



# **YOU CANNOT IGNORE US:**

**Victims of human rights violations in  
Burma from 1970 – 2017 outline their  
desires for justice**



[www.nd-burma.org](http://www.nd-burma.org)



[office@nd-burma.org](mailto:office@nd-burma.org)

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Network For Human Rights Documentation - Burma

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mmlwin

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Children from Mai Yu Lay IDP camp going to school. Credit: TWO

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A woman and her grandchild at Mai Yu Lay IDP camp. Credit: TWO

Contact Address:  
Network For Human Rights Documentation - Burma  
email: [office@nd-burma.org](mailto:office@nd-burma.org)  
website: [www.nd-burma.org](http://www.nd-burma.org)



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## ABOUT US

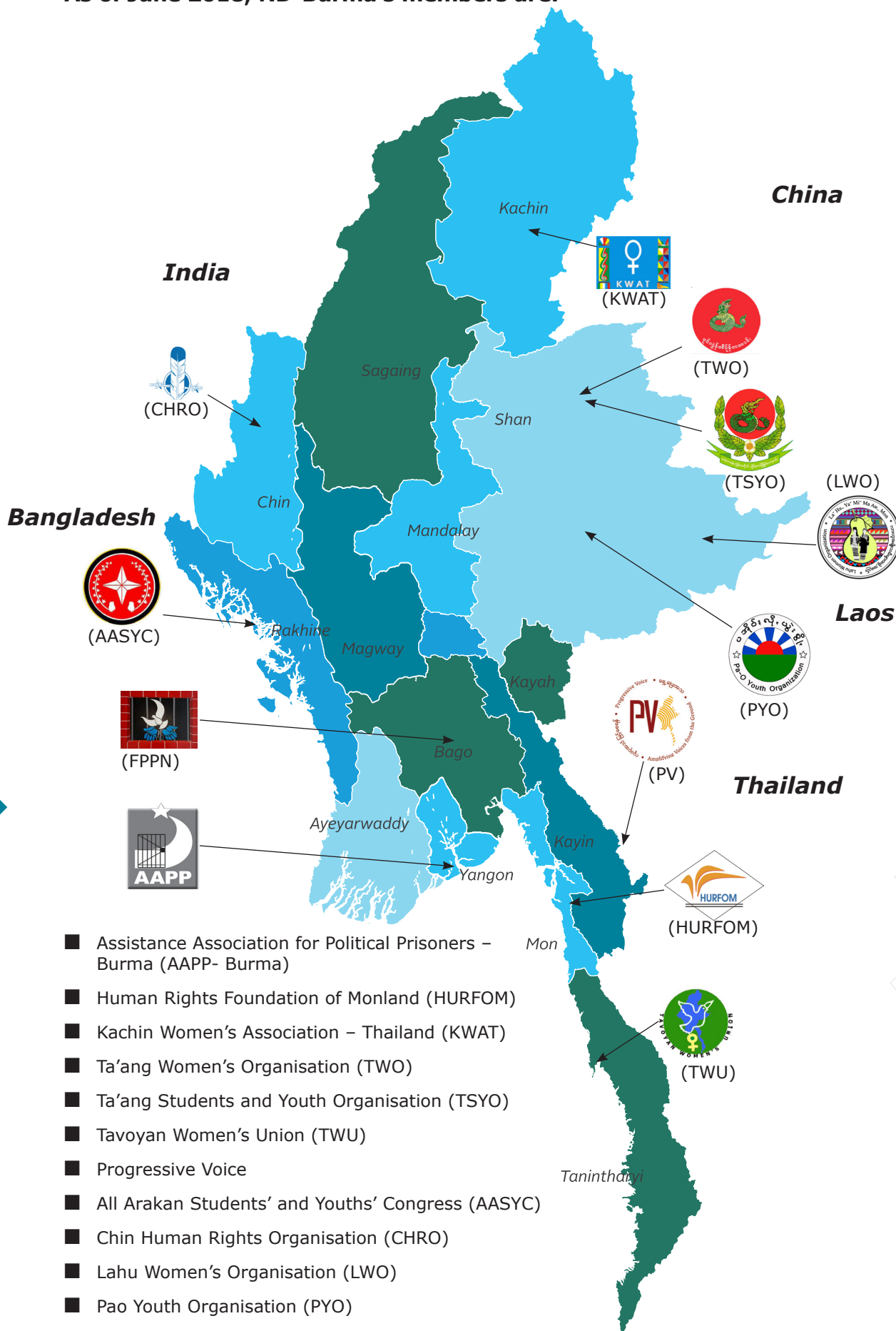


This report has been compiled by the Network for Human Rights Documentation Burma (ND-Burma) and its Reparations Working Group. ND-Burma was founded in 2004 by a group of Burmese activists who set out to document the human rights abuses happening across the country. The aim was to have a truthful record of what Burma's people have suffered and to be able to use this to seek justice for victims and their families once Burma saw a democratic transition. ND-Burma interviews victims of human rights violations, enters the information into a secure database it has maintained since 2004, and advocates for justice for victims. ND-Burma currently has 13 members that represent a range of ethnic nationalities, women, and former political prisoners. All of ND-Burma's members are politically independent. We also receive technical assistance from a number of partner organisations.

Many ND-Burma members also deliver services to victims of human rights violations and their families, who continue to suffer the impact of abuses. Seeing the need of survivors first-hand, ND-Burma set up a Reparations Working Group in 2015 to advocate for measures to help victims rebuild their lives. The Working Group includes all ND-Burma members as well as other civil society organisations campaigning for justice for victims.



**As of June 2018, ND-Burma's members are:**



- Assistance Association for Political Prisoners – Burma (AAPP- Burma)
- Human Rights Foundation of Monland (HURFOM)
- Kachin Women’s Association – Thailand (KWAT)
- Ta’ang Women’s Organisation (TWO)
- Ta’ang Students and Youth Organisation (TSYO)
- Tavoyan Women’s Union (TWU)
- Progressive Voice
- All Arakan Students’ and Youths’ Congress (AASYC)
- Chin Human Rights Organisation (CHRO)
- Lahu Women’s Organisation (LWO)
- Pao Youth Organisation (PYO)
- EarthRights International
- East Bago – Former Political Prisoners Network



**Full members:**

Assistance Association for Political Prisoners – Burma (AAPP- Burma)	
Human Rights Foundation of Monland (HURFOM)	
Kachin Women’s Association – Thailand (KWAT)	
Ta’ang Women’s Organisation (TWO)	
Ta’ang Students and Youth Organisation (TSYO)	
Tavoyan Women’s Union (TWU)	

**Affiliate Members:**

Progressive Voice	
All Arakan Students’ and Youths’ Congress (AASYC)	
Chin Human Rights Organisation (CHRO)	
Pao Youth Organisation (PYO)	
EarthRights International	
Association of Human Rights Defenders and Promoters	



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East Bago – Former Political Prisoners Network



**Partner organisations:**

Former Political Prisoners Society (FPPS)

International Center for Transitional Justice (ICTJ)

Asia Justice and Rights (AJAR)

REDRESS

**The Reparations Working Group comprises all ND-Burma members as well as:**

The Vimutti Women’s Organisation (VWO)



Genuine People’s Servants (GPS)



Open Myanmar Initiative (OMI)



88 Generation Peace and Open Society



Future Light Center (FLC)




Lahu Women’s Organisation (LWO)







# ACKNOWLEDGEMENT



First and foremost we are grateful to the many interviewees for finding the courage and strength to share their stories with us. Recounting harrowing experiences, sometimes repeatedly, is hard. In Burma it can also be dangerous and we thank the researchers who conducted the interviews at great personal risk.

We must also express our gratitude to the numerous organisations that have provided financial support for the production of this report. We are also thankful to the many individuals who provided invaluable edits.

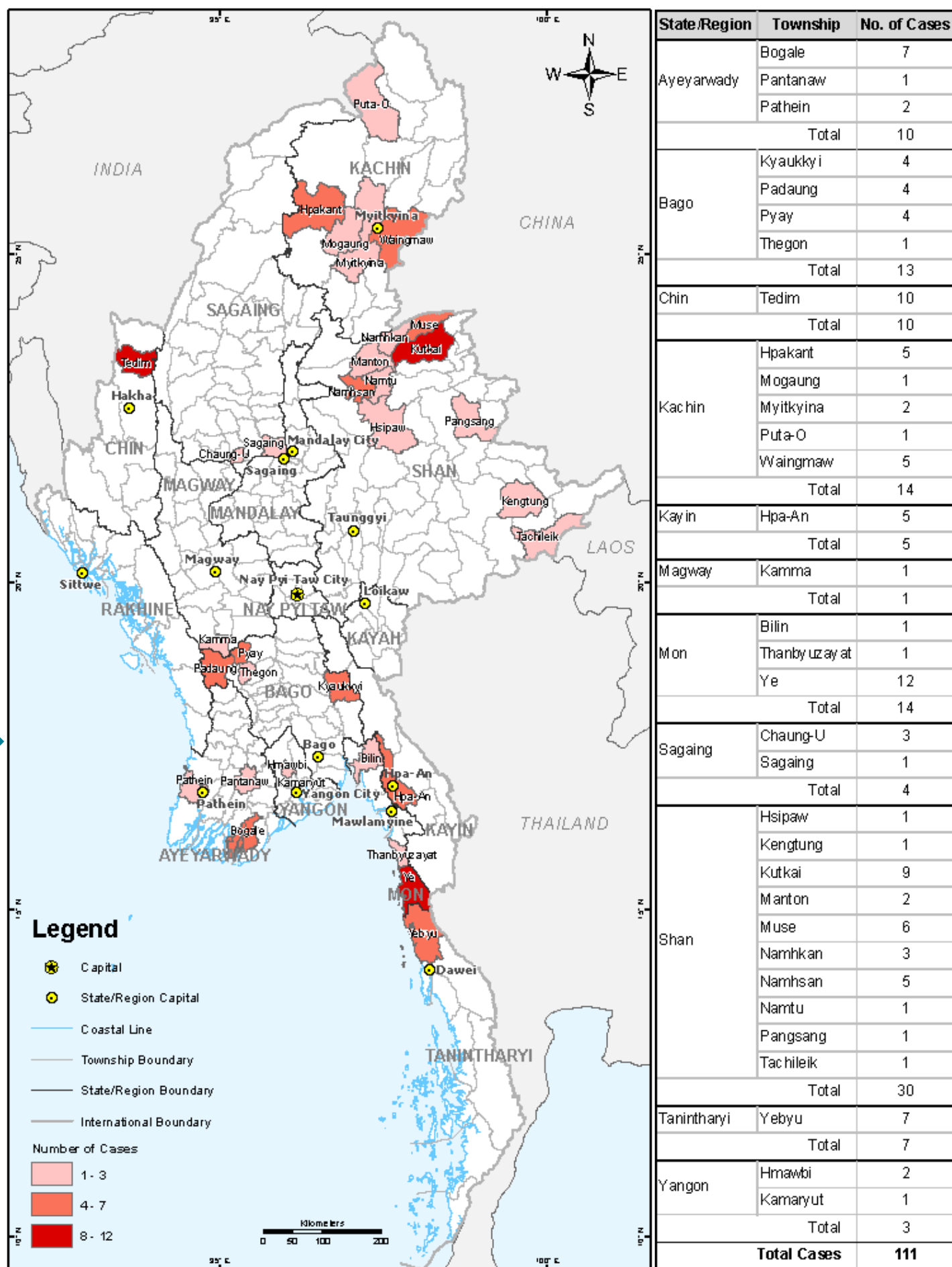


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## Human Rights Violations documented by ND-Burma





# GLOSSARY

**8888 uprising:** A series of student-led protests against the military-run Burmese Socialist Programme Party, which governed the country at the time. Protests started in March 1988 and culminated in a general strike on 8 August. The protests were brutally crushed and thousands died and were injured. Many young people fled cities to join ethnic insurgent groups.

