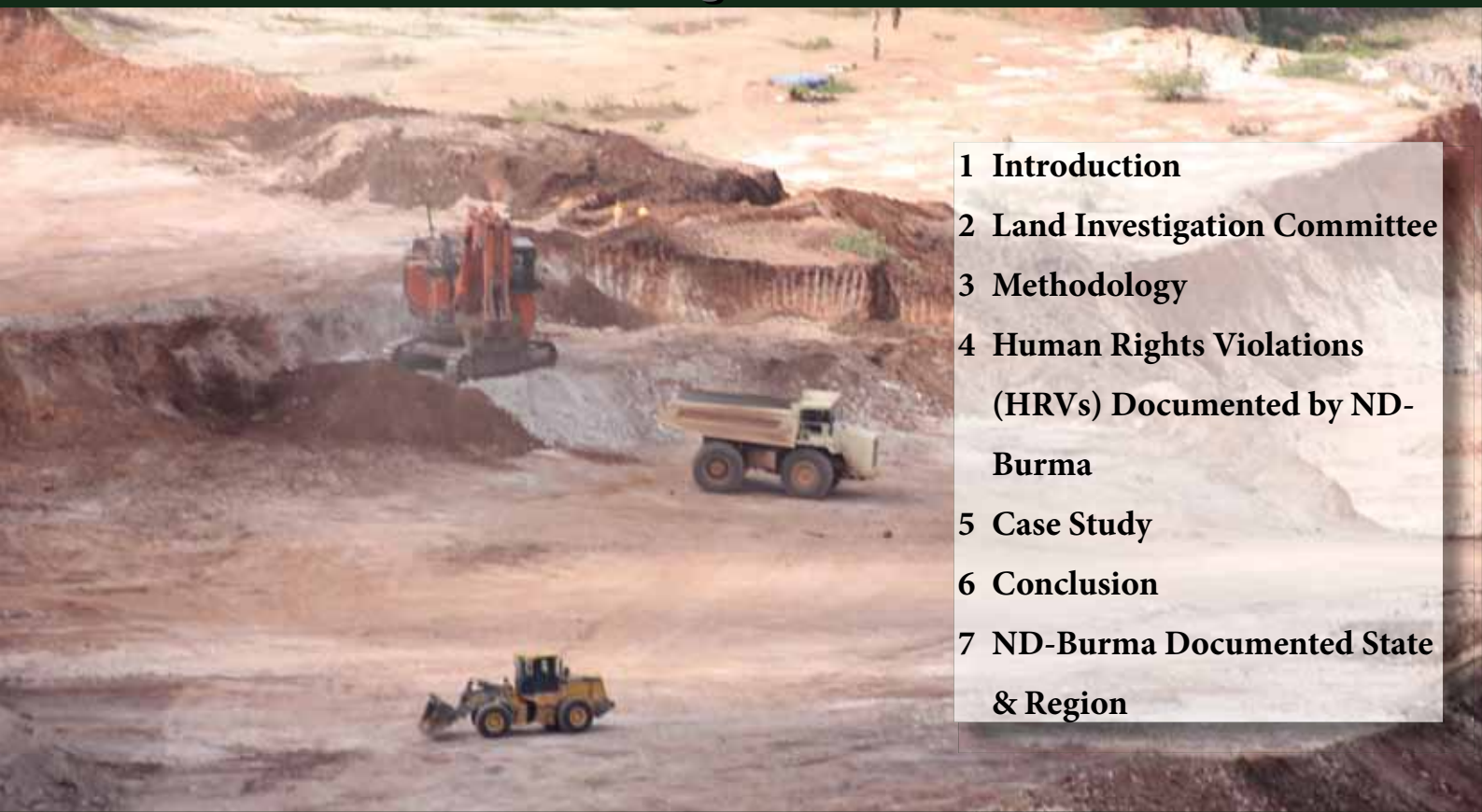


Report on the Human Rights Situation in Burma

April - September 2012



Network For Human Rights Documentation - Burma



- 1 Introduction**
- 2 Land Investigation Committee**
- 3 Methodology**
- 4 Human Rights Violations
(HRVs) Documented by ND-
Burma**
- 5 Case Study**
- 6 Conclusion**
- 7 ND-Burma Documented State
& Region**

