



# Karen Human Rights Group

Documenting the voices of villagers in rural Burma

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## Incident Report

August 17, 2015/KHRG #15-46-I1

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### Hpa-an Incident Report: Land confiscation in Paingkyon Township, May 2015

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*This Incident Report describes the confiscation of villagers' land committed by Border Guard Force (BGF) Cantonment Area Commander Kya Aye, who oversees Battalion #1015 and Battalion #1016, and Cantonment Area Supervisor U Kyaw Hein on May 1<sup>st</sup> 2015. They then resold the land to the Steel Stone Group to be used for road construction and infrastructure development. The villagers reported the incident to the Karen National Union (KNU) requesting compensation for their land and calling for restrictions on the BGF commanders' power. KHRG also received a complaint letter submitted to the KNU Agriculture Department by a community representative of 14 villagers whose lands have been confiscated, including those listed in this incident report, requesting the KNU aid them in reclaiming their land: see, "[Complaint letter to KNU Agriculture Department in Paingkyon Township regarding land confiscation](#)," KHRG, July 2015.*

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### Incident Report | Paingkyon Township, Hpa-an District (May 2015)

*The following Incident Report was written by a community member in Hpa-an District who has been trained by KHRG to monitor local human rights conditions. It is presented below translated exactly as originally written, save for minor edits for clarity and security.<sup>1</sup> This report was received in June 2015 along with other information from Hpa-an District, including three other incident reports, and 179 photographs.<sup>2</sup>*

### **Part 1 – Incident Details**

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<sup>1</sup> KHRG trains community members in southeast Burma/Myanmar to document individual incidents of abuse using a standardised reporting format; conduct interviews with other villagers; and write general updates on the situation in areas with which they are familiar. When writing incident reports, community members are encouraged to document incidents of abuse that they consider to be important, by verifying information from multiple sources, assessing for potential biases and comparing to local trends.

<sup>2</sup> In order to increase the transparency of KHRG methodology and more directly communicate the experiences and perspectives of villagers in southeast Burma/Myanmar, KHRG aims to make all field information received available on the KHRG website once it has been processed and translated, subject only to security considerations. For additional reports categorised by Type, Issue, Location and Year, please see the Related Readings component following each report on KHRG's website.

<b>Type of Incident</b>	Land confiscation
<b>Date of Incident(s)</b>	May 1 <sup>st</sup> 2015
<b>Incident Location (Village, Township and District)</b>	A--- [village], Yay Pu [village tract], Ta Kreh [Paingkyon] Township, Hpa-an District

Victim Information				
<b>Name</b>	U B---	U C---	U D---	
<b>Age</b>	55	60	56	
<b>Sex</b>	Male	Male	Male	
<b>Nationality</b>	Muslim	Muslim	Muslim <sup>3</sup>	
<b>Family</b>	Married	Married	Married	
<b>Occupation</b>	Farmer	Farmer	Farmer	
<b>Religion</b>	Islam	Islam	Islam	
<b>Position</b>	Villager	Villager	Villager	
<b>Village</b>	E---	E---	E---	

Perpetrator Information				
<b>Name(s)</b>	<b>Rank</b>	<b>Unit</b>	<b>Base</b>	<b>Commander's Name</b>
U Kyaw Hein [also called] Dee Ter Ler	Supervisor	Cantonment Area	Paw Yay Poo [Yay Pu]/Ya Tah	Kya Aye Cantonment Area Commander

## **Part 2 - Information Quality**

**1. Explain in detail how you collected this information.**

<sup>3</sup> Although there is no indication that this incident was in whole, or in part, religiously motivated, Muslim villagers have regularly been the target of discrimination across Burma/Myanmar, particularly in recent years following the 2012 conflict in Rakhine State. For more information on religious discrimination in southeast Burma/Myanmar, see "[Toungoo Situation Update: Thandaunggyi Township, July to November 2014](#)," KHRG, April 2015; and "[Incident Report: Religious discrimination and restrictions in Papun District, September 2012](#)," KHRG, March 2013.

I heard that the company came to construct the road [and that] the BGF's [Border Guard Force]<sup>4</sup> troops confiscated the villagers' land and sold it to the company. So I went to A--- village and E--- village to talk to the villagers about these issues. The victims told me that the BGF's troops had confiscated their lands.

## **2. Explain how the source verified this information.**

The information was given by U F---. He is a representative of the villagers and he knew detailed incident information. After the BGF confiscated the land, they [BGF] divided it into separate plots, sold it to other people and companies, and dug out the soil to fill the roads.

## **Part 3 – Complete Description of the Incident**

**Describe the Incident(s) in complete detail. For each incident, be sure to include 1) when the incident happened, 2) where it happened, 3) what happened, 4) how it happened, 5) who was involved, and 6) why it happened. Also describe any villager response(s) to the incident, the aftermath and the current living situation of the victims. Please use the space prepared below, and create an attachment if needed.**

The incident reported is about the road construction in Yay Pu village tract, Ta Kreh [Paingkyon] Township, Hpa-an District, by the Steel Stone Group.<sup>5</sup> They ploughed the road and dug out the soil on May 1<sup>st</sup> 2015, in E--- and A--- [villages]. The name of the company is Steel Stone [Group] and the manager's name is Tha Laing Aung.

They [the company] abused the villagers' rights, as the BGF confiscated and sold the villagers' lands [to the company]. The [Cantonment Area] Commander Kya Aye<sup>6</sup> and soldier [Cantonment Area Supervisor] Kyaw Hein, [also called] Dee Ter Ler, are the people who committed the biggest human rights abuses. The villagers deliberated many different ways to restrict the power of these two people [prevent them from committing human rights abuses]. The villagers submitted a letter to the KNU [Karen

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<sup>4</sup> Border Guard Force (BGF) battalions of the Tatmadaw were established in 2010, and they are composed mostly of soldiers from former non-state armed groups, such as older constellations of the DKBA, which have formalised ceasefire agreements with the Burmese/Myanmar government and agreed to transform into battalions within the Tatmadaw. BGF battalions are assigned four digit battalion numbers, whereas regular Tatmadaw infantry battalions are assigned two digit battalion numbers and light infantry battalions are identified by two or three-digit battalion numbers. For more information, see "[DKBA officially becomes Border Guard Force](#)" *Democratic Voice of Burma*, August 2010, and, "[Exploitation and recruitment under the DKBA in Pa'an District](#)," KHRG, June 2009.

<sup>5</sup> The [Steel Stone Group](#) is a construction company based in Yangon, contracted by multinational corporations to implement development projects in various industries across Burma/Myanmar including construction, agriculture and mining.

<sup>6</sup> KHRG has received numerous reports involving human rights violations by Border Guard Force (BGF) Cantonment Area Commander Kya Aye, including land confiscation and extrajudicial killing. See, "[Human rights violations by BGF Cantonment Area Commander Kya Aye in Paingkyon Township, Hpa-an District, February 2013 to July 2014](#)," KHRG, September 2014.

National Union] and Burma government about the above information in order to gain support in reclaiming their land.<sup>7</sup> The villagers have confidence and capacity [to respond to the incidents]. The villagers want people [KNU and Burma/Myanmar government] to restrict the power and end the activities [withdraw the position] of the BGF and other armed actors [commanders and soldiers] who do not use their power in an appropriate way.

The villagers tried their best to report the incident and they [KNU and Burma/Myanmar government] also have to deliberate as to how best to stop the oppressors and the people who committed human rights abuses on the villagers as soon as possible. This is honest information. The names of the victims are mentioned above. I took photos where the incident took place on May 1<sup>st</sup> 2015.

#### **Part 4 - Permission for Using the Details**

**Did the victim(s) provide permission to use this information? Explain how that permission was provided.**

The victims allowed KHRG to use this information and report it to the Burma government, the companies, and the BGF and arrange [publish] it as soon as possible to help the villagers to gain compensation for their lands.



The above photos were taken on May 1<sup>st</sup> 2015 in A--- village, Yay Pu village tract, Paingkyon Township, Hpa-an District. The photo on the left shows the villagers' land that was confiscated by BGF Cantonment Area Supervisor U Kyaw Hein, led by Cantonment Area Commander Kya Aye. The land was subsequently resold to the Steel Stone Group. The photo on the right shows the road construction carried out by the Steel Stone Group on the villagers' land. [Photos: KHRG]

Further background reading on the situation in Hpa-an District can be found in the following KHRG reports:

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<sup>7</sup> The complaint letter to the KNU Agriculture Department is available on the KHRG website: "[Complaint letter to KNU Agriculture Department in Paingkyon Township regarding land confiscation](#)," KHRG, July 2015.

- “Recent fighting between Tatmadaw and DKBA soldiers leads to killing and displacement of villagers in Hpa-an District, July 2015,” (August 2015)
- “Complaint letter to KNU Agriculture Department in Paingkyon Township regarding land confiscation,” (July 2015)
- “Hpa-an Situation Update: Hlaingbwe Township, April to May 2015,” (July 2015)
- “Hpa-an Situation Update: Hlaingbwe and Nabu townships, December 2014 to January 2015,” (July 2015)
- “Hpa-an Situation Update: Paingkyon Township, March 2014,” (July 2015)

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