



January - June 2014

Report on the Human Rights Situation in Burma

Acknowledgement

We are extremely grateful to the interviewees for their courage in speaking the truth. We are also thankful for the ND-Burma member organizations and their field workers who collected the information under great personal risk.

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Cover photo: HURFOM, victims of past related HRV
Back cover photo: KWAT, Mawingyi refugee camp

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GPO 315, Chiang Mai 50000, Thailand
T/F - +66 (0) 53 408 149
office@nd-burma.org, www.nd-burma.org

Introduction

The Network for Human Right Documentation-Burma (ND-Burma) is an organization that documents and reports human rights violations taking place throughout Burma. We are a watch-dog for human rights violations and are continually monitoring the human rights situation in Burma.

This report covers the first period of 2014 and focuses on 103 documented cases of human rights violations in Burma from January-June 2014. There are many serious human rights violations addressed and highlighted in this report, including: torture, extra-judicial killing, illegal arrests and detention, arbitrary taxation, property crimes, forced labor, human trafficking, forced displacement and rape.

Even though President U Thein Sein promised to release all political prisoners by the end of 2013, there are still many political prisoners in Burma, including new detainees in 2014. Many human right defenders and activists have been arrested under the Unlawful Association Act of 1908, Section 5 (e) and 5 (j) of the Emergency Provisions Act, and Section (18) of the Right to Peaceful Assembly and Peaceful Procession Act. For example, U Win Cho and U Nay Myo Zin were arrested under Section (18) for protesting the confiscation of land in Kyauk Ta Dar Township, Yangon.¹ Moreover, innocent Kachin IDPs were arrested under Section (17) of the Unlawful Association Act for suspected contact with ethnic armed groups. These actions reinforce the fact that the government in Burma is still willing to use oppressive and unjust laws against the Burmese people..

With regards to media freedom, developments in this period warn of tightening regulations and a narrowing of the operating field of the Burmese media. The government has attempted to apply a new law regarding media, the Printers and Publishers Registration law, against the wishes of the people. This law allows the Ministry of Information to issue and withhold publication licenses, and is viewed as a bulwark against the development of ethnic media groups; “It is unacceptable to prescribe specific media registration in a transition of democratic change. This law can especially hurt the ethnic media development which is just on its fledgling stage. It will give the Local governments the power to restrict the ethnic media by using various pretexts such as security reasons” stated Khine Myrat Kyaw, editor for BNI

¹<http://burmese.voanews.com/content/article-18-505-protest-/1832868.html>

and defender of ethnic rights.² In addition, the four journalists and CEO of Unity Journal were handed heavy sentences under the Official Secrets Act after Unity Weekly published a report in January which accused the Burmese government of secretly using a facility in Magwe's Pauk Township as a chemical weapons factory. Freedom of Expression and a strong, independent media are vital to a healthy democracy; these recent attempts to silence the media within Burma are therefore unsettling, and should be monitored closely.

During president Thein Sein's regime, there have been massive land confiscations in Burma in relation to development projects of foreign corporations and the military. The State Agriculture Department in Burma records show that in January 2010, 216 companies received a total of 1.75 million acres (708,200 hectares) of farmland in the form of state concessions.³ Although people have lodged complaints with the government for the return of their lands, the government has not taken definitive steps to redress these issues. This is in contradiction to the rhetoric of the current government, which announced that land that had been unjustly seized would be returned. Moreover, President Thein Sein has now admitted that the government can't return over 30,000 acres of the paddy lands confiscated by the state two decades ago.⁴ Land confiscation has created large numbers of internally displaced people within Burma, and has contributed to cases of poverty, unjust arrest and detentions, and the proliferation of drug abuse in some communities. The return of land seized during the military junta, as well as the immediate cessation of new land seizures by foreign corporations, are therefore prerequisites to working towards a Burma that is free of human rights abuses.