**AAPP:** The Assistance Association for Political Prisoners

**BGF:** Border Guard Force

**CNF:** Chin National Front

**CPB:** Communist Party of Burma

**EAO:** Ethnic armed organisation

**FLC:** Future Light Centre

**GAD:** General Administration Department

**GPS:** Genuine People's Servants

**HURFOM:** Human Rights Foundation of Monland

**IB:** Infantry Battalion of the Burmese army

**ICCPR:** International Covenant on Civil and Political Rights

**ICTJ:** International Center for Transitional Justice

**IDP:** Internationally Displaced Person

**KIA:** Kachin Independence Army

**KIO:** Kachin Independence Organisation

**KNLA:** Karen National Liberation Army



**KNU:** Karen National Union

**KWAT:** Kachin Women's Association – Thailand

**KWO:** Karen Women Organisation

**Kyat:** Burmese currency. 1,000 kyats is approximately 0.75 USD

**Lakh:** 1 lakh is 100,000 kyats (approximately 75 USD)

**LIB:** Light Infantry Battalion of the Burmese army

**LID:** Light Infantry Division of the Burmese army

**LWO:** Lahu Women's Organisation

**MNHRC:** Myanmar National Human Rights Commission

**MOC:** Military Operations Command

**NCA:** Nationwide Ceasefire Agreement

**NGO:** Non-governmental organisation

**NLD:** National League for Democracy

**Saffron Revolution:** Economic and political protests that started in September 2007, so called because of the thousands of monks who demonstrated in their saffron coloured robes.

**RCSS/SSA:** Restoration Council of Shan State/Shan State Army

**TWO:** Ta'ang Women's Organisation

**TNLA:** Ta'ang National Liberation Army

**VWO:** Vimutti Women's Organisation

# EXECUTIVE SUMMARY

- ❖ ND-Burma and its Reparations Working Group have conducted the first ever victim needs assessment in Burma, examining 111 cases of human rights violations over the period 1970 - 2017 across 11 states and regions. If the displacement of whole villages is included, our dataset includes some 1,500 individual victims, many of whom suffered multiple human rights violations.
- ❖ 85 cases relate to conflict victims, 13 to land grab victims, and 13 to former political prisoners.
- ❖ In 95 cases (85%) the human rights violations were carried out by Burmese government security forces. In 13 cases (12%) they were carried out by ethnic armed organisations and in three (3%) by unknown perpetrators.
- ❖ Field officers asked victims about the human rights violation(s) they suffered; what the physical, psychological, social and economic impact had been; and what action they would like to see from perpetrators and the government to help them rebuild their lives.
- ❖ In almost every single case victims said their lives had been negatively impacted. Victims often suffered multiple consequences as a result of the violations, including:
  - ◆ Economic hardship
  - ◆ Health problems
  - ◆ Victim or their children having to drop out of education
- ❖ Victims overwhelmingly said they wanted some form of action from the government or perpetrators to try and alleviate the impact of the abuses they had suffered.



- ❖ Action desired from the government included the following:
  - ◆ The most common desire for justice was institutional change to guard against human rights violations happening again. Victims repeatedly asked for either formal guarantees of non-recurrence or some form of governmental reform to prevent state and insurgent violence.
  - ◆ Many victims asked for some form of symbolic satisfaction to make them feel like they had received justice. This included public and/or private acknowledgment on the part of the perpetrators, apologies, or to receive the remains of those killed and disappeared.
  - ◆ Victims frequently asked for compensation to help them overcome the negative consequences of human rights violations.
  - ◆ Victims often asked for restitution of their situation to what it was before the human rights violation took place. Victims often specified return of their land and property, release of a relative wrongly imprisoned, or full restoration of their civil and political rights.
  - ◆ Many victims asked for justice, but voiced low levels of confidence in the domestic legal system.
  - ◆ The results of this needs assessment should be treated as a first attempt to document the lasting impact of human rights violations and to evaluate the needs of victims. However, the small sample size, loosely structured research methodology, and unfamiliarity of many victims with justice concepts and processes need to be taken into account and follow-up research conducted.
- ❖ There has been no justice for the majority of cases. Three cases have seen some of the perpetrators of the crimes sentenced to jail and in two cases military-led investigations were ongoing but not proceeding.
- ❖ Six cases saw the military give 'compensation' or 'assistance' to victims ranging from between 30,000 - 500,000 kyats. Victims said they often accepted such pay-offs as they needed the money, did not trust the legal system in Burma, and were too poor or frightened of reprisals to open a case.
- ❖ Victims of human rights violations deserve to see justice for what they have suffered. In order to end ongoing human rights abuses the rule of law needs to be respected and impunity for violations brought to an end through judicial reform. However ND-Burma's needs assessment shows that victims have very



immediate needs that the government has a responsibility to address. The findings of this report and ND-Burma's 14 years' experience of documenting human rights violations first-hand show that Burma urgently needs a wide-ranging reparations programme to help victims repair their lives and kickstart a real national reconciliation.



# INTRODUCTION

In 2004, nine civil rights organisations based on the Thai-Burma border came together to form what is now called the Network for Human Rights Documentation, or ND-Burma. Representing a range of ethnic nationalities as well as former political prisoners, they had fled military dictatorship and civil war in Burma. Together they decided to start building a record of the human rights violations being carried out by both government and EAO troops with the goal of ensuring that victims would be able to see justice.

Some 14 years later, under the country's first democratically elected government in nearly half a century, ND-Burma believes the time for justice has arrived. So far the conversation on transitional justice - the ways in which a country emerges from and addresses periods of mass human rights violations - has been limited to domestic civil society, with most elites refusing to publicly discuss redress for victims.

Yet transitional justice is not about 'retribution'. It is about acknowledging that people's human rights have been violated and that they deserve redress. It is about establishing the facts of what happened and reforming institutions to ensure it never happens again. It is about ensuring access to justice and respect for the rule of law. And it is about rebuilding trust throughout society to bring about reconciliation and lasting peace.

Indeed, as our needs assessment shows, victims do not seek retribution. Instead the majority asked for guarantees that human rights violations will not recur, usually through some kind of institutional reform. Those interviewed repeatedly stressed that it is not the individual perpetrators they despise, but the system that has made abuses possible. A former political prisoner who spent a total of 14 years in jail for his activism told ND-Burma that: "perpetrators also committed these crimes so they could survive," (Case 111)<sup>1</sup>.

1. For other reports examining the ongoing impact of human rights violations on victims and their desires for justice, see AJAR: Speaking Truth for Peace, March 2018, <http://asia-ajar.org/wp-content/uploads/2018/03/Speaking-Truth-to-Peace-Report-lowres.pdf>; HURFOM: I Still Remember, December 2017, <http://www.rehmonnya.org/reports/I-still-remember-online-publishing.pdf>; and HURFOM: In Pursuit of Justice, July 2014, <http://www.burmalibrary.org/docs18/HURFOM-in-pursuit-of-justice-red.pdf>

Near-total impunity for human rights violations and a refusal to examine Burma's bloody past has allowed this pernicious system to persist today. In northern Burma, conflict continues to rage and is accompanied by human rights violations such as arbitrary arrest, torture, extrajudicial killing, forced labour, sexual violence, death by landmines, indiscriminate shelling, military targeting of civilian structures, and confiscation and destruction of property. Many of the cases from our needs assessment come from these conflicts and show that victims overwhelmingly desire an end to the current system that has allowed state-sponsored human rights violations to be carried out with impunity. A man in Kachin State who was tortured by government soldiers and continues to suffer health issues told ND-Burma: "I want to see government soldiers understand the value of a human being's life. I want them to respect other people. I want them to respect human rights," (Case 66).

The peace process does not seem to have brought with it a decline in conflict, with fighting being the most intense it has been since the 1980s.<sup>2</sup> Even in ceasefire areas fighting has started to re-ignite and state forces have once again been accused of violations.<sup>3</sup> In Arakan State, military violence against civilians has led to the world's fastest growing refugee crisis.<sup>4</sup>

Since 2014 there have been a few cases of low-ranking soldiers being sentenced for committing human rights violations (see Challenges to Justice section). This is a positive step but needs to be accompanied by more structural reforms. The widespread and systematic nature of violations documented over the years of conflict implies that the responsibility for human rights violations goes beyond the actions of individual soldiers.<sup>5</sup> The 2008 Constitution needs to be amended to ensure Burma is able to meet its human rights obligations, oppressive laws repealed, and the country's long history of human rights violations acknowledged.

ND-Burma hopes that the few instances of legal justice for human rights violations are the beginning of a change in the culture of impunity that has prevailed over the last few decades. We believe that in many cases those trying to hide abuses are doing what they believe is best within the system they live in. For example, in the case of a

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2. Bertil Linter in The Irrawaddy: Burma's Misguided Peace Process Needs a Fresh Start, 11 October 2016, <https://www.irrawaddy.com/opinion/commentary/burmas-misguided-peace-process-needs-a-fresh-start.html>
  3. BNI: Hundreds of Local residents Flee from Fighting Between KNU and Burma Army, 7 March 2018, <https://www.bnionline.net/en/news/hundreds-local-residents-flee-fighting-between-knu-and-Burma-army>
  4. UN News: UN Seeks more Funds to Assist Rohingya Amid world's Fastest Growing Refugee Crisis, 6 October 2017, <https://news.un.org/en/story/2017/10/568002-un-seeks-more-funds-assist-rohingya-amid-worlds-fastest-growing-refugee-crisis>
  5. A UN-mandated Fact Finding Mission (FFM) has called for senior military figures to be investigated for genocide, crimes against humanity, and war crimes, 27 August 2018, <https://www.ohchr.org/EN/HRBodies/HRC/MyanmarFFM/Pages/ReportoftheMyanmarFFM.aspx>



man killed and disappeared by government soldiers in Kachin State, it is completely feasible that the Battalion Commander who gave his widow and six children 100,000 kyats (approximately 75 USD) believed he was providing the best assistance he could without damaging the institution he works for (Case 4). This report aims to show that victims may require compensation, but only when it comes with acknowledgement and apology for abuses.

