the Kachin people. While the international community has hailed "momentous changes" in the political situation in Burma over this period, including the election of Aung San Suu Kyi and other members of the National League for Democracy to the parliament, this so-called progress has not been felt in ethnic conflict areas with the Kachin people experiencing increased insecurity and repression.

A year after the conflict between the Burma Army and the Kachin Independence Army (KIA) began, the fighting continues unabated, human rights abuses are rampant throughout the conflict area, pushing up numbers of internally displaced persons (IDPs) to at least 75,000, the majority living in makeshift refugee camps along the China border. This report provides an update on the situation in Kachin State and Northern Shan State, documents further grave violations of the human rights of the Kachin people including sexual violence, forced portering, extrajudicial killing, and torture, describes additional violations of the fundamental rights of the Kachin people, in particular attacks on freedom of religion, and calls on the international community to act to protect the Kachin people, and all of Burma's ethnic nationalities.

Special Rapporteur on Myanmar, Tomás Ojea Quintana, noted at the conclusion of his visit to Burma on 5 February 2012 that "Concerns regarding the ongoing tensions and conflict with armed ethnic groups in border areas, particularly in Kachin State, were consistently raised during my mission. I received continuing allegations of serious human rights violations committed during conflict, including attacks against civilian populations, extrajudicial killings, sexual violence, internal displacement, land confiscations, the use of human shields, the recruitment of child soldiers, as well as forced labour and portering."

These abuses have no place in a democratic country and the international community must insist that the government act immediately to put an end to the perpetration of such crimes by the Burma Army. As United Nations Secretary General Ban Ki-Moon stated in his address to Parliament on 30 April 2012 "the situation in Kachin State is inconsistent with the successful conclusion of ceasefire agreements with all other major groups. The Kachin people should no longer be denied the opportunity that a ceasefire and a political agreement can bring for peace and development."

Background

On 9 June 2011 soldiers from the Burma Army attacked a base belonging to the Kachin Independence Army (KIA), the armed wing of the Kachin Independence Organization (KIO), a resistance group formed in 1961 to fight for autonomy and political rights for the Kachin people. The attack effectively ended a ceasefire in place since 1994 between the KIA and the Burma Army.

The site of the initial fighting was near the Taping River, where a series of hydropower dams are being built by Chinese companies. The Burma Army was attempting to clear out the KIA from this strategic area on the border between Kachin and Shan States, and to secure the location for the lucrative Chinese investments.

The imperative to subjugate the KIA and seize control of the rich resources in Kachin areas is a major driving force behind the spreading conflict. Unfortunately, foreign corporations are continuing to push ahead with their large-scale resource extraction projects even while the conflict is raging, thereby further fuelling the conflict.

China Power Investment is proceeding with its plan to build seven mega dams on the Irrawaddy and its upper tributaries, in spite of President Thein Sein's announcement that the Myitsone Dam would be suspended. At the same time, China National Petroleum Corporation is continuing to build giant pipelines across northern Shan State to transport oil and gas from the Arakan coast to Yunnan.

These companies are not only ignoring the conflict, but also the human rights violations, including sexual violence, being committed by the Burma Army troops giving security to their projects.

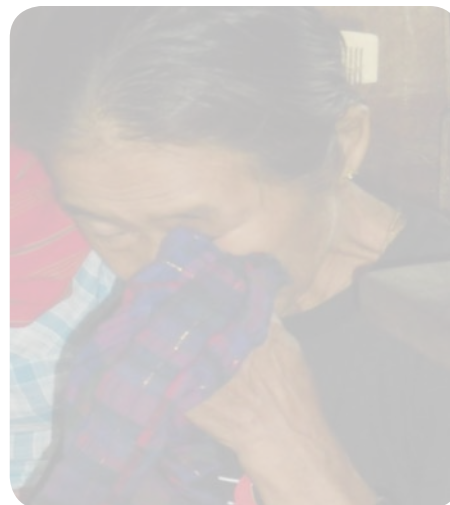
On 10 December 2011 President Thein Sein ordered the Burma Army to cease offensive attacks against the KIA. Thein Sein repeated this order in January 2012. However, the Army's offensives have continued and the military has given no sign that they intend to comply with this order. They have moved additional troops into the conflict areas and used helicopters to attack strategic targets. They have also continued to use suspected chemical weapons. While the KIO and representatives of Thein Sein's government have engaged in several rounds of ceasefire talks that have failed to produce an agreement.