Introduction

Over the period of this report, the political landscape in Burma has undergone noticeable shifts. Daw Aung San Suu Kyi, once a political prisoner under house arrest, recently returned from a whirlwind tour of the United States where she received the Congressional Gold Medal, America's highest civilian honour. Daw Aung San Suu Kyi and members of the U.S. Congress touted her cooperation with Burmese President Thein Sein, who visited the United Nations in New York City. The trip, at the urging of Daw Aung San Suu Kyi, also resulted in the further easing of sanctions on the Burmese government, including an end to the crippling ban on imports.

Simultaneously, human rights violations persist throughout the country. Deadly civil war in ethnic areas, forced labour, child soldiers, torture and ill treatment remain grave concerns. Additionally, this report will emphasize the rampant land confiscation and forced relocation by the Burmese government. Recent events, including the arrests and beatings of farmers protesting the forced relocation of landowners from 66 villages for the Latpadaung copper mine,¹ underline the on-going human rights violations by the Burmese government.

In its report to the United Nations Human Rights Council, the Asian Human Rights Commission found that land grabbing is a direct result of "the convergence of the military, government agents and business".² The report cited the rising issue of former military personnel transitioning to new roles in industry. This marriage of military and industry has led to human rights violations such as the confiscation of 7,800 acres of land and untold environmental damage for the copper mine. The mining project is being completed by the military-owned Union of Myanmar Economic Holdings, in conjunction with a Chinese corporation.³

The effects of land confiscation have real implications on the livelihoods of civilians. A report by the Asian Legal Resource Centre (ALRC) noted that, "Almost daily, news media carry reports of people being forced out of their houses or losing agricultural land to state-backed projects, sometimes being offered paltry compensation, sometimes nothing".⁴ The 2012 Farmland Law presented an opportunity to address land grabbing but, according to the ALRC, "far from reducing the prospects of land grabbing, the Farmland Law opens the door to confiscation of agricultural land on any pretext associated with a state project or the 'national interest'".⁵



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- 1 "Freed copper mine protesters assaulted by police". Democratic Voice of Burma 12 September 2012.
- 2 "Land Grabs Intensify as Burma 'Reform' Races Ahead of Law". The Irraddy 15 May 2012.
- 3 "Freed copper mine protesters assaulted by police". Democratic Voice of Burma 12 September 2012.
- 4 "Epidemic of land grabbing in Burma: report". Mizzima.com 7 June 2012.
- 5 "Epidemic of land grabbing in Burma: report". Mizzima.com 7 June 2012.

Land Investigation Committee

In September 2012, the Union Parliament formed The Land Investigation Committee to probe alleged illegal incidents of land confiscation in all Burmese states and regions. Since its formation, the MPs have investigated claims in their home constituencies, including Arakan, Mon and Karen states. Publically, the Committee has assured residents that all claims will be addressed without fear of retribution.¹

The Land Investigation Committee offers both the promise for reform, as well as concerns over past reforms by the government that have been hidden from public scrutiny. Ko Phoe Phyu, a lawyer and leading advocate against land grabbing in Burma, expressed doubt in an interview with ND-Burma. “In the case of the Parliament’s [Land Investigation] Committee, it can’t even decide whether or not the Union Government’s actions are in conformity with the law. I think they are trying to find another solution that doesn’t reflect the reality.”² The work of the MPs must be fair, thorough, and lead to tangible actions. The formation of the Committee by Parliament is a positive step forward, but not a success in itself.