Decades of military dictatorship and civil war have meant that there is a poor understanding of human rights and fundamental freedoms throughout society. In interviews, some victims blamed themselves for the abuses they had suffered. For example the father of a mentally handicapped man who was tortured by government soldiers in Shan State said his “bad Karma” was to blame for what had happened (Case 75). Victims often do not have the language to speak about human rights following decades, often lifetimes of repression, and our work aims to help survivors of human rights violations articulate what assistance they may need to rebuild their lives.

In order to achieve peace and national reconciliation, it is time to talk about justice for Burma’s many victims of human rights violations. As our needs assessment shows, victims’ demands for justice are relatively modest. The government should take advantage of this to kick-start a truly ‘national’ reconciliation process. As the intellectual U Min Zin has said: “In order for national reconciliation to work it has to be systematic. So far there has been no reconciliation between the military and the people.”<sup>6</sup> Furthermore, other country examples show that if left unaddressed, victims’ positions can become more extreme.<sup>7</sup>

ND-Burma and its Reparations Working Group hope that this report will be read as an initial contribution to a future state-led reparations programme. We currently hold some 6,000 cases of human rights violations in our database and are ready to help the government deliver justice for Burma’s many victims of abuses.

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6. U Min Zin in a presentation to ND-Burma’s Reparations Working Group, June 2017

7. ICTJ: Opening Up Remedies in Myanmar, December 2015, <https://www.ictj.org/sites/default/files/ICTJ-Briefing-Myanmar-TJ-2015.pdf>

# METHODOLOGY

## The Reparations Working Group

Since ND-Burma was founded in 2004, our objective has been to use our documentation to deliver justice for victims of human rights abuses. In order to better understand what kind of justice measures are suited to Burma's context, our members have been studying the ways transitional justice has been delivered in different countries around the world. This has included numerous training sessions and workshops delivered by experts, as well as exchanges with other organisations which have worked to bring justice to victims, such as the Documentation Center Cambodia (DC-Cam).

After democratic reforms began in 2010, ND-Burma's members started to define more clearly what Burma's transitional justice programme should look like. Through our documentation and work with victims it was clear that the impact of human rights violations continues to be felt by individuals, as well as their families, communities, and Burmese society as a whole. In 2015 in order to help 'repair' the damage done by mass abuses, we established our Reparations Working Group. This includes all ND-Burma members as well as other civil society organisations campaigning for justice. We meet bi-annually and are advocating for a state-led reparations programme.<sup>8</sup>

### Data collection

The 19 Reparations Working Group members spent 2016 and 2017 conducting interviews with victims of human rights violations. Field officers closely followed the methodology set out in ND-Burma's human rights documentation manual to ensure the data gathered was accurate, thorough, and impartial (example questionnaire

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8. ND-Burma's first report on transitional justice examined the impact of human rights violations and other country examples: *To Recognize and Repair*, June 2015, <http://nd-burma.org/to-recognize-and-repair/>



in annex).<sup>9</sup> For each case field officers either interviewed the victim themselves, family members, or other witnesses. In order to verify information several people were sometimes interviewed for a case; a total of 170 people took part in the needs assessment. In order to avoid leading questions, inquiries about victims' wishes were kept open-ended. This may have limited the detail of justice-related responses given victims' lack of knowledge of possible specific measures to address human rights violations. However the Reparations Working Group believes it was more important at this point to understand victims' generalised desires for justice than support for specific measures.

Needs assessments were conducted in 11 states and regions: Rangoon, Irrawaddy, Bago, Sagaing, Megway, Mon, Shan, Chin, Karen, Kachin, and Tenasserim.

Victims were primarily selected on account of having been targeted as part of large Burma army operations, for example during the '8888' revolution; 'Operation Storm' (also known as the Bogalay crisis) in 1991; or the ongoing offensives in Kachin and northern Shan states.<sup>10</sup> Several victims were still living in Internally Displaced Person (IDP) camps following displacement due to conflict. Field officers relied on local networks to be put in touch with victims.

Most victims knew nothing about transitional justice principles before they were interviewed. This is especially true of conflict victims, who often live in remote and isolated areas. In some cases land grab victims had some knowledge of the domestic justice system as a result of having taken their case to court, or having been taken to court themselves after challenging the confiscation of their land. Political prisoners tended to have the most detailed understanding of transitional justice mechanisms.

## Challenges to data collection

Documenting human rights violations is challenging and dangerous. Both the military and ethnic armed organisations (EAOs) often intimidate and take retributive action against those who speak out. In 2018 a former child soldier who had been forcibly

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9. ND-Burma's first report on transitional justice examined the impact of human rights violations and other country examples: To Recognize and Repair, June 2015, <http://nd-burma.org/to-recognize-and-repair/>

10. For an unparalleled account of the 8888 uprising see Bertil Lintner: *Outrage*, Kiscadale Publications, 1989. Currently, the 1991 Bogalay Crisis is less well documented, but an article outlining a number of victim testimonies can be found here: Mark Farmaner in *Karen News: Bogalay Massacres Should be Investigated and Commemorated*, 29 October 2017, <http://karennews.org/2017/10/bogalay-massacres-should-be-investigated-and-commemorated/>. Human rights violations committed during military operations in Karen State between 2005 - 2008, on the other hand, were documented by the International Human Rights Clinic at Harvard Law School and outlined in the report *Crimes in Burma*, May 2009, <http://hrp.law.harvard.edu/wp-content/uploads/2009/05/Crimes-in-Burma.pdf>. The report found that soldiers had committed crimes against humanity and war crimes and called for the formation of a UN Commission of Inquiry to investigate.

conscripted by the Burma army was sentenced to two years' imprisonment for speaking about his experience on the radio.<sup>11</sup> ND-Burma member offices have been visited by military affairs security and questioned about their work. Member websites and messenger applications have been hacked. One member had to suspend all fact-finding activities for this report for an extended period of time due to security concerns.

Indeed the UN Special Rapporteur on the situation of human rights in Myanmar said in her January 2017 statement that, "There is still a long way to go to achieve a society where individuals are free to share what has happened to them, to speak their mind, and to live peacefully without fear."<sup>12</sup>

## Analysis

Victims' experiences were divided into three categories: conflict, political prisoner, and land grab. This was done in order to better analyse the patterns of abuse ND-Burma has previously identified in its documentation. Conflict victims primarily come from Burma's ethnic nationalities. A few came from the Bamar majority and were targeted as part of the Burma army's repression more broadly but, unlike victims in the political prisoner category, had not directly taken a political stand. There was some overlap with categories, with some conflict victims and political prisoners also having property confiscated, for example. Some land grab and conflict victims also suffered arbitrary arrest and imprisonment.

## Limitations

The number of victims of human rights violations in Burma is innumerable. This needs assessment examines a small portion of these cases and should be seen as a first step in the process of evaluating the requirements of victims. Though the research has aimed to be representative through interviewing victims who suffered a range of violations from across the country over a 47-year period, the selection of interviewees was limited by access and resource restrictions.

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11. Radio Free Asia: Former Myanmar Child Soldier Describes Long Struggle to Turn Life Around, 18 August 2017, <https://www.rfa.org/english/news/myanmar/former-myanmar-child-soldier-describes-long-struggle-to-turn-life-around-08172017154924.html>; Human Rights Watch: Myanmar: Quash Conviction of Former Child Soldier, 2 April 2018, <https://www.hrw.org/news/2018/04/02/myanmar-quash-conviction-former-child-soldier>

12. OHCHR, End of Mission Statement by Special Rapporteur on the situation of human rights in Myanmar, 20 January 2017, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21107&>



Furthermore, the unfamiliarity of many victims with justice concepts and processes needs to be taken into account when looking at the results of this needs assessment. Reading victims' testimonies makes clear that people are often unaware of potential transitional justice mechanisms that could alleviate the impact of the human rights violation, such as rehabilitation programmes. A dearth of government services and assistance throughout the country, in particular in conflict zones in remote areas, greatly lowers people's expectations. Serious socioeconomic and basic survival needs may also push victims to prioritise short-term requirements, which would probably evolve as their situation stabilises.

This report should therefore not be read as a final evaluation of victims' requirements but as a first contribution to the establishment of a government-led reparations programme.



## COUNTRY CONTEXT

General Aung San negotiated the Panglong Agreement - which promised ethnic equality within a federal union of Burma - with Kachin, Shan, and Chin leaders in 1947. He was assassinated before it could be implemented and civil war broke out between government forces and EAOs upon independence from British colonial rule in 1948. A military coup in 1962 brought acute repression with widespread detention and torture of political dissidents, journalists, human rights activists and anyone suspected of criticising the state.

Civil society has had limited space to operate since the military coup in 1962, with further crackdowns after the uprising of students and youth in 1988 and the Saffron Revolution of 2007. Some groups continued to operate inside the country within the narrow confines allowed them and others conducted advocacy from exile in Thailand or elsewhere.

The military signed its first ceasefire with a breakaway group from the Communist Party of Burma (CPB) in 1989. Bilateral ceasefires with a number of EAOs followed throughout the 90s, with some being transformed into state-controlled Border Guard Forces (BGF) from 2008. A number of ceasefires broke down amidst charges that human rights abuses were continuing to be perpetrated by state security forces and that the agreements were being used as a license to exploit resources in ethnic nationality areas - by both state and EAO elites. A 17-year ceasefire agreement with the Kachin Independence Army (KIA) fell apart in 2011 and the group remains in active conflict with the military.

Democratic reforms started under former General Thein Sein in 2011, who initiated dialogue with Daw Aung San Suu Kyi and re-started peace talks with dozens of ethnic armed groups. Eight EAOs signed a Nationwide Ceasefire Agreement (NCA) in 2015 and two more joined in 2018. Unlike the bilateral truces of the 90s, the NCA promises political dialogue after groups have signed. This has become a sticking point as non-signatories, who represent some 80% of non-state troops in Burma, have demanded



they be permitted to join negotiations before inking the agreement.<sup>13</sup>

Under a Constitution pushed through in 2008 the military retains autonomy from civilian oversight; holds the Home Affairs, Defense, and Border Affairs ministries; and keeps 25% uncontested parliamentary seats - a blocking minority on constitutional change. Soldiers are authorised to take power in a national state of emergency and both domestic and international observers often cite fear of another coup as a reason for caution in the reform process.<sup>14</sup> Article 445 of the Constitution grants state agents legal immunity for all actions done “in the execution of their respective duties” and Article 319 decrees that defense services personnel are tried in military courts, which usually operate in complete secrecy.<sup>15</sup>

The country’s first democratically elected civilian-led government in over half a century swept to victory in elections judged ‘free and fair’ in 2015. Despite high hopes, Daw Aung San Suu Kyi’s National League for Democracy (NLD) government inherited deep-rooted challenges including constitutional empowerment of the military, repressive legislation, weak rule of law, and a corrupt judiciary.