The KIA has called for a withdrawal of Burma Army troops as a pre-requisite for peace talks, but there has been an escalation in conflict since the middle of April with the Burma Army mounting a concerted attack on the KIA's headquarters in Laiza. On 8 May the Northern Regional Military Commander of the Burma Army, Brigadier-General Zeyar Aung, stated that his troops would "wipe out" the KIA, hardly a position conducive to reaching a ceasefire agreement that will address the legitimate political concerns of the Kachin people.

Methodology

This report is based on the testimony of local people who experienced or observed human rights abuses first hand and who shared their stories with KWAT's network of documenters. The data and case studies used in this report come primarily from interviews conducted by these documenters in Kachin State and Northern Shan State over the past year. The researchers who collected the data were trained by KWAT in human rights principles and standards for documentation and reporting. These documenters spent significant time interacting with local communities to gain the trust of villagers in order to make the victims of, and witnesses to, human rights abuses feel secure enough to share their experiences. All of the examples of human rights violations included in this report are the genuine stories of individual victims.

Because the situation in Kachin State is insecure and many areas are not accessible due to the fighting, documenters were likely only able to capture a fraction of the abuses taking place. It is quite likely that additional human rights violations are occurring in places that documenters were unable to reach or in situations where victims did not feel comfortable telling their stories publically. Therefore, a lack of information on a particular type of human rights violation should not be seen as evidence that such violations are not occurring. Similarly, a lack of cases from a particular area of Kachin State does not indicate that such areas are not experiencing human rights abuses.



A woman interviewed for the report

Update on Grave Human Rights Abuses

In the report *Burma's Covered up War: Atrocities Against the Kachin People* KWAT described the human rights abuses taking place in Kachin State and Northern Shan State that likely amount to crimes against humanity and war crimes. Documentation showed that sexual violence, torture, killing, and forced labor were being perpetrated by Burma Army soldiers on a widespread and systematic basis. Unfortunately, little has changed in the past seven months and the documentation included with this report demonstrates that these four types of human rights violations, along with many others, continue to take place regularly. Additionally, the international non-governmental organizations Human Rights Watch and Physicians for Human Rights have put out comprehensive reports detailing the occurrence of extensive grave violations of the human rights of Kachin civilians.

Sexual violence

The Burma Army has continued to use rape as a weapon of war in the conflict. Since the outbreak of conflict in June 2011, KWAT has documented that Burmese troops have committed sexual violence against at least 43 women and girls, of whom 21 were killed.

The rapes have been widespread, occurred in thirteen townships, by ten different battalions. In several instances, women were openly kept as sex slaves by military units, showing complete confidence of impunity by the officers involved. This included two young women who had been forcibly conscripted with other men as porters from the Kachin capital of Myitkyina, and ended up being gang-raped nightly for several weeks as they accompanied a military patrol of several hundred troops in the hills south of the capital.

A male porter who witnessed this abuse gave the following description:

“On the third night, the senior officers started to rape the two girls. They were raped for the whole night and were passed on from place to place among them. I saw they could hardly walk the next morning: one girl cried and came out from the army barracks and another girl looked very weak and leaned over the tree.

We had to stay together with the soldiers, not very close to where the officers were staying, but I could see everything clearly.

On the next morning, the captain took one of the girls and forced her to take bath with him. I know he was from a Meiktila-based battalion because of his insignia. All the porters were asked to collect water for his shower. He bathed naked, and forced the girl to clean his whole body. She also had to rub him with a towel. After this, he forced the girl to take a shower naked, threatening that he would kill her if she didn't. She had to bathe in the open space where everyone could see.

On another morning I saw the other girl rush out from an army officer's hut. While she was crying and saying her prayers on her knees, she was slapped on the head and told “Don't pray! It won't help you. Where is your God? You think he can do anything. So where is he now? Then he slapped her on her face again and I saw she had lost one of her teeth and her face was swollen.

During lunch time, when we (porters) could have time together, the girls told us that the officers took methamphetamines and raped them like animals.”