There are two primary standards that the Land Investigation Committee must meet in order to assure a successful and results driven process. First, the work of the investigators must be entirely transparent and open to public scrutiny. If the Committee’s findings are to have any credibility, the results must be open and honest. Second, the findings of the Committee must result in swift, tangible and thorough follow-ups. Specifically, Ko Phoe Phyu suggested, “the land confiscated by the armed forces should be returned to its original owners or to the private sector respectively.” Gathering information as a mere sign of goodwill does not suffice. Final judgment should be withheld until the results are viewed and actions follow.



Latpadaung copper mine MonYwa

Methodology

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Fieldworker Situation: ND-Burma members' fieldworkers put themselves at great risk to document human rights violations. Human rights workers in Burma are routinely targeted by the government and face surveillance, intimidation, arrest, and imprisonment. Due to security concerns human rights monitoring cannot take place openly; thus, a representative sampling of all HRVs that take place in Burma is not possible. Also, the security risks have increased as the government has mounted pressure on local communities, especially in remote areas and conflict areas. Fieldworkers there rely largely on networks of individual contacts for information. Many of these contacts within the fieldworkers' networks were responsible for gaining additional contacts and conducting interviews with individuals, village leaders, and government staff members.

Documentation: ND-Burma has provided training, with assistance from several international human rights NGOs, to fieldworkers of member organizations who collect the information presented in these reports. Fieldworkers collect interviews and other information from Burma's 14 states and regions (see the graphs).

Individual cases are documented depending on opportunity and external circumstances. The cases presented here constitute first-hand accounts of abuse perpetrated by the military regime during this period. The information supplied by eyewitness observers confirms concerns of widespread government violence perpetrated primarily by Burma Army soldiers.

Data Management: Fieldworkers from ND-Burma member organizations send documents to their mother organizations, who have staff that upload the information to ND-Burma's network database. ND-Burma's data management team organizes each document and has selected reports from events that took place from April 2012 to September 2012. Any other information collected during this period regarding earlier periods will be saved for historical records and will be used as necessary to seek accountability during a democratic transition period.



Hlaing Tharyar Farmyard

Human Rights Violations (HRVs) Documented by ND-Burma April 2012-September 2012

Over the period of April-September 2012, ND-Burma documented 114 cases of human rights violations at the hands of the US-DP-led government and its supporters. The human rights violations that ND-Burma documented over the six-month timeframe took place over 14 states and regions in Burma. ND-Burma field workers have faced severe security challenges in gathering data. As a result, the data collected for this report does not fully reflect the recurrent HRVs in all regions and states.



*Department of Human Settlement and Housing Development
front Hlaing Tharyar Farmers Demo*

There have been 27 cases of forced labour, 26 cases of land confiscation and 21 cases of torture. Despite tenuous ceasefires and parliamentary elections, these cases of HRVs persist as a direct result of continued armed conflict between the Burmese Army and ethnic armed groups in ethnic areas across Burma. Land confiscation has continued to be a major offender documented by ND-Burma. The highest numbers of HRVs in Shan state in particular were related to land confiscation (12), followed by torture (11).

In addition to incidents in the Shan state, land confiscation has been a geographically diverse issue. ND-Burma documented cases in seven different states. Land grabbing made up nearly a quarter of ND-Burma's documented HRVs from April-September 2012. The confiscation and destruction of property that ND-Burma has reported through the efforts of field workers has also been reflected by the growing number of reports in recent news out of Burma.

Case Study Land Confiscation

Event Date: 12/3/2012

Military target practice fire burnt villager's farms and gardens

In April of 2012, the Burmese military carried out target practice around Ba Yint Naung Tat Myot in Karen state. A military battalion based in the area participated in Company Commander training. As part of the military training, the soldiers began discharging their weapons in practice fire in the direction of the villages. As a result of the gunfire, local villager's vegetable farms and fruit gardens were damaged or destroyed. There were enough weapons shot to cause considerable damage. The gunfire started a blaze that burnt much of the area and the villagers lost many of their belongings. Overall, the damage affected 16 villagers who lost 16 acres of vegetable farms and fruit gardens. The value of the damaged land reached over 9,684,500 Kyat (USD 11,340 approximately).