People continued to demand amendments to Section 436 of 2008 Constitution, which prevents Aung San Suu Kyi from becoming the president. Groups have also protested against the amnesty which the constitution grants to public servants who have committed crimes, and the over representation of the military that it guarantees. Rather than addressing these problems, the government has repeatedly arrested protesters. Without amendments to the constitution, the growth of democracy in Burma will be jeopardized and the possibility for future human rights abuses remains.

In relation to these developments, the government has also been arguing for the adoption of Proportional Representation (PR) for the upcoming 2015 elections. Most groups, including the NLD, and the ethnic political parties, are against the change, citing that the country's democracy is too young and too divisive at this point. Ethnic groups are especially concerned, due to the fact that their long term survival and interests would be put into question if the switch was made. The USDP has disregarded the opinion of the official opposition NLD, as well as the minority groups, in another demonstration of its lack of commitment to democratic ideals. It remains committed to the change, and talks are ongoing.

Despite these differences, the government and ethnic armed groups have been working towards a national cease fire agreement. Ethnic armed groups have been demanding equality and the right to self determination within a federal system. Despite proposals on the table, the government is still sending more troops into ethnic areas. Without the withdrawal the troops from ethnic areas, the peace process will struggle to proceed.

As these negotiations continue to drag on, thousands of people continue to lose their homes and livelihood, joining the already large scores of internally displaced people in Burma. Moreover, local people have been tortured, killed, 'employed' as forced porters and laborers, raped and sexual harassed. Villagers, women and children, are being used as weapon of wars. For example, Palaung villagers from Man Puu village, Namkhan Township were not only arrested for suspected contact with the Ta'ang National Liberation Army (TNLA), but were also shelled by the Burmese government troops on

² <http://www.bnionline.net/index.php/news/bni/15729-bni-opposed-to-new-media-law-.html>

³ <http://karennews.org/2013/08/villagers-the-big-losers-as-land-is-grabbed-for-development.html/>

⁴ <http://www.scoop.co.nz/stories/WO1407/S00307/burmamyanmar-farmers-face-prison-sentences-for-trespassing.htm>

20, July 2014.⁵ Despite their ongoing suffering, the villagers are persecuted, rather than aided, by the Burmese government. Despite the democratic rhetoric issued by the new government, these destabilized regions remain rampant with human rights abuses of a wide variety.

Human rights abuses have not been limited to conflict areas in Burma. Monks have been imprisoned by the Government without any reason, have had their reputations discredited within the Buddhist community. As already mentioned, the government has clamped down on the media as well. And there have been reports of government complicity in the recent religious riots in Burma, in which the government was slow to react and failed to take proper preventative measures.

Despite these challenges and restrictions inside Burma, human rights activists and human rights defenders continue their struggle to seek truth and justice. For example, the AAPP, an ND-Burma member, has worked with the NLD to host a memorial ceremony for political prisoners, including thirty-six NLD's members who talked about the experience of imprisonment and interrogation in jail. Through this event, and other similar initiatives, the Burmese people continue to fight for truth and justice about Burma's past, and people remain committed to speaking out at this important time.



⁵ www.palaungwomen.com

ND-Burma Member Reports

Assistance Association for Political Prisoners (Burma) (AAPP)

Over the last 6 months (from January to June 2014), AAPP has engaged in the following activities as part of our primary support for transitional justice and truth seeking procedures.

On January 2, 2014, AAPP and FPPs jointly held the Honorable Ceremony in Royal Rose Hall in Rangoon for fallen political prisoners that perished in Burmese prisons and interrogation centers. The ceremony was held to draw attention to the fact that political prisoners were tortured to death in prisons and interrogation centers under the military government.

On July 15, 2014, the Ceremony of Transitional Justice and Truth Seeking, led by AAPP, was held at the office of the National League for Democracy Party (NLD), Yedashe Township. The ceremony was to recognize and commemorate the stories of thirty-six NLD members that were forced into combat by the military government. In 1997, forty male and three female members of the NLD in Yedashe Township were told by Military Intelligence members to follow them as they wanted to talk with the NLD members. Soon after, they were sent to the battle field. According to those victims, three female and four aged NLD members were freed while the remaining thirty-six NLD members were sent to the battle field.