Daw Aung San Suu Kyi continued Thein Sein’s peace process and re-titled it the 21st Century Panglong Conference. However fighting has continued in ethnic areas and resulted in mass human rights violations, including land confiscation, forced labour, recruitment of child soldiers, forced relocation, torture, indiscriminate shelling, and extrajudicial killings. In Kachin and northern Shan states over 100,000 people remain displaced due to fighting between the government and armed groups at the time of writing. Over 700,000 had fled military violence in Arakan State.

## **WHAT IS TRANSITIONAL JUSTICE?**

Transitional justice refers to the myriad of ways a country tries to deal with mass human rights violations that have been committed on its soil. It aims to deliver justice to victims through accountability and redress, which in turn can contribute to building

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13. For an excellent analysis of the peace process see the International Crisis Group: Myanmar’s Peace Process: Getting to a Political Dialogue, 10 October 2016, <https://www.crisisgroup.org/asia/south-east-asia/myanmar/myanmar-s-peace-process-getting-political-dialogue>; and International Crisis Group: Building Critical Mass for Peace in Myanmar, 29 June 2017, <https://www.crisisgroup.org/asia/south-east-asia/myanmar/287-building-critical-mass-peace-myanmar>

14. For a comment piece critiquing fears of a military coup, see Mary Callahan in Nikei Asia Review: Fears of Military Coup in Myanmar are Exaggerated, 14 December 2016, <https://asia.nikkei.com/Politics/Fears-of-military-coup-in-Myanmar-are-exaggerated>

15. Constitution of the Republic of Myanmar, 2008, <http://www.wipo.int/edocs/lexdocs/laws/en/mm/mm009en.pdf>. For background on how the Constitution entrenches impunity for human rights violations, see ICTJ: Impunity Prolonged: Burma and its 2008 Constitution, September 2009, <https://ictj.org/sites/default/files/ICTJ-Myanmar-Impunity-Constitution-2009-English.pdf>



a society that respects the rule of law and guards against the same abuses happening again.<sup>16</sup> Countries on every continent in the world have adopted transitional justice programmes made up of different elements that suit the particular country context.

Transitional justice programmes include one or more of the following four types of mechanisms:

- ❖ Criminal prosecutions for those responsible for mass human rights abuses. Such prosecutions can take place in domestic, international or hybrid courts (composed of both national and international judges).
- ❖ Truth-seeking processes into human rights violations by non-judicial bodies. Truth Commissions and Commissions of Inquiry are common tools to establish the truth behind mass human rights violations. Truth-seeking and truth-telling can also be conducted by civil society and victims' organisations seeking to publicise the truth about past human rights violations.
- ❖ Reparations for human rights violations, which can be delivered to individuals and/or communities, and can be material or symbolic. In order to be distinguished from humanitarian assistance or development aid, reparations must include an element of the state recognising and taking responsibility for its role in perpetrating or failing to prevent the violations. Reparations can include:
  - ◆ **Restitution:** restoring the victim's situation as much as possible to what it was before the violation took place. This can include: restoration of liberty, return of employment, reinstatement of citizenship, return of land and property, restoration of professional licenses and educational qualifications, removal of criminal records, and return to one's place of residence.
  - ◆ **Compensation:** monetary compensation to try and recompense victims for what they have lost as a result of the human rights violation.
  - ◆ **Rehabilitation:** government provision of medical, psychological, and social services, and legal assistance.
  - ◆ **Symbolic satisfaction:** symbolic measures that provide healing to victims, including: truth-seeking, searches for the disappeared, recovery and reburial of remains, public acknowledgements and apologies, commemoration, and memorialisation.

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16. OHCHR: Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, Adopted and proclaimed by General Assembly resolution 60/147 of 16 December 2005, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/RemedyAndReparation.aspx>



## **YOU CANNOT IGNORE US:**

Victims of human rights violations in Burma from 1970 – 2017 outline their desires for justice

- ◆ **Guarantees of non-recurrence:** institutional reforms to ensure abuses do not happen again, including: civilian control of the military and security forces, an independent judiciary, protection of human rights workers and journalists, and the establishment of mechanisms for conflict resolution.
- ❖ Reform of laws and institutions including the police, judiciary, and military.

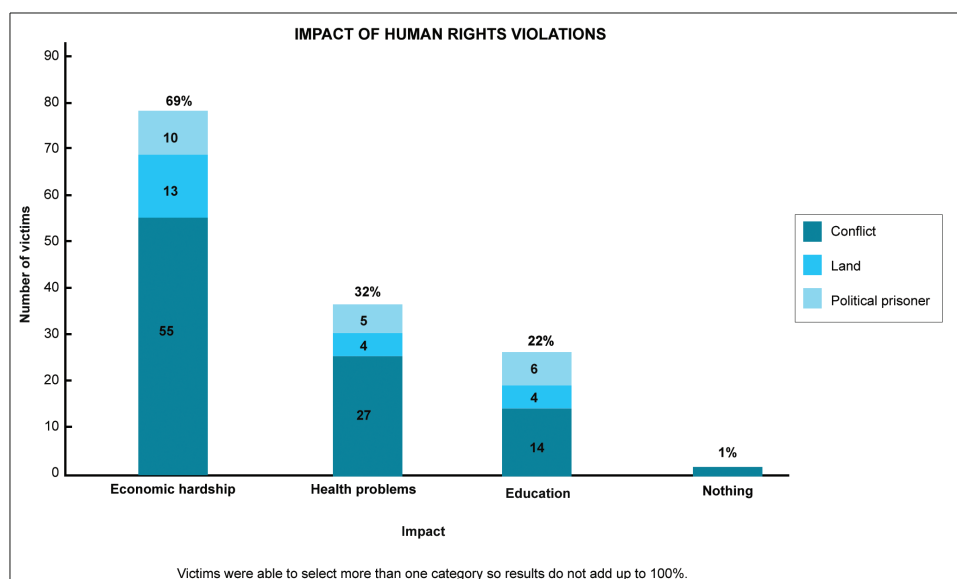
# IMPACT OF HUMAN RIGHTS VIOLATIONS

*"The most important thing is acknowledgement of people's suffering. If we don't identify the wound, how can we heal it?"*

*Ma Thida (Sanchaung), Surgeon, writer, human rights activist, and former political prisoner in conversation with ND-Burma, April 2018*

As part of the needs assessment victims were asked about the impact human rights violations have had on their lives as well as those of their families and communities. The answers to these questions are extremely important as victims often found it easier to concretely describe the lasting impact the abuses than describing wishes for justice mechanisms they did not know existed. Questions were open-ended with no reference to specific consequences the victim may be experiencing. Interviewees were able to list as many consequences of the human rights violations as they wished and one victim case may consequently appear in more than one section.

In almost every single case victims said their lives had been negatively impacted by the human rights violations they experienced.





## CASE STUDIES

### ECONOMIC HARDSHIP

“Because of the loss of my husband, we have faced economic hardship. We have had debt. I couldn't send my children to school.”

The most common impact of human rights abuses was economic hardship, with a very large number of victims saying their financial situation had deteriorated as result of the human rights violation. Though many victims were suffering from economic hardship before the violation took place, their situation was frequently made worse following the abuse.

#### Conflict

For conflict victims, the most common reason for financial difficulties was the loss of a breadwinner due to extrajudicial killing, disappearance or imprisonment. Ongoing health problems as a result of torture or imprisonment which prevented the victim from working were also a common reason behind economic hardship. Some interviewees also suffered financial difficulties as a result of extortion by EAOs.

In a case from November 2011 (Case 47), soldiers from Light Infantry Division (LID) #88 started shooting at civilians in a village in Waingmaw Township, Kachin State, while they were on their way to a church service. One 51-year-old man was wounded and taken to the local military camp alongside three other detainees. The man's wife never saw him again and assumes he was killed at the camp. She told ND-Burma:

*"Because of the loss of my husband we have faced economic hardship. We have had debt. I couldn't send my children to school,"*

(KWAT, recorded January 2017).

In some cases economic hardship was caused by a mixture of losing a breadwinner and becoming displaced. In a case from January 2012 (Case 48), a 31-year-old man was arrested by soldiers from Infantry Battalion (IB) #37 who came to his house in Myitkyina Township, Kachin State, at night and took him to a local monastery without explanation. The man was beaten until he confessed to being a KIA soldier, after which he was transferred to military intelligence and later jail. The family moved to an IDP camp soon after and the man remains in prison. His wife told ND-Burma:

*"I have suffered from economic hardship after my husband was arrested. I don't know how to make business because I used to work as a farmer. I want government officials to release my husband as soon as possible [...] We have got food from the IDP camp but it's not enough. Therefore we have to work as daily wage workers outside the camp. We are not happy living in the camp,"*

(KWAT, recorded January 2017).

In other cases financial difficulties were a result of losing a worker and ongoing conflict that made maintaining livelihoods difficult. In a case from January 2012 (Case 62), soldiers from IB #130 opened fire on a new year's celebration taking place in a church in Manton Township, Shan State. A 36-year-old man and his three-year-old son were killed. The widow, who was given 60,000 kyats (approx. 22 USD) by the Commander as 'compensation' for the killing of her family, told ND-Burma:

*"They gave a few amount of money as compensation for it [...] We had a corn farm and earned 20 lakh [approx. 1,500 USD] every year in the past. Currently we have to work hard to earn 10 lakh [approx. 750 USD] per year. It is difficult to get a regular job,"*

(KWAT, recorded March 2017).

A number of conflict victims continued to face financial challenges as a result of having had their property destroyed or confiscated. During the Bogalay crisis in October 1991 (Case 51), an ethnic Karen teacher was arrested by soldiers from LID #11 and jailed for over two years. His mother, aunt, uncle, cousin, and four colleagues were killed by security forces. When he was sentenced, the judge told him she knew he was innocent but would have to be jailed "due to an order from high ranking." While being interrogated, he heard soldiers discussing how they had tortured his mother before killing her, including by pouring boiling water and acid on her. All his property was seized, including 300 acres of farmland and his home. He currently works as a farmer and told ND-Burma:

*"All the people who were in prison have difficulties to survive [now],"*

(FLC, recorded December 2016).