In another incident, a 28-year-old woman called Roi Ja was captured together with her husband and father-in-law by Burmese soldiers while farming near the town of Loiye on the China-Burma border. The husband and father-in-law managed to escape, but Roi Ja was taken to the nearby Mubum hilltop base of Light Infantry Battalion 321, and detained there. Kachin porters at the base saw her and three other women being kept for three days and sexually abused by the soldiers at the camp. Roi Ja's husband repeatedly appealed to the LIB 321 commander at Loiye for the release of his wife, but to no avail, and she has since disappeared.

In January 2011, a Kachin lawyer assisted Roi Ja's husband to file a case at the Supreme Court at Nay-pyidaw against LIB 321 for the abduction of his wife. Roi Ja's husband travelled down Nawpyidaw to attend the hearing on February 23. However, he was not permitted to speak at the hearing. The court simply heard the testimony of a lieutenant from LIB 321, who asserted that no woman by the name of Roi Ja had been detained at the camp. Two weeks later the verdict was announced that the case had been dismissed.

The refusal by the Supreme Court to hold the military accountable for the disappearance of Roi Ja shows clearly the lack of independence of the judiciary in Burma, and the lack of political will on the part of the government to hold the military accountable for its crimes.

The recent gang-rape and prolonged torture of a 48-year-old grandmother in a village church on May 1 2012, provide strong evidence of the continuing confidence of the Burmese military to commit sexual violence with impunity.

Forced portering

As with previous conflicts in other ethnic areas of Burma, the Burma Army continues its abhorrent, trademark practice of forced portering, requiring Kachin civilians, including children, women, and the elderly to carry supplies for army units. Women forced to be porters are also kept as sex slaves (see section above).

Porters are also forced to serve as human shields, walking in front of the advancing army columns to set off any landmines that may have been laid by the KIA and to prevent the KIA from firing on the moving troops. Many victims of this practice report that they were tortured during their time as porters and were not given sufficient food and water by the Army.

In one incident a 19-year-old boy told KWAT documenters that on 23 December 2011 soldiers from number 99 military camp abducted him, tying him up and taking him to the army camp along with three other civilian men from his village. The soldiers forced him and the other abducted civilians to march throughout the day carrying their bullets, bombs and rice. Each night they were tied up again and forced to sleep outside with no blanket despite the frigid temperatures during the winter. The men were held for four nights and cautioned not to try to run away or they would be shot.

One thing that has been abundantly clear throughout the conflict is that the abuses documented in this report are not merely incidental, unavoidable consequences of a military campaign but rather are part of the Burma Army's longstanding practice of targeting ethnic civilians. As one victim tells of his experience, he and seven other civilians were forced to carry supplies for the Army and, upon reaching their destination, were tied up and brutally beaten. When the men begged for mercy, explaining that they were innocent civilians, they were told "villagers and KIA are one so you should be beaten."

Killing

The Burma Army has continued to systematically target civilians, including women and children, during the conflict, flagrantly violating the laws of war which require that a distinction be made between civilians and combatants and that only combatants are legitimate targets for attack. The case described below, when a woman was deliberately bayoneted to death, provides clear evidence of this practice.

Case Study

Beginning on 2 December 2011, the Burmese Army intensified its military operations in Man Si Township, Kachin State, an area at that time controlled by KIA Brigade 12. As a result of the fighting, on 4 December, a total of 34 villagers including children, women, men and elderly from Hka Pra Village fled into the forest to a hiding site two miles from their village. Due to fears of continued escalation of Burmese military offensives, on 5 December, these villagers moved again to Lung Bum Hkaraw Ravine which they considered safer and more secure than their previous hiding site. Upon arrival at Lung Bum Hkaraw Ravine they built makeshift shelters with plastic covers.

On 6 December at 5.30 pm, there was a lively atmosphere at the hiding place in the forest, with families chatting with one another and the children playing noisily. Suddenly and without warning, about 200 Burmese soldiers emerged from unseen positions and began firing directly at the displaced Kachin civilians hiding at Lung Bum Hkaraw Ravine with several continuous bursts of small weapons fire. Shortly thereafter the villagers heard the sound of large weapons firing three times. Immediately upon hearing the gunfire the villagers tried to flee, running in every direction, to escape the fire. During the escape several civilians were seriously injured. However, four villagers were unable to flee. These were Sumhka Ji Tawng, a 38 year old female, and her 24-day-old son, Zau Gun Mai, and Labya Tawng Mai, a 25 year old female, and her four year old daughter, Seng Pan.