From January onwards, AAPP began collecting data for the Political Prisoners Project in cooperation with FPPS, NLD, SNLD, 88 Generation Peace and Open Society and the Former Political Prisoners' Network (Upper Burma). This project aims to catalogue the experiences and lifestyles of the extensive political prisoner population now living in Burma.

AAPP has held two Basic Human Rights Trainings, one Basic Transitional Justice training and two TOT Transitional Justice trainings within the last six months.

www.aappb.org

Human Rights Foundation of Monland - HURFOM

The Human Rights Foundation of Monland – Burma (HURFOM) released a paper named “In Pursuit of Justice”, which reflects on the past while examining hopes for the future of Burma; it details the history of human rights violations perpetrated in Burma’s ethnic minority areas, and analyzes how to repair the relationship between the government and citizens to rebuild trust and move through a peaceful transition towards a united Burma.

<http://www.rehmonnya.org/reports/DisputedTerritory.pdf>
<http://rehmonnya.org/reports/in-pursuit-of-justice.pdf>

Palaung Women’s Organization

The Palaung Women’s Organization (PWO) is a women organization which is monitoring and addressing human right violations in Palaung areas. PWO has released a number of reports that address the human rights situation in Palaung areas. One such report was An Unseen Crisis; this report highlighted the suffering of Palaung victims of war who have become internally displaced persons (IDPs). The aim of the report is to draw attention to the peace negotiations between the government and ethnic armed groups, which have so far produced little concrete solutions that help IDP’s and other victims in Palaung areas. Moreover, it also urges the government to withdraw Burmese government troops from the ethnic areas. For the peace process in Burma to succeed, the government must not forget about the suffering of victims and the need for truth-seeking.

www.palaungwomen.com

Kachin Women’s Association –Thailand (KWAT)

KWAT has released a statement on 9Th June, three years in memorial of consolation to Kachin. This statement is to highlight Burmese government troops’ crucial action towards local civilian in terms of abuses, including sexual violence. There are continuing offense wars against Kachin Independent Army (KIA), its end up with more civilians are force to be internally displaced people. And KWAT is insisting the Burmese government to immediately cease military offensive against Kachin people and withdraw troops from conflict areas and stop human rights violation.

www.kachinwomen.com

Methodology

Fieldworker Situation: ND-Burma members' fieldworkers put themselves at great risk to document human rights violations. Due to security concerns, human rights monitoring cannot take place openly; thus, a comprehensive account of all violations that take place in Burma is not possible. Fieldworkers and the people who communicate with them face security risks even in ceasefire areas, as the military and police often intimidate victims into keeping quiet. If a member of the military or police discovers that a fieldworker is gathering information on human rights violations, then that person could be at the risk of arrest under repressive laws, receive harassment or even violent retribution. Fieldworkers 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 the assistance of several international human rights NGOs, to fieldworkers of member organizations that collect the information presented in these reports. Fieldworkers collect interviews and other information from nine of Burma's fourteen states and regions. Individual cases are documented depending on opportunity and external circumstances. The cases presented here constitute first-hand accounts of abuse perpetrated by the government and military during this period. The information supplied by eyewitness observers confirms concerns of widespread government violence perpetrated primarily by Burma Army soldiers. ND-Burma welcomes the co-operation of any organizations, which are genuinely working towards human rights documentation and monitoring in Burma. Therefore, ND-Burma is ready to help organizations that are not ND-Burma members.

Secondly, ND-Burma is organizing and providing the training for the documentation of the unofficial truth commission. The training will be focusing on proper documentation of the facts, and ways to encourage the victims to speak out about the truth. The ND-Burma's member organizations are working to promote truth telling in all areas where they are active.

Data Management: Fieldworkers from ND-Burma member organizations send documents to their mother organizations, whose staff 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 January to June 2014. 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.