In a case from August 2004 (Case 58), a farmer in Ye Township, Mon State, allowed soldiers from IB #282 to stay in his house while they were carrying out an operation against a Mon splinter group. After three Burma army soldiers were killed in a skirmish, troops set fire to the farmer's house and tortured him "until I felt my bones were crushed" and "my ribs were broken and my head was bleeding - I couldn't describe my pain." After they became homeless his family moved to Thailand as illegal



migrant workers while he remains in Burma, unable to work due to the physical and psychological impact of the torture. He told ND-Burma:

*"We were kept in handcuffs while I watched my house burn down as well as my 200 tins [approx. 3 acres] of paddy. I said it will be difficult for my children and the soldier slapped me on my right cheek [...] If we were in contact with the Mon rebel group we wouldn't have let the soldiers stay at our house. We didn't invite them to fight at my home and destroy my family life,"*

(HURFOM, recorded November 2016).

A number of victims also suffered privation as a result of extortion or arbitrary taxation by EAOs. In a case from September 2014 (Case 29), a woman was abducted by a Mon armed group in Ye Township, Mon State, and ordered to pay 200 lakh (approx. 15,000 USD) for her release. She was detained for six weeks and tortured until the soldiers eventually agreed to free her for 100 lakh (approx. 7,500 USD). Her family continues to struggle to pay off the resulting debts and has had to give up the family business. The victim told ND-Burma:

*"I have lost many things. I feel like everywhere is an insecure place. With the feeling of insecurity, my health, social [life], and finances have been damaged. I want to have 100 lakh to pay the borrowed money back to my relatives. I have been working so hard to pay the debts with interests,"*

(HURFOM, recorded February 2017).

In a number of cases soldiers from EAOs killed civilians who were unable or unwilling to pay arbitrary taxes, resulting in economic hardship for remaining family members. In a case from October 1996 (Case 11), a retired Burma army officer and acting Village Headman refused to pay taxes to the Chin National Front (CNF) in Tedim Township, Chin State, for which he was shot and killed. His children faced poverty as a result and had to drop out of school (GPS, recorded February 1997).

A friend of the murdered man attended his funeral (Case 7), where he met a number of CNF soldiers. Speaking of his friend's murder, he said to them: "you should not do this. We give taxes every month [...] we won't pay the taxes anymore if you kill innocent people like this." The soldiers then shot him to death, telling another villager to "take this dead body away. This is an example for all of you." His daughter struggled financially after her father was murdered, telling ND-Burma:

*"I had to work as a house maid after my parents passed away. I tried to continue my education. Now I have become a nurse. I have tried my best for the future,"*

(GPS, recorded February 2017).



## Land grab

All land grab victims interviewed said they suffered economic hardship as a result of losing their property, which was often directly tied to their livelihood. Victims either received no compensation or very little, with several facing legal harassment and sometimes jail when they tried to protest the confiscation. Some were arrested for continuing to work on their land after it was confiscated.

In a case in Yebyu Township, Tenasserim Division, Mawyawaddy Naval Base confiscated seven acres of land from one family over two separate incidents in 1996 and 2016 (Case 91). They received only minor compensation and have faced financial difficulties, telling ND-Burma:

*"The land and farm are so important for us. When our land was confiscated we felt heartbroken and faced many difficulties,"*

(HURFOM, recorded December 2016).

In a case from 1998 (Case 97), the military-run General Administration Department (GAD) confiscated land from a number of villagers in Ye Township, Mon State, to build a military camp. The GAD is part of the military-controlled Ministry of Home Affairs and is responsible for local government matters. The victims depended on the land for their livelihoods and faced economic hardship after it was confiscated without compensation. One farmer had to leave the country and became a migrant worker, while another had to rely entirely on the support of his grandchildren. One of the victims told ND-Burma about how the military coerced them into pretending they had received compensation:

*"Money packages were placed in front of us. They took photos and then they forcibly ordered us to sign the paper [...] we didn't get any compensation for our gardens and land plots. After that they totally confiscated our land plots. We lost everything,"*

(HURFOM, recorded February 2017).

The farmers did not open a lawsuit because they had no trust in the justice system and feared legal fees, saying:

*"We had all legal documents. If we went to a court for trial, we would be defeated. They had power. We had tried to solve this case in a court, but*

“**I feel badly, even though I tried to serve for the development of my area, I was detained. I lost my business and can't support my children.**”



*they said that if we were defeated in a trial, we would have to pay all costs. That's why we didn't go to court,"*  
(HURFOM, recorded February 2017).

In a case from Pyay District, Bago Region, IB #80 and LID #66 confiscated land from a number of farmers in 2003 (Case 89). In 2013, when legal recourse through official government channels had failed to bring any results, the farmers organised a protest which was violently crushed by police and government officials. Five of the protest leaders were sentenced to six months in jail shortly after. The farmers are now without work and survive by catching fish in the local stream. Their children have had to drop out of school. One of the farmers told ND-Burma:

*"Theses lands have been owned by our great grandparents, so we want to get them back. If we don't have the farmland we can't survive,"*  
(GPS, recorded January 2017)

## **Political Prisoner**

Many of the former political prisoners interviewed said they suffered economic hardship as a result of their imprisonment. The main reason for this was social stigma that prevented victims from getting a job or neighbours from patronising their business.<sup>17</sup> Former political prisoners also continued to suffer health problems as a result of imprisonment and torture, preventing them from working. In some cases they had also had their property confiscated upon arrest or had family members sell the majority of their possessions to try and raise funds for legal costs. Having spent their youth in jail many former political prisoners were unable to gain the education or experience needed to find a job.

One former political prisoner interviewed was first imprisoned for four years in 1970 for campaigning against the military government, then for 10 years after taking part in the 8888 uprising (Case 110). He was accused of having killed five people and sent to a court martial, where the Colonel judging him admitted there was no evidence, saying: "I don't know who you are, I just do according to the order from high." His family sold everything they owned to try and get him released and he lost his businesses as a result. He was unable to support himself or his children and is now dependent on his grandchildren. He told ND-Burma:

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17. For background on the challenges former political prisoners face re-integrating back into society, see AAPP: After Release I had to Restart my Life from the Beginning, May 2016, <http://aappb.org/wp-content/uploads/2016/05/Report-eng.pdf>

*"I feel bad, even though I tried to serve for the development of my area, I was detained. I lost my business and can't support my children,"*  
(FLC, recorded February 2017).

Another former political prisoner who took part in the 2007 Saffron Revolution and 2015 student protests was imprisoned for over four years (Case 104). He was tortured and says he has suffered social stigma since his release. His neighbours have been warned not to go into his motorcycle repair shop by military intelligence and he has faced financial difficulties. His ID has been retained by police, significantly restricting his freedom of movement, access to basic services, and ability to exercise his civil and political rights (FLC, recorded December 2016).

## HEALTH AND PSYCHOLOGICAL PROBLEMS

*"Even though Daw Aung San Suu Kyi said to forget about the past, we still feel pain in our heart,"*

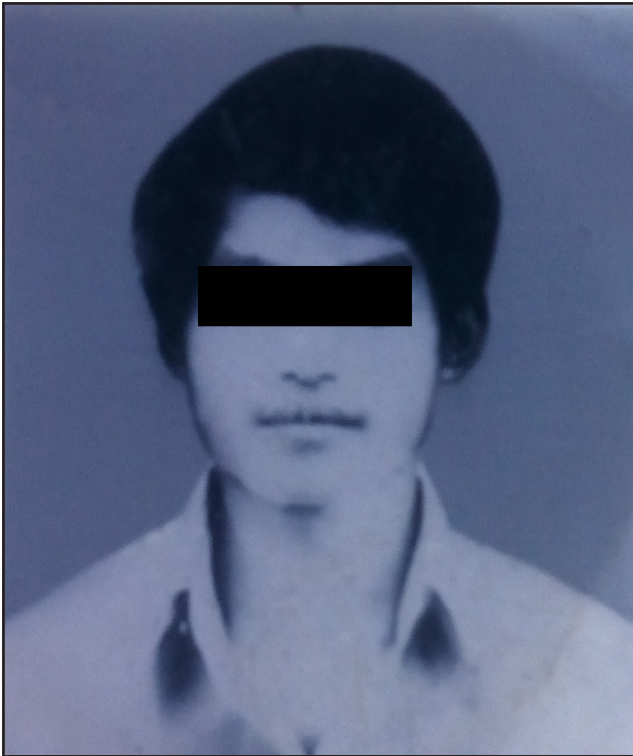
Former political prisoner (Case 106)

Victims frequently said they suffered ongoing physical and psychological issues following human rights violations.

### Conflict

For conflict victims, physical health problems were predominantly the result of torture, with some victims becoming sick as a result of harsh conditions in prison or IDP camps. Psychological issues arose out of a number of reasons, including torture, grief, and economic hardship. Psychological problems included severe mental health issues that resulted in victims needing full-time care from a family member, depression, debilitating fear that prevented the victim from leaving the house, and overwhelming grief following the loss of a family member. Victims across the categories repeatedly said that they were unable to afford the medication and treatment needed for their physical and psychological injuries.

In a case from June 2012 (Case 49) that received significant media attention, seven men were tortured by soldiers from IB #37 and the Tarlawgyi People's Militia in Myitkyina District, Kachin State. One of the men described how they were beaten, burned with knives, forced to kneel on small stones, waterboarded, given water mixed with petroleum, made to sing and dance while in chains, and forced to act like Jesus on the cross. The interviewee was forced to have anal sex with another man and coerced



A man tortured by IB #37 and the Tarlawgyi People's Militia in Myitkyina District, Kachin State (Case 49).

into signing a confession stating both were KIA soldiers, allowing them to be sentenced to over 20 years in jail. The interviewee was released after a ruling by the Supreme Court, while the other was released as part of a presidential amnesty in April 2018. It was reported that he suffered acute health problems while imprisoned requiring blood transfusions for anal bleeding and stomach problems.<sup>18</sup> The interviewee has said he continues to suffer acute pain after the torture and is unable to work, meaning his family has to subsist on the 9,000 kyats (approx. 7 USD) they are given each month at the IDP camp where they live (KWAT, recorded June 2012 and November 2016).

In case from October 2015 (Case 41), two brothers were drinking at home in Hpakant Township, Kachin State, when soldiers from Strategic Command Base in Hpakant Town arrested them on accusation of being KIA soldiers. They were taken to the Command Base and tortured until one of the victims confessed he was an EAO soldier, despite only being a farmer. His brother was a security guard at a church. Both victims continue to suffer physical and psychological problems following the torture, with one telling ND-Burma:

*"I often vomit up blood because of the impact of the brutal torture [...] I have to take medical treatment. I don't have money. [...] I am still so afraid and shaken when I think about this abuse [...] I can't work very well in my farm,"*

(KWAT, recorded October 2015).