Sumhka Ji Tawng's husband Lahpai Zau Baw, one of the survivors who had been able to safely flee the shooting, detailed his experience that day as follows "I heard a noise that sounded like footsteps in the forest so I stood behind a tree and looked out of the camp to try to see where the noise was coming from. At that very moment I heard and saw the gunshots. The bullets did not hit me but the tree branch I was holding was broken and fell on to the ground. My wife was breastfeeding at that time. As soon as I heard the shooting I quickly carried my four year old son Zau Tu and grabbed my wife who was shielding our baby from the gunshots and said 'let's run'. I fled immediately. The shooting lasted for approximately 15 minutes around the hiding site."

Together with his son, Lahpai Zau Baw hid in a bush not far from the makeshift camp at Lung Bum Hkaraw Ravine. He and other villagers reported that they could see Burmese soldiers in the makeshift camp after the families fled the camp. Around seven pm that night he heard a woman groan three times and after that no more voices were heard. By the next morning when Lahpai Zau Baw went to look for his other family members he realized his wife, his baby son, his niece Labya Tawng Mai and her daughter had not escaped with them. Therefore, on 7 December between nine and ten am, once the soldiers appeared to have left the area, he snuck back toward the makeshift camp with his uncle Brang Nu, Labya Tawng Mai's father until he heard his newborn baby and the four-year-old girl's cries. Lahpai Zau Baw's son, had almost lost his voice from crying all night long and could only whimper softly. Despite the risk, Zau Baw and Tawng Mai's father Brang Nu could no longer wait in hiding and rushed out to see the crying baby and little girl.



Mangshang Ying Wong, shot dead by Burmese soldiers

The first thing they saw was the body of Sumhka Ji Tawng lying between two rocks with bruises that appeared to be the result of a bayonet that pierced through her body from the left side of her ribs to the right side. They also saw some bruising on the right side of her chest that appeared to have resulted from beating or pounding with something heavy.

Close to Sumhka Ji Tawng's dead body was her newborn baby wrapped in a sling-cloth. The two men retrieved another blanket from the nearest hut and wrapped it around the baby who seemed to have been crying all night without shelter exposed to the cold weather. Four year old Seng Pan was sitting next to the baby. Labya Tawng Mai was not present at the site. Their makeshift plastic cover shelters had been destroyed and some of the covers had been taken as well. The two men carried the children and ran back into the bush for safety. Later, they found Labya Tawng Mai's clothes randomly dumped along the trails.

Labya Tawng Mai's grandmother Sumhka Kaw reported that she saw her granddaughter hit by a bullet in her leg when the shooting began and saw that she had then been left behind in the frantic run from the hiding site. The grandmother was also hit by a bullet in her buttock but she managed to continue to run away. Four year old Seng Pan also told her relatives that she witnessed the Burmese soldiers give medicine to her mother and then abducted her from that place.

In this incident the people in the forest could not be mistaken for KIA soldiers. Before launching the attack the Burma Army must have been watching the camp from a close distance where the noise of children playing could have been heard and the behavior of the villagers could have been observed, making it clear that they were all displaced civilians. It is therefore apparent that the shootings were intentionally targeting civilians. Additionally, Sumhka Ji Tawng was not killed by gun-shot from a far distance but rather was murdered at close range next to her newborn baby.

A woman shot and killed by Burmese soldier in Namlim Pa village.



Other Violations of Fundamental Human Rights

In addition to the war crimes and crimes against humanity mentioned above and discussed in the report *Burma's Covered up War: Atrocities Against the Kachin People*, the Kachin people have also suffered numerous other violations of their fundamental human rights. Among the most notable of these is the regime's efforts to prevent the Kachin, who are predominantly Christian, from freely exercising their religion. This includes the destruction of churches, attacks on pastors and other religious leaders, and efforts to intimidate worshipers. While this repression of Christian religious expression is not new, restrictions on the building of churches for example were in place for years, the increased presence of Burma Army troops in the area has led to an escalation of such repression.