Distribution of Human Rights Violations by Category

ND-Burma has documented 103 human rights violations in Burma in the period from January-June, 2014. The human rights violations documentation of ND-Burma has been collected from around Burma in eight of the fourteen states and regions in Burma. Despite ND-Burmas best efforts, this report does not cover human right violations in the whole of Burma, nor does it claim to have documented each and every human rights abuse that has occurred within the areas that it is operating. This report offers just a fraction of the true number of human rights abuses that are certain to have transpired in this period. Despite this limitation, ND-Burma's documentation can provide insight into trends developing within Burma, and can draw attention to issues of importance that need immediate addressing.

One of the most prevalent human rights violations occurring in Burma this year is the illegal confiscation of land, with as many as 36 cases and 14 tortured cases collected and documented by ND-Burma in this report. This number is almost certainly a low estimate, due to a number of factors. Firstly, field-workers of ND-Burma members are unable to operate in some regions of Burma due to security concerns; these cases were collected in only eight states and regions of Burma. Secondly, on-going conflict and conflict-related displacement prevents access to certain areas and results in an underreporting in states where there is armed conflict, including Kachin and Shan states. Finally, a climate of impunity on the part of the military and fear of retribution makes many victims of human rights abuses reluctant to report violations even when given the opportunity.

In addition to land-related human rights claims, there were 14 cases of killings and 9 cases of arbitrary taxation, as well as documented cases of rape, forced labor, human trafficking, child soldiers, and forced relocation that have been documented by ND-Burma. In 2013, ND-Burma highlighted a total of 253 human rights violations in their two bi-annual reports. This serves as an indication that human rights abuses have been occurring in Burma, and almost certainly continue to occur unless serious change is undertaken.



Human Rights Violations Documented by ND-Burma: January – June 2014

No	HRVs Category	Number of Bulletins
1	Arbitrary/illegal arrest/detention	4
2	Confiscation/destruction of property	36
3	Disappearance	1
4	Forced Labour	9
5	Forced Relocation	1
6	Human Trafficking	5
7	Killing	14
8	Obstruction of freedom of expression/Assembly	1
9	Obstruction of freedom of movement	2
10	Rape	5
11	Use of Child Soldiers	2
12	Torture	14
13	Arbitrary Taxation	9
Total		103

Human Rights Violations Documented by ND-Burma (January - June 2014)

Case Analysis

Rape and Sexual Violence

*Documented in **Mon State** by the [Human Rights Foundation of Monland – Burma](#)*

A Mon Woman Assaulted by Army Officer

Early in the morning on January 26, 2014, a Mon woman, Mi Cho, was collecting rubber liquid in the rubber plantation located near the Artillery Battalion, when a Second Corporal named Ye Min Tun seized her and attempted to rape her. In the struggle, Mi Cho bit the Corporal's arm, whereupon the Corporal retaliated by severely beating the woman. As a result of the assault, Mi Cho sustained severe injuries to her eyes, face, chest, head, back, as well as a bite injury on her hand. A local woman who has been supporting Mi CHO stated, "Currently, [Mi Cho] is still not well, and her condition is critical." Still unable to straighten her head, Mi Cho will be recovering from the brutal assault at Kyi Myin Dain Orthopedic Hospital in Rangoon, where she will undergo surgery for serious finger injuries.

This marks the second sexual assault by a Burmese government's soldier in Thanbyuzayat Township in just four and a half weeks, between December 24, 2013 and January 26, 2014. Ethnic women are experiencing systemic and widespread sexual assault at the hands of the Burmese military. Military authorities are actively working to suppress any news of Mi Cho's assault, as well as the numerous attacks like it.