Case Study Land Confiscation

Event Date: 4/11/2012

Local people faced extortion to pay for the road construction in Tedim

A 33-foot high clock tower topped with a cross; located in Mualbem village in Tedim township, was destroyed when it was razed to the ground by a bulldozer. The clock tower was levelled to make way for a new road connecting Zawngcong village with Mualbem. Village headman Pa Hau Khan Nang, a Tedim-based USDP party organizer, issued the order. Local authorities confiscated land from some of the villagers for the road construction without paying any compensation. Pa Hau Khan Nang, along with policemen brought from Tedim town, collected financial 'contributions' and gallons of diesel from local villagers. After the clock tower and cross were destroyed, the village headman exacted forced labour from the villagers to clear the rubble. The villagers from Tuikhuk quarter were ordered to participate in the forced labour or face a 2000 Kyat (USD 2.5 approximately) fine.

Conclusion

Land confiscation is systematically fleecing the Burmese people of their land, financial wellbeing and basic human dignity. The government should take the people's voices seriously and respect their rights to assemble. It remains to be seen whether or not the Land Investigation Committee will move reforms forward. Claims of government reform through actions such as the 2012 Farmland Law are only rooted in past decades of failed and unjust policies. Unfortunately, land confiscation and other human rights violations are still extremely common throughout Burma.



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front Hlaing Tharyar Farmers Demo*

ND-Burma Documented State & Region Vs. HRVs [April - September 2012]

SR	State & Region Vs. 16 Categories	Arbitrary/ illegal arrest/ detention	Confiscation/ destruction of property	Disappearances	Forced labour	Forced marriage	Forced prostitution	Forced relocation	Human trafficking	Killings	Obstruction of freedom of expression/ Assembly	Obstruction of freedom of movement	Other sexual violence	Rape	Use of Child soldiers	Torture/ Inhumane/ Degrading Treatment	Arbitrary Taxation/ Extortion	Total
1	Chin State		1		1					1						1	2	6
2	Irrawaddy Region																1	1
3	Kachin State																	
4	Karen State		7		13					2						2	3	27
5	Kayha (Karenni) State																	
6	Magwey Region		1															1
7	Mandalay Region		2		1													3
8	Mon State				2											1	1	4
9	Pegu Region				5					1								6
10	Rakhine (Arakan) State	2	1								1				1	2		7
11	Rangoon (Yangon) Region														1	2		3
12	Sagaing Region									1								1
13	Shan State	2	12	2	2		1			3		1	1	2		11	7	44
14	Tenasserim Region		2		3											2	4	11
15	Total	4	26	2	27	-	1	-	-	8	1	1	1	2	2	21	18	114

ND-Burma Documented State & Region Vs. Month [April - Sep 2012]

State & Region Vs. Monthly HRVs	April	May	Jun	July	Aug	Sep	Total
Chin State	0	2	0	0	0	4	6
Irrawaddy Region	1	0	0	0	0	0	1
Kachin State	0	0	0	0	0	0	0
Karen State	3	7	6	2	4	5	2
Kayha (Karenni) State	0	0	0	0	0	0	0
Magwey Region	0	1	0	0	0	0	1
Mandalay Region	2	1	0	0	0	0	3
Mon State	1	0	1	2	0	0	4
Pegu Region	0	0	0	6	0	0	6
Rakhine (Arakan) State	0	0	1	0	2	4	7
Rangoon (Yangon) Region	0	0	0	2	0	1	3
Sagaing Region	0	0	0	0	0	1	1
Shan State	4	6	7	1	2	7 8	4
Tenasserim Region	0	0	4	7	0	0	1
Total	11	17	19	31	13	23	114
	47			67			

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