One troubling incident took place shortly after the conflict began in Katsu village, Wai Maw township, Kachin State in which 643 people resided. On 13 August 2011 villagers were told not to worship in their church as the area around the church had been laid with landmines. The mines were laid by Army divisions 58 and 318 which were stationed near the village. In response the church leaders wrote a letter to state government officials requesting that the mines be removed and the

villagers be permitted to worship in their church once again. On 14 September General Aung Than Zaw of the Burma Army told the head of Katsu village that the church was now safe. However, no official announcement was made and the villagers continued to fear that landmines remained and thus were unwilling to go near the church. The village head thus requested an official announcement that the landmines had been removed. Instead of addressing the legitimate fears of villagers the Army officers threatened the village head making such comments as "watch what you say, you could spend your whole life in jail" and "if you make complaints again your life could be in danger". Currently only eight out of 117 households remain in the village with the rest of the families primarily sheltering in larger towns.

Large numbers of Kachin villagers are also suffering from de facto restrictions on freedom of movement. Anyone traveling outside of their village is particularly vulnerable to being captured and raped or made to porter for the Burma Army. Travelers may also be suspected of being KIA soldiers or informants, putting them at risk of torture or even murder. For example, Htoi Awng told KWAT documenters that on 27 November 2011 he encountered a check-point set up by Burma Army battalion 33. All travelers passing by were required to stop at the check-point and submit to questioning by the soldiers. Htoi Awng reports that he and other Kachin civilians were kicked and beaten by the soldiers. This type of behavior, along with the laying of landmines on roads and around villages, has made civilians fearful and reluctant to leave their communities, even to tend to their fields.

Situation of Internally Displaced Persons

Many villagers throughout the conflict areas in Kachin and Shan States have been forced to flee their homes and villages as a result of the fighting creating upwards 75,000 IDPs. Some of these people have been forcibly displaced by the Burma Army's burning of their homes or laying of landmines around their communities or fields. Others have run because they feared being subjected to human rights abuses such as sexual violence and forced portering if they remained in areas under army control. There has been an increase in such IDPs in the past few weeks as fighting has escalated.

The majority of these civilians are sheltering in makeshift refugee camps in KIA controlled areas along the China border and are in desperate need of humanitarian aid, in particular food and medicine. While the Burmese regime had for months made a practice of blocking necessary aid from reaching those in need, there was some relief in March and April when UN teams were permitted access to IDPs sheltering in camps to deliver a small amount of supplies. However, the recent escalation in fighting has prevented the UN from reaching the camps in May.

In addition to those people staying in IDP camps, many of those who fled their villages are staying in larger towns and cities, straining the resources of churches and others trying to provide for the needs of this population.



Displaced people hiding in the forest

Of additional concern is the increase in human trafficking that has resulted from the conflict. Refugees and IDPs have few options for productive and remunerative work and may not see future possibilities for such work making them more likely to jump on an offer from a trafficker to help them, or their children, find work or educational opportunities outside of Burma. Similarly, the breaking of community ties and the separation of families that has occurred as a result of the need to flee villages has left individuals especially vulnerable to this type of exploitation.

Recommendations

Government of Burma

- To immediately put an end to the human rights abuses being perpetrated against Kachin civilians.
- To cease military offensives against the Kachin people and other ethnic nationalities and to withdraw troops from the conflict areas.
- To enter into dialogue with the United Nationalities Federal Council (UNFC), an alliance of the ethnic resistance groups, towards a process of genuine political reform, ensuring that all stakeholders, including women, are able to participate in this process.
- To facilitate the provision of humanitarian assistance to the IDPs and other civilians in need in Kachin State.

Government of China

- To allow and provide humanitarian aid and shelter to refugees fleeing violence in Kachin State and elsewhere in Burma and avoid sending refugees back into areas where they may be at risk of human rights abuses.

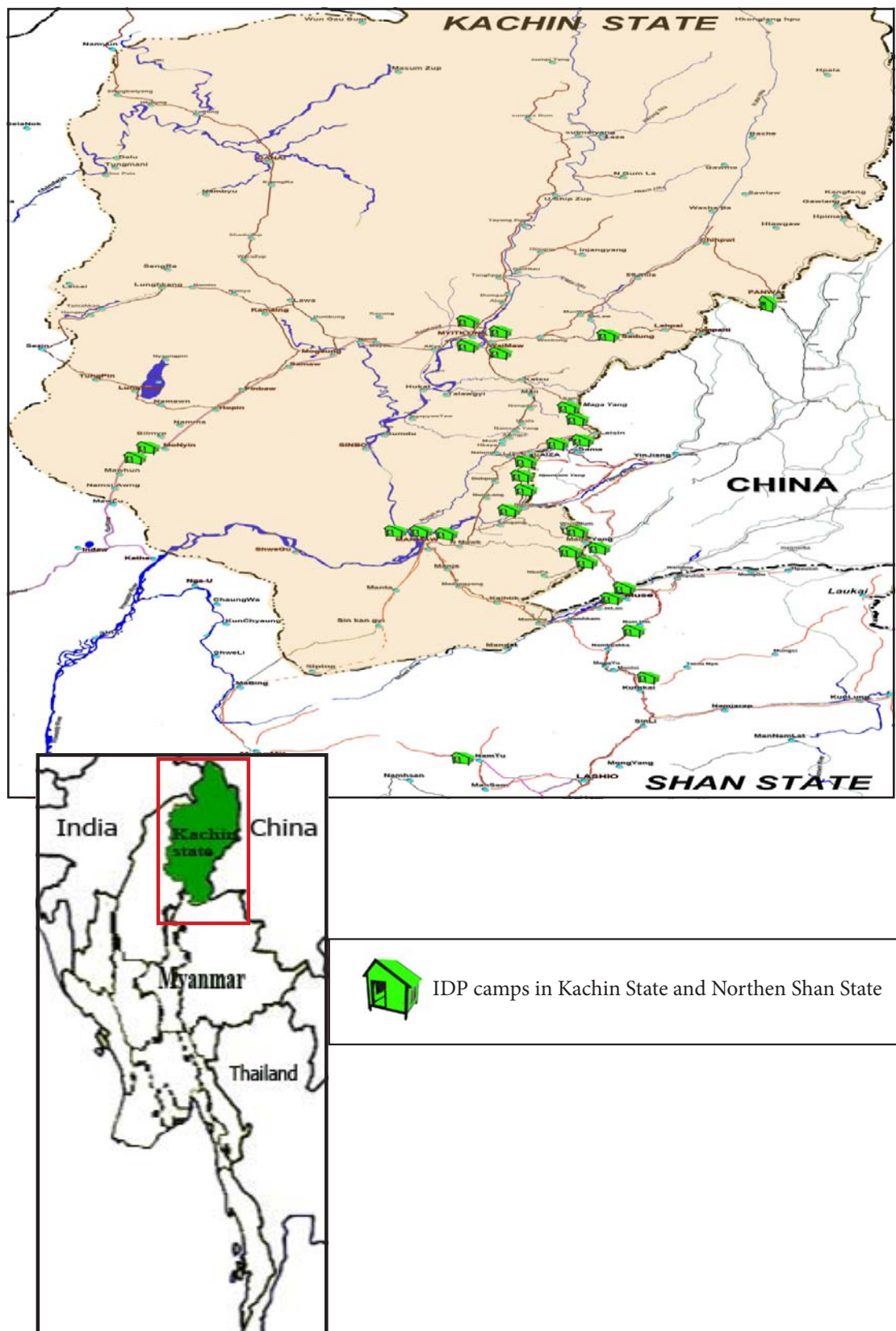
ASEAN

- To condemn the Burmese government's atrocities against the Kachin people as well as against other ethnic nationalities and to call on the regime to put an end to such human rights violations.
- To insist that before assuming its chairmanship of ASEAN the Burmese government implements a nationwide ceasefire, pulls back Burma Army troops from ethnic areas and starts dialogue with UNFC towards a process of genuine political reform.

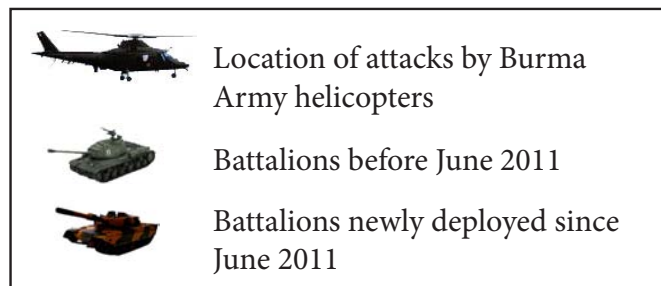
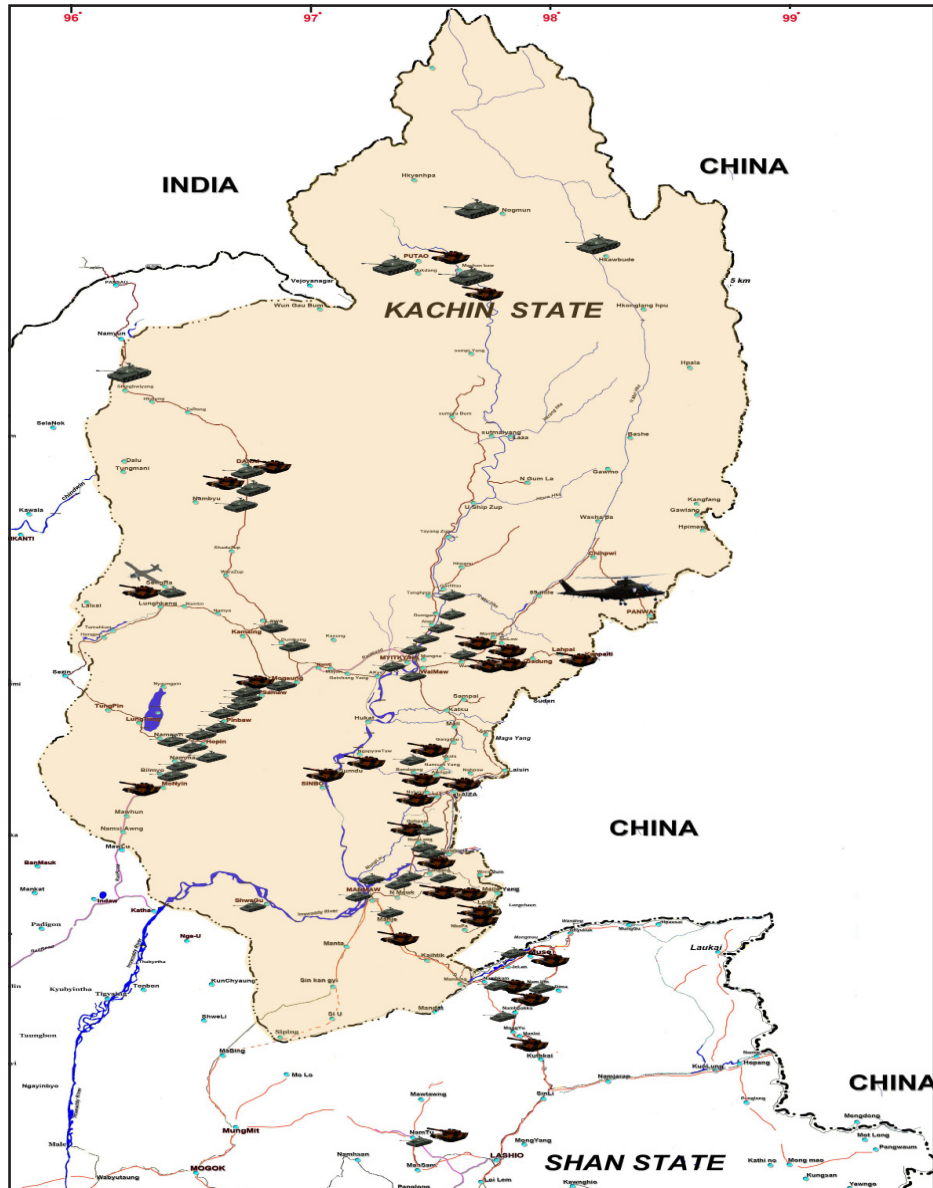
International Community

- To condemn the Burmese government's atrocities against the Kachin people as well as against other ethnic nationalities and to call on the regime to put an end to such human rights violations.
- To stop all investments in ethnic areas of Burma until a nationwide ceasefire is in place, Burma Army troops have been pulled back from these areas and a lasting political settlement has been reached to guarantee the rights of ethnic peoples.
- To provide urgently needed humanitarian assistance to IDPs and refugees fleeing the conflict.

Map: IDP Camps



Map: Burma Army battalions in Kachin conflict areas



**Burma's Covered up War:
Atrocities Against the Kachin People**



“Burma’s Covered up War: Atrocities Against the Kachin People” released by KWAT in October 2011,
The report can be viewed in full at
http://www.kachinwomen.com/images/stories/publication/repor_%20book.pdf



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