Often conflict victims were tortured in order to get information about EAO activity or because they were accused of giving support through providing a bed for the night or a bag of rice, for example. In a case from January 2012 (Case 63), a farmer was

18. The UN ruled that the victim was being detained illegally and ordered the government to release him and provide reparations. See UN Working Group on Arbitrary Detention, Opinion No. 50/2013, U.N. Doc. A/HRC/WGAD/2013/50, 2014, <http://hrlibrary.umn.edu/wgad/50-2013.html>

taking a rest from his work in Kutkai Township, Shan State, when soldiers from IB #45 began interrogating him. They covered his head with a plastic bag and tied his legs, which they stepped on and stabbed with needles. They used their guns to beat his ribs and asked him whether he had sent rice to the KIA. They continued to beat him until he lost consciousness. The victim continues to suffer health problems and is unable to work to support his family:

*"All my family members were shocked when they saw my injuries. I had to have medical treatment for two months. I had to spend six lakh [approximately 450 USD] for my medical treatment. Even though my outside injuries have healed I still suffer from inside injuries. [...] Currently, I cannot help my family very well like before,"*

(KWAT, recorded March 2017).

In some cases whole villages were shut down while Burma army soldiers interrogated and abused residents. In a case from April 2015 (Case 65), some 100 soldiers from LID #88 occupied a village made up of 34 households in Muse District, Shan State, and told residents they were forbidden to leave while they were questioned about the KIA. One villager's house was occupied by soldiers for two weeks and he has suffered physical and psychological health problems following soldiers' threats and intimidation:

*"A soldier pointed at my head with his gun and another soldier opened fire on the ground. They threatened us. That's why I have lost my hearing ability. [...] Due to fear I got sick very badly. My body couldn't move for over one month. I have been in fear since the time when I saw government soldiers. I have been worried about when they would come to torture me again,"*

(KWAT, recorded March 2017).



A man tortured by LID #33 soldiers in Namkham Township, Shan State (Case 81)

Several conflict victims spoke of the profound grief they suffered following the killing or disappearance of a loved one. In several instances this grief resulted in mental health issues so severe they were unable to work or had to be looked after full-time by a family member. For example in a case from 2000 (Case 28), a nine-year-old boy was sitting outside his house in Ye Township, Mon State, singing songs with a friend. Suddenly armed men came and shot at the boys, killing one. Police would not let the boy be buried in



the cemetery until the family paid them a bribe of 6,000 kyats (approx. 4 USD). The mother continues to suffer from mental health problems so severe she needs round-the-clock care from her family. The family are not sure who the perpetrators are, but believe they are soldiers from IB #31. The murdered boy's sister told ND-Burma:

*"After he shot the gun my brother couldn't speak; when he held his father's neck his intestines dropped from the wound. Neighbours tried to bring him to the hospital at night, however he died at one o'clock in the morning [...] We still feel bad that an ordinary boy was killed like he was nothing,"*  
(HURFOM, recorded December 2016).

In a case from October 2014 (Case 35), soldiers from IB #31 arrested a 46-year-old man in Ye Township, Mon State, accusing him of being an informer for a Mon EAO. He was taken to the military compound near his family's home, where his wife and daughter heard his screams while he was tortured. After the man's daughter repeatedly asked to see her father the family was given permission to see the detained man. His wife said his "face and body were swollen. We couldn't recognise him. My husband could not speak because of the brutal torture." He was disappeared after 15 days and a monk who was detained alongside him said he had died from the torture. His widow told ND-Burma:

*"I didn't hear any information about my husband and could not see his dead body. I felt crazy with my daughter when he was detained. I walked on the street like a crazy person,"*  
(HURFOM, recorded February 2017).



Villagers from Namkham Township, Shan State, in a temporary camp they established after fleeing LID #33 soldiers (Case 81)

Many conflict victims spoke of lasting fear that affected their day-to-day life and ethnic nationality victims often said they feared anyone wearing a soldier's uniform or

speaking Burmese. For example in a case from Namkham Township in Shan State in November 2016 (Case 81), soldiers from LID #33 arrested eight male villagers after a landmine went off nearby and interrogated them about the Ta'ang National Liberation Army (TNLA). The men were tied up and beaten. Soldiers verbally threatened other villagers before forcing 20 people (including 12 women) to work as porters. After the attack, the whole village fled to seek temporary shelter, with one victim telling ND-Burma:

*"I cannot sleep well at night because I am so afraid. I often wake up in the middle of night. I am afraid not only of soldiers, but also people who speak Myanmar language,"*

(TWO, December 2016).

In another case soldiers from IB #324 and a government-affiliated militia entered an ethnic Ta'ang village in December 2015, opened fire on residents, tied them up and beat them, demanding information on the TNLA (Case 85). Soldiers threatened to kill villagers and looted their homes. After this event gained some media attention the village was put under military surveillance and victims became too scared to switch on their lights - they were continuing to live in the dark at the time of the needs assessment. One of the victims told ND-Burma:

*"I am afraid when I see soldiers. I want to run away when I hear the voice of soldiers,"*

(TWO, December 2016).

## Land grab

Land grab victims also suffered health problems, predominantly mental health issues, following confiscation of their property. Interviewees said psychological issues were



Civilian property demolished by Myawaddy Naval Base in Tenasserim Division (Case 86).

a result of financial difficulties resulting from the confiscation, grief at having lost property that had been in their family for generations, legal harassment by authorities, and drawn-out administrative procedures to try and recover their belongings.

In a case from December 2016 (Case 86), a family living in Yebyu Township, Tenasserim



Division, was ordered by local authorities to demolish their home and two shops within two days to make way for a new Mawyawaddy Naval Base, or face a fine and imprisonment. Having lost his home and livelihood the victim now lives with his sister and works on a farm to try and earn a living. His niece told ND-Burma he “needed to get an injection due to depression from moving house,” and continues to suffer from mental health issues (HURFOM, recorded December 2016).

In a case from March 2014 (Case 87), also in Yebyu Township, Mawyawaddy Naval Base ordered a couple to leave their home within five days and confiscated 38 acres of their land, providing only minimal compensation. The couple both suffered acute mental health issues after the incident, with the husband passing away a few days after he was relocated to a new place. His son-in-law told ND-Burma:

*“He got mental disorder two days after moving to a new place. Then he was sent to hospital in Kan Bauk [...] After nine days he left the hospital, he passed away in his hut. His wife has lost her mind and has had a mental disorder since then,”*

(HURFOM, recorded December 2016 and February 2017).

## **Political Prisoner**

Former political prisoners suffered health issues as a result of torture, harsh prison conditions, or the inability to pay for medical treatment in old age. Psychological problems arose out of trauma, social ostracisation, and economic hardship. According to documentation by AAPP, 321 political prisoners have died in prison and interrogation centres, while 483 have died after being released. Death has often been a result of torture and harsh prison conditions.<sup>19</sup>

One former political prisoner was arrested after taking part in the 8888 uprising and joining insurgency forces soon after (Case 99). At the police station he was falsely accused of having murdered five people and tortured. Police officers interrogated him by tying his hands behind his back, hanging him upside down from the ceiling and beating him relentlessly for six days. He was in so much pain he asked police officers to shoot him and confessed to the crime. He was first sentenced to death, before having his sentence changed to life imprisonment. He was released in 2005 after 15 years in jail. He had serious gastric problems that required an operation and continues to suffer physical complications that he cannot afford to treat due to the financial

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19. In January 2018 San Zaw Htway died from liver cancer resulting from the harsh conditions he endured during his 12 years in jail. See The Irrawaddy: Myanmar’s Van Gogh Taken Too Soon, Leaves Legacy of Indomitable Beauty, 16 January 2018, <https://www.irrawaddy.com/opinion/guest-column/myanmars-van-gogh-taken-soon-leaves-legacy-indomitable-beauty.html>



hardship he suffers as a result of his incarceration (FLC, February 2017).

Another former political prisoner was arrested after taking part in the 8888 uprising and fighting with the Karen National Union (KNU), (Case 100). He was interrogated by police who falsely accused him of having murdered someone during the uprising. He was beaten and waterboarded and ended up confessing to the crime. He said he suffered from heart problems, anxiety, and frequent suicidal thoughts resulting from the torture and social ostracisation he has faced as a result of his incarceration (FLC, February 2017).

## INABILITY TO CONTINUE EDUCATION

*"Human rights violations do not just shatter the lives of victims, but of their families as well. Children's education is often one of the first things that is sacrificed when a family is struggling, inflicting the scars of abuses on future generations. This robs young people of opportunities and prevents society from healing the wounds of the past."*

Thwin Linn Aung, Director of Genuine People's Servants

Victims or their children were often unable to continue their education as a result of the human rights violations they suffered.

### Conflict

Conflict victims were largely unable to continue supporting their children's education due to economic hardship. Some victims dropped out of school themselves as a result of trauma from the human rights violation. Displacement as a result of families fleeing conflict also disrupted or permanently terminated children's education.

In a case from October 1998 (Case 23), a 60-year-old farmer in Rangoon region was arrested by the military alongside 13 other villagers on false murder charges and sentenced to 10 years in Mot Palin prison in Kwar Le Kyaw camp. Seven months later the family received a letter saying he had died but when his wife went to the prison to ask to see his corpse the prison guards refused and said he had died of natural causes. His wife believes he was killed and the consequent financial difficulties the family experienced forced them to sell their house and take their children out of school (GPS, recorded January 2017).

In another disappearance case (Case 52), a 40-year-old man was arbitrarily arrested by soldiers from IB #60 and #35 in April 2010 while waiting outside a pagoda in Kyauk



**YOU CANNOT IGNORE US:**

Victims of human rights violations in Burma from 1970 – 2017 outline their desires for justice



A man detained by the military in Bago Region in 2010. His family never heard from him again (Case 52).

Kyi, Bago Region. Authorities did not inform his family of the arrest and they heard about it through one of his friends. His wife told ND-Burma: "We heard by the news that he was arrested, however nobody dares to complain about this to police because we have fear." His family never heard from him again and presumes he is dead. They have faced economic hardship and his daughters had to stop their studies (GPS, December 2016).

Some conflict victims had trouble continuing their education due to displacement. In a case from March 2016 (Case 73), soldiers from LID #33 started firing at a number of ethnic

Ta'ang villages in Kutkai Township, Shan State, forcing inhabitants to flee for their



IDP children go to school in Kutkai Township, Shan State (Case 73).

safety. An IDP camp was set up nearby and villagers continued to live there at the time of the needs assessment as soldiers had burned down their villages. Children were no longer able to go to their schools and now attend another school far from the IDP camp, which they can only access by crossing a stream. One of the residents told ND-Burma:

*"Parents are always worrying for their children when they go to school,"*  
(TWO, recorded January 2017).

**Land grab**

Several land grab victims were unable to continue supporting their children's education due to economic hardship, or struggled to find the funds to keep them children in school.

In a case from 1997 (Case 96), in Pyay District, Bago region, five families were ordered to abandon their houses and leave their village by the local military administration, which subsequently demolished their homes without providing compensation. One family interviewed said they became destitute following the loss of their property and were forced to take their children out of school (HRDP, recorded February 2017).

In a case from June 2016 (Case 90), a group of farmers in Pantaung Township, Bago Region, were told by a Burmese company that they were no longer allowed to work on the 700 acres of land they owned between them. After they refused to stop working on their land the company opened a legal case against them. One of the farmers said the loss of the land that provided his livelihood, coupled with the transportation costs he had to pay to attend his trial, made him unsure if he would be able to continue paying for his children's education:

*"There will be a huge impact on the future of my children's education. The future of children and their education is in the hands of parents. If we lose the land we can do nothing,"*

(FLC, February 2017)

## **Political Prisoner**

Former political prisoners often faced challenges supporting their children's education or continuing their own. Individuals were predominantly unable to continue their own education due to incarceration, with some being unable to resume any form of study after their release. Sometimes this was due to student activists being barred by the government from continuing their studies unless they signed a statement vowing to renounce all political activity, or due to the fact their ID cards had been confiscated. In jail political prisoners were often forbidden from having any reading or writing materials. Children were unable to continue education due to financial hardship resulting from their parents' incarceration.

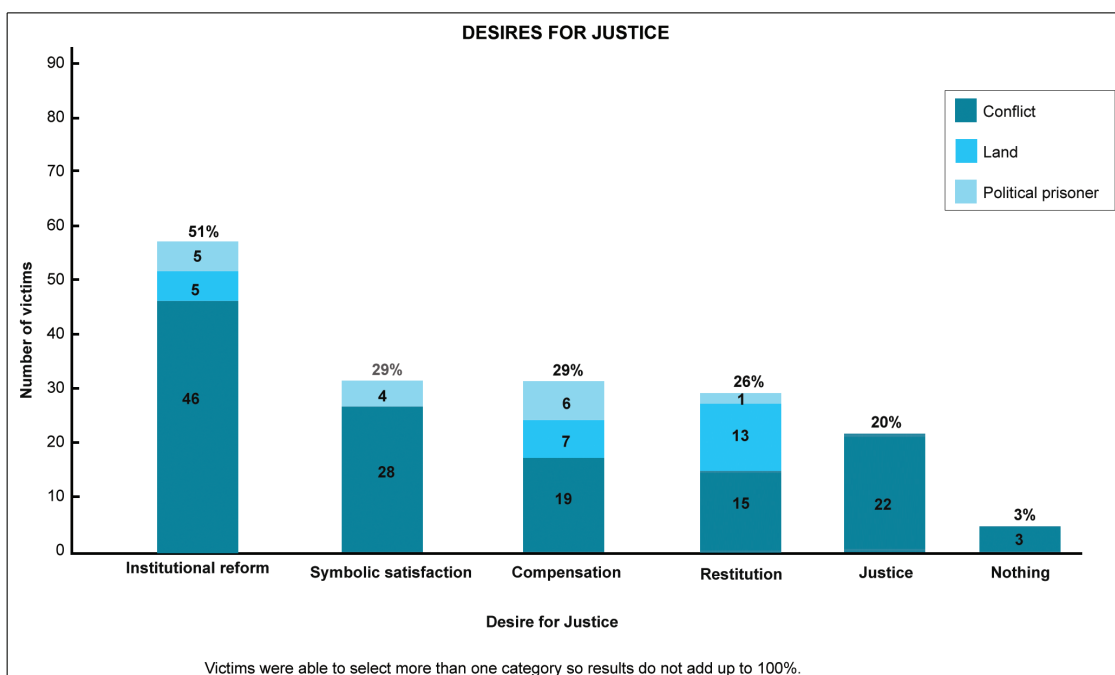
One former political prisoner (Case 109) who was jailed for six and a half years following his participation in the 8888 uprising said the poverty he experienced resulted in all of his four children having to drop out of school (FLC, recorded February 2017).

In another case a disabled man who was beaten and waterboarded by soldiers from IB #61 after taking part in the 8888 uprising while he was a student and subsequently jailed for six months said he had submitted an appeal letter to the government to permit him to resume his studies, but had received a rejection (Case 108). He said he has been unable to continue his education since (HURFOM, recorded March 2017).

## DESIRES FOR JUSTICE

After outlining the impact human rights violations have had on their lives, victims were asked to offer suggestion for what the government and perpetrators could do for them to try and counteract the ongoing challenges they faced as a result of the abuses. Questions were open-ended with no reference to specific transitional justice mechanisms. The open-ended nature of the questions made some answers more specific than others, and a degree of interpretation was used to categorise victims' requests. Interviewees were able to list as many desires as they wished, meaning that individual victims' cases may appear in more than one section. The findings of the needs assessment are in no way conclusive and should be treated as a springboard to start the discussion on what types of reparations the government must deliver to survivors.

Victims overwhelmingly said they wanted some action from the government and perpetrators to alleviate the impact of the abuses they endured.



## CASE STUDIES

### GUARANTEES OF NON-RECURRENCE

The most common desire for victims was some action on the part of the government that guaranteed non-recurrence of the abuse they suffered - both for them and for society as a whole.

#### Conflict

Conflict victims specified various guarantees of non-recurrence when asked about their desires for justice. Victims usually wanted various sorts of institutional reform, including: an end to conflict; demilitarisation of their areas; security sector reform to ensure forces respected human rights and stopped committing abuses; and local development. Several victims also specified that they wanted formal guarantees of non-recurrence from security forces that violations would not recur.

Conflict victims repeatedly stressed their desire for no one else to have to suffer what they did. In a case from December 2016 (Case 76), soldiers from IB #115 arrested three ethnic Ta'ang men in Namhsan Township, Shan State while they were cutting firewood, accusing them of having laid landmines. The men were handcuffed and badly beaten, with two of them being hospitalised following their release. When asked about what the government could do for them, one of the victims told ND-Burma:

*"I don't have any feeling of hate and revenge. I think it's my bad luck [...] I don't want other villagers to face this kind of torture. Villagers didn't do anything wrong. We are all afraid,"*

(TWO, recorded December 2016).

In a case from December 2013 (Case 28), a 13-year-old girl was raped by a soldier from IB #31 in Ye Township, Mon State. The mother reported the rape to the Captain of the Battalion, who brought the family 500,000 kyats (approximately 375 USD) and told them to stop trying to pursue justice. He said the soldier would be punished and the family was pressured into signing an agreement stating there had been no rape. The perpetrator has since been seen in the village, indicating he faced no disciplinary action. The family was consequently shunned by their community and ended up moving to Thailand. When asked about what the government could do for them, the mother told ND-Burma:

*"I have many children but I never experienced this situation before, I am very ashamed and I want to request that this does not happen again,"*

(HURFOM, recorded November 2016).



In a case from May 2016 (Case 44), soldiers from LID #88 arrested a pastor in Hpakant Township, Kachin State, and interrogated him about the KIA. They beat him and gave him no food or water for three days. They told him that the majority of religious people are KIA and said: "You are a Christian. Your God was killed. You will be killed like your god." The pastor, who has been left deaf in one ear following the torture, told ND-Burma:

*"I don't want to open a file at police station for this case. They are above the laws. We people have felt unsafe to live. I am one of the sons of God. I forgive them. I don't want other people to face this kind of trouble in the future. I want all people living safely. I want the government to take care of its people."*

(KWAT, recorded January 2017).



The widow of a man incarcerated and tortured by Burmese security forces in Mon State (Case 36).

In a case from 2004 (Case 36), nine villagers from Ye Township, Mon State, were arrested by soldiers from LIB #401 or #404 on suspicion of supporting EAOs. The wife of one of the victims said her husband was badly beaten and detained at Mawlamyine military camp for over a year. The family became heavily indebted as a result of losing their breadwinner. The victim died a month after being released as a result of the torture

he endured in prison. His wife and three children have still been unable to pay back the debt. When asked about her desires for justice, the victim's widow told ND-Burma:

*"We are afraid of everyone - I mean all the security forces as well as the EAOs. We are trying to survive under their hands. They tore my family apart. [...] I don't want to expect anything because all the suffering will not go away. [...] All the villagers can live peacefully without the military. If they are not deployed near the village problems won't appear. Therefore whether there is peace or not is directly related to the military. But they control themselves and rule the country,"*

(HURFOM, recorded November 2016).

In a case from May 2016 (Case 79), soldiers from the Restoration Council of Shan State/Shan State Army (RCSS/SSA) arrested a 47-year-old man in Manton Township, Shan State, accusing him of being a TNLA soldier.<sup>20</sup> He was tortured and expected to be killed; he ended up being detained for 10 months before being released. When his son was asked about his desires for justice, he told ND-Burma:

*"Peace and respect for human rights in the country. Shan and Ta'ang people have been living in the same area for so many years. It's not suitable to arrest each other. Leaders must discuss to get peace so people can live together without any problem,"*

(TWO, recorded March 2016).

Other conflict victims had specific proposals for institutional reform to end human rights violations. In a case from January 2007 (Case 30), soldiers from IB #31 arrested and tortured 11 villagers in Ye Township Mon State, accusing them of having given money to a Mon armed group. The villagers were beaten, threatened with death, and paid the soldiers three lakh (approx. 225 USD) to try and stop the torture. When asked about their desires for justice, they said they wanted stability, peace and security; demilitarisation of their area, including the expulsion of Mon EAOs; a government that protected them; and a military that treated people fairly (HURFOM, recorded November 2017).

Some victims asked for explicit guarantees of non-recurrence from perpetrators. In a case from 1992 (Case 31) in Yebyu Township, Tenasserim Division, 10 people were taken by the Burma army to work as porters, carrying heavy military equipment, constructing a military base, and clearing paths of landmines. Two men were killed as a result of stepping on landmines and one died after soldiers broke his skull. A relative of one of the men killed told ND-Burma:

*"Government troops used porters as slaves and animals. Government troops do not treat us with human dignity. We will never forget this; whenever we pass by near their battalion, we remember what they did to us [...] If the government promises non-recurrence, 10 years later people will trust the military. The question is who can control the military to ensure it does not commit such abuses,"*

(HURFOM, December 2016).

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20. The TNLA and the RCSS/SSA have had armed clashes since the RCSS/SSA signed the NCA in 2015.



In a number of cases, legal investigations were opened into the abuses but did not deliver satisfactory results. Victims in such cases called for both justice and guarantees of non-recurrence through institutional reform. In a case from April 2013 (Case 60) a young couple were walking on the beach in Pyay Township, Bago Region, when three men attacked them. The couple were separated and the woman sexually assaulted and beaten until she lost consciousness. The young man was found dead some hours later. The attackers were identified as soldiers from IB #75 and a family member filed a lawsuit at the local police station. However all three suspects disappeared once the police transferred the case to the army officer in charge of the Battalion and the case remains unresolved. The female victim told ND-Burma:

*"Police must protect people. In the past, I thought the police and soldiers were there to help people. Now my mind has changed as regards the police. I am afraid of them more than other people,"*

(HRDP, recorded November 2016).