Land Confiscation

Documented in **Mon State** by the *Human Rights Foundation of Monland - Burma*

Military Advanced Training School No. 4 in Thanbyuzayat Township Expanding by 300 Acres

In January 2014, the Military Advanced Training School in Waekalee, Thanbyuzayat Township, Mon State, announced its plan to extend the size of its base by 300 acres in order to increase its ability to tax the surrounding rubber plantations. Throughout the ten years prior to this announcement, the school had already expanded its base by 400 acres; however, it had ceased collecting taxes from 2012-2013. Residents within newly expanded boundaries of the training school will be taxed 108,750 kyat in 2014. The deadline to pay the tax was March 14, 2014. Those who could afford the tax were allowed to stay and work on their plantation. Those who could not afford the tax were banned from their land.

Human Trafficking

Documented in **Kachin State** by the *Kachin Women's Association – Thailand*

Wife and Mother Sold into Marriage

Ja (not real name), a wife and mother of two, states that she was forced to look for work abroad due to the continued financial hardship of her family. She contacted a friend, Maran Ja Bawk, who had moved to China for work, in order to see if she could find her a job. The next week, Maran Ja Bawk informed her that she had found her a job in Ruili cooking meals for construction workers. At the Chinese border, Ja was met by Maran Ja Bawk's friend, Ah Ji, who was meant to set her up with her new job. That evening, Ja was introduced to two Chinese men, who she saw exchange money with Ah Ji. Ja was told that she would be paid 1500 Yuan per month, and Ah Ji gave her 5000 Yuan as a three month salary advance. She was told that she would be working there for six months.

The next day, Ja was put in a different car than Ah Ji. Ah Ji reassured her that they would be following her to the job site. In the evening, Labang Roi Ja realized that Ah Ji's car was no longer behind them. They arrived at a house, where she was told (in Chinese, a language she did not understand well) that this would be her new working place. When preparing for bed, she was shown to her room. There, she found two beds, as well as a young Chinese man. At this point, Ja realized, "I was being sold". She called both Ja Bawk and Ah Ji, neither of whom picked up her calls. She resolved to flee the situation, but had no means by which to do so. After one month, Ja was married to Ah Shang, her Chinese suitor. He told her he had paid 33,200 Yuan for her.

After the third day of marriage, Ja told her new family that she would like to visit her parents, who she claimed lived in Nawng Tau. Once there, she sought out her cousin who lived there, who then helped her to return to her home in Burma.

Torture and Inhumane Treatment

Documented in **Shan State** by the *Palaung Women's Organization*

On January 17, 2014, five villagers from village from Nam San Township, in northern Shan State, were accused of having connections with TNLA. They were subsequently beaten by Burmese government troops.

Earlier, the military had arrived from Namhsan Township, and had exchanged fire with TNLA near their village. Four government soldiers were killed in the skirmish, and the battalions then sought retribution by beating and torturing the innocent villagers. According to one witness, "Soldiers [from the government] came to our village and asked the village head and Aik Maung (not real name) about TNLA, and then tortured them. Aik Maung received more injuries than the [village head]; another three villagers were also accused of [having] connections with TNLA, and beaten. One villager was arrested in the afternoon and beaten until 6 in the evening, because his brother is a TNLA soldier and soldiers [from government] asked to see a picture of his brother. When he

said no, he was arrested”.

Another villager stated, “around four in the evening, about 100 [government] soldiers brought the village head and one villager near the monastery. Then the soldiers hit and beat with their guns, hands, and legs [on the] villagers’ head, body, legs and forehead. The soldiers are still stationed in our village and [are detaining] the village head, however another villager was released. They [soldiers] ordered that 15 villagers have to be readied and send to them to serve as porters [at] five in the evening.”

Moreover, soldiers saw the red scare on the shoulder of one villager, leading them to suspect a greater connection with TNLA, which resulted in more beatings.





(ဆယ့်ငါးထောင်စာရင်း)

နာမည်	လိပ်စာ	ဆက်သွယ်ရေးနံပါတ်
အောင်ကျော်	ဧရာဝတီ	09-44833089
အောင်ကျော်	မန္တလေး	054-72001
အောင်ကျော်	မန္တလေး	09-4281336
အောင်ကျော်	မန္တလေး	09-4236619
အောင်ကျော်	မန္တလေး	09-4283078
အောင်ကျော်	မန္တလေး	054-72077
အောင်ကျော်	မန္တလေး	09-4289799
အောင်ကျော်	မန္တလေး	09-4283381
အောင်ကျော်	မန္တလေး	09-4283381
အောင်ကျော်	မန္တလေး	09-3448994
အောင်ကျော်	မန္တလေး	09-3449094
အောင်ကျော်	မန္တလေး	09-4978312
အောင်ကျော်	မန္တလေး	09-4282518
အောင်ကျော်	မန္တလေး	4926300
အောင်ကျော်	မန္တလေး	8660344
အောင်ကျော်	မန္တလေး	75046
အောင်ကျော်	မန္တလေး	72092
အောင်ကျော်	မန္တလေး	428197659

Conclusion

In this period, we saw demands for Constitutional Amendments, farmers protesting unjust land grabs, political prisoners asking for truth and apologies, civil society groups working towards education and the protection of human rights, and ethnic groups demanding equality and self-determination. In this same time frame, we saw a government invoking archaic laws to stifle the media, continued violence in conflict areas resulting in a wide array of human rights abuses, the unfair imprisonment of Burmese citizens, including monks, and continued ethnic violence.

ND-Burma is steadfastly committed to the protection and promotion of human rights, and holds the conviction that as long as the government fails to respect the human rights of its citizens, it will not be able to mature into a fully functioning democracy. As the nation strives towards national reconciliation, the government has the responsibility to implement truth-seeking procedures, and must be held accountable for the infringement of human rights that it perpetrates. ND-Burma will therefore continue to support the ongoing effort to unveil the truth and restore justice in Burma by documenting and reporting on human rights violations that occur within the country.

Appendix 1: ND-B Documented Human Rights Violation Category vs. Months [January - June 2014]

Monthly vs. Categories	Arbitrary/ illegal arrest/ detention	Confiscation/ destruction of property	Disappearance	Forced labour	Forced relocation	Human Trafficking	Killings	Obstruction of freedom of express/ assemby	Obstruction of freedom of movement	Rape	Use of Child soldiers	Torture	Arbitrary Taxation	Total
January		30		1	1		8	1	1	4	1	3	4	54
February	1		1	3		1	1		1			8	1	17
March	2			4		1	2				1		2	12
April		3					3					1	1	8
June	1	3		1		3				1		2	1	12
Total	4	36	1	9	1	5	14	1	2	5	2	14	9	103

Appendix 2: Human Rights Violations by Categories Vs. State & Region: January – June 2014

State & Region Vs. 16 Categories	Arbitrary/ illegal arrest/ detention	Confiscation/ destruction of property	Disappearances	Forced labour	Forced relocation	Human trafficking	Killings	Obstruction of freedom of expression/ Assembly	Obstruction of freedom of movement	Rape	Use of Child soldiers	Torture	Taxation	Total
Irrawaddy Region		1				2								3
Kachin State		1		4	1	1	5			1	1			14
Karen State													1	1
Mon State	1	27						1	1	2		3	4	39
Pegu Region		1											1	2
Rangoon (Yangon) Region						1								1
Shan State	3	3	1	3		1	9		1	2	1	9	2	35
Tenasserim Region		3		2								2	1	8
Total	4	36	1	9	1	5	14	1	2	5	2	14	9	103

Appendix 3: ND-B Documented State & Region vs Months January – June 2014

State & Region Vs. 16 Categories	Irrawaddy Region	Kachin State	Karen State	Mon State	Pegu Region	Rangoon (Yangon) Region	Sagaing Region	Shan State	Tenasserim Region	Total
January		9		34				5	6	54
February								17		17
March		5	1		1			5		12
April								8		8
June	3			5	1	1			2	12
TOTAL		14	1	39	1			35	8	103



GPO 315
Chiang Mai 50000
Thailand

+66 (0) 53 408 149
office@nd-burma.org
www.nd-burma.org