## **Land grab**

Having suffered at the hands of a corrupt legal system, many grab victims said they wanted guarantees of non-recurrence through institutional reform.

In a case from Tha Yet district, Magway Region, land started being confiscated from villagers by a military-owned company and a Burmese firm in 2009 (Case 94). The project was given to the private firm in 2010 and overseen by two retired colonels, who pressured villagers into signing an agreement giving over their land. When villagers protested, they were beaten by employees of the firm and consequently arrested by police who opened a legal file against them. In May 2011 they were sentenced to 10 years and seven months in prison with hard labour. Their sentence was reduced to eight months following an appeal. When asked about their desires for justice, one of the victims told ND-Burma he wanted:

*"The truth of this case, justice, and an end to corruption,"*

(GPS, December 2016).

In a land grab case from 1997 (Case 90, see Impact of Human Rights Violations section) in Pantaung Township, Bago Region, one of the villagers who was on trial at the time of the needs assessment for trespassing on his own land, voiced his disappointment with the lack of change under the new NLD government:



*"We voted for the current government as we believe they can work on development of the state and peace for the people. However currently neither the village is developing nor are villagers' lives safe and peaceful. I have faced serious livelihood problems for my family because I am on trial over a land dispute,"*

(FLC, recorded January 2016).

In a case from Pantanaw Township, Irrawaddy Region, a military crony company seized 422 acres of land from farmers between 1998 - 1999 and then demanded the original owners pay the company to work the fields (Case 93). Buoyed by the political reform process started in 2011, the farmers submitted a letter to the government the following year demanding their lands back. Instead of receiving their land back they were prosecuted. When interviewed they asked for an end to corruption so they could get their land back:

*"It is unfair that people who have power and money can do anything they want. We are the real owners of the land and we want it back. The Government should examine the case closely and return back the land to the owners who lost it,"*

(FLC, recorded November 2016).

## **Political prisoner**

Former political prisoners said they wanted guarantees of non-recurrence to ensure people were no longer arrested for their political beliefs. This included change to guarantee freedom of expression, self-determination for the country's ethnic nationalities, as well as prison reform.<sup>21</sup>

A former political prisoner (Case 100, see Impact of Human Rights Violations section) who was unlawfully jailed and tortured by the military regime in 1990 told ND-Burma he wanted a change of mentality in order to ensure non-recurrence:

*"I am not satisfied with the police who tortured to me, I wish it never happens again. I'm glad to see a new government take office. I hope that other people won't face the same situation as me. The government must respect and treat all of us as human,"*  
(FLC, recorded January 2017).

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21. For background on prison reform, see AAPP: Prison Conditions in Burma and the Potential for Prison Reform, September 2016, <http://aappb.org/wp-content/uploads/2016/09/Report-eng.pdf>



A monk who was arrested and tortured by military intelligence in 2010 in Chaungzon Township, Mon State, after campaigning for democratic change wanted to see a number of concrete reforms (Case 102). These included: freedom of expression “so it becomes a part of the culture in our country”; government recognition of human rights violations; prison reform; and local development (HURFOM, recorded January 2017).

## **SYMBOLIC SATISFACTION**

Victims often said they wanted some form of symbolic satisfaction from the government or perpetrators to help them heal the psychological wounds of the past and rebuild their lives.

### **Conflict**

Conflict victims asked for symbolic satisfaction in the form of recognition and apology for the abuses they had suffered; to learn the ‘truth’ of what happened and to make it public; to receive the remains of family members who had been disappeared so they could be properly buried; and to memorialise victims of human rights violations.<sup>22</sup>

In a case from June 2015 (Case 4), a man was arrested in his home by government soldiers and taken to the nearby military base in Hpakant Township, Kachin State. His wife was given no information when she contacted the military base and his body was found some weeks later near the camp showing signs of torture. The woman struggled financially after losing her husband and ended up having to send two of her six children to an orphanage. When asked about her desires for justice, the widow told ND-Burma:

*“I want to let the world know that government soldiers arrested and brutally killed my husband [...] I want to know who killed my husband [...] I want soldiers to apologise to us at my home,”*

(KWAT, recorded November 2016).

In a case from October 2016, soldiers from Military Operations Command (MOC) #10 under LID #99 took a 24-year-old man in Kutkai Township, Shan State, away from his home, telling his mother they would bring him home after an hour. Six months later, at the time of the interview, the family had still not heard from him. His mother said she

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22. For some background on apologies as a form of reparations, see ICTJ: More than Words: Apologies as a Form of Reparations, December 2015, <https://www.ictj.org/sites/default/files/ICTJ-Report-Apologies-2015.pdf>. For background on memorialisation as a form of reparations, see Impunity Watch: Memorialisation as Related to Transitional Justice Processes in Burma/Myanmar: an Exploration, 2015, <https://www.impunitywatch.org/docs/BurmaCountryExploration.pdf>

had spent 200,000 kyats (approx. 150 USD) trying to find him, telling ND-Burma:

*"I want to know where my son is. I am still trying to look for my son to know whether he is still alive. [...] I do believe if I can talk with Captain Tun Tun Aung from MOC #10 under LID #99 in person, we can find a solution. I want justice for my son,"*

(KWAT, recorded March 2017).

In a case from December 2016, soldiers from LID #77 arrested a 42-year-old man in Namhsan Township, Shan State, who beat and interrogated him about the TNLA. After his release, he was detained again two months later and forced to work as a porter. When interviewed he spoke about the importance of knowing the truth:

*"I have felt so sad [...] I want authorities to know these kinds of abuses have happened in our area. Everybody should know the truth,"*

(TWO, recorded February 2017).

Many conflict victims who have had family members disappeared spoke of their desire to receive the remains of their lost ones. One woman in Laiza, Kachin State, said her son was arrested by soldiers from Light Infantry Battalion (LIB) #390 and #398 in 2011 while picking oranges. He was not seen again until one month later, when his body was found alongside his two friends in a hole used as a toilet in a nearby paddy field. The victim's mother told ND-Burma:

*"I want to get truth and justice for my late son. I want to let the world know about the killing of my son. I want to let the world know my anger and dissatisfaction [...] I want people to bring the dead body from the toilet hole first. I think there will be seen the remaining bones of my late son. I want soldiers from LIB #390 and #398 to confess they killed my son,"*

(KWAT, recorded November 2016).

In another case, a woman's 35-year-old husband was disappeared by government soldiers from LIB #382 after they arrested him in a restaurant in Hpakant Township, Kachin State, in August 2016. Eight days later, his wife saw a picture of his dead body on a private Facebook account, claiming he had been killed because he was a KIA soldier. The widow told ND-Burma:

*"I want government officials to apologise to me [...] I want truth and justice for my late husband. I want to know where they killed my husband. I want to see the dead body of my husband, even though it's his remaining bones,"*

(KWAT, November 2016).



***"Family members of those who have been killed voice such modest needs, often no more than receiving the body of their loved one so they can bury them with dignity and hold a funeral service. Yet even this small request they are almost always denied."***

**KWAT General Secretary Moon Nay Li**

Some victims asked for memorials to commemorate those killed. In a case from January 2015 (Case 70), soldiers from LIB #68 tortured and killed a 22-year-old man in Kutkai Township, Shan State, while he was collecting firewood with a friend. The men were asked whether they were collecting the wood for the KIA and arrested. One was released after being detained for a night while the other was found dead the next day. His body was covered in knife and bullet wounds and the skin of his penis had been cut off. He had been dressed in a military shirt and soldiers from LIB #68 boasted that they had killed a KIA fighter. A captain from the Battalion offered to give the family 30,000 kyats (approx. 22 USD) for the funeral, but they refused. When interviewed, his family told ND-Burma they wanted the perpetrators to confess and to have no one suffer what they did. The victim's brother also said he wanted to set up a memorial stone for him (GPS, recorded January 2017).

## **Political Prisoner**

Several former political prisoners asked for some form of symbolic satisfaction, usually through apologies and memorialisation.

One former political prisoner (Case 104, see impact section) who served time in prison and was tortured by the military following his involvement in the 2007 Saffron Revolution told ND-Burma:

*"I want the government to apologise to political prisoners and do something to protect their dignity. In a democratic society strikes and boycotts are happening so authorities should peacefully manage the crowd instead of brutally suppressing it,"*

(FLC, recorded December 2016).

## COMPENSATION

Many victims asked for some form of compensation, most commonly to cover healthcare and education costs. Victims often asked for 'assistance' from perpetrators and the government to take care of their ongoing needs. In a future reparations programme this kind of support could come in the form of compensation or rehabilitation, depending on what is most appropriate for victims.

### Conflict

Conflict victims most commonly asked for compensation to cover ongoing healthcare costs resulting from torture. Some victims also asked for compensation to pay for children's school fees as the human rights violation had negatively impacted the victim's financial situation.

In a case from August 2016 (Case 50), a 39-year-old man was coming back from his field in Mogaung Township, Kachin State when he met a group of soldiers from IB #427. They accused him of having set up landmines and interrogated him about the KIA for three days. The victim said the soldiers "stepped onto my body with their military boots. They also beat my whole body with firewood. They beat me on my ribs. After that I vomited blood two times." The victim lost his hearing as a result of the torture and said his health continued to worsen. He added:

*"I want compensation. I want the government to take responsibility for my health. I want justice for these abuses. I want the world community to know about it,"*

(KWAT, recorded January 2016).

In a case from November 2011 (Case 46), soldiers from LIB #389, IB #390 and IB #399 arrested a 50-year-old man in Waingmaw Township, Kachin State, as he was on the way to his farm. He was accused of being a KIA soldier and tortured, with soldiers telling him "you are a stubborn person and we will kill you." He was forced to work as a porter for close to a month before being released. He told ND-Burma he wanted compensation to cover his ongoing health care costs (KWAT, recorded December 2016).

### Land grab

Land grab victims most commonly wanted restitution of their land and property, asking for compensation only when their property had been destroyed.



In a case from 2002 (Case 95), Mawyawaddy Naval Base forcibly evicted 28 villagers from their homes in Yebyu Township, Tenasserim Division. Soldiers had moved to the area in 1995 and started a harassment campaign against the villagers, which included extortion, theft, sexual violence and harassment, and legal threats. One of the victims told ND-Burma:

*"When I pass by near the farm I used to own I try not to look, however I cannot. On my farm they built a barrack for officers [...] It is sorrowful for me. We can do nothing however I still have hope to get back my farm one day. If they give some part of my land or reasonable compensation for my plants at some point in my life I would be satisfied,"*

(HURFOM, recorded March 2016).

In a 2016 case from Yebyu Township, Tenasserim Division (Case 87, see Impact of Human Rights Violations section), a family was ordered by local authorities to demolish their property to make way for a new Mawyawaddy Naval Base. When asked about their desires for justice, one of the victims told ND-Burma:

*"My ambition is when we get old I want to stay together with my relatives on the land that is my family's legacy. Now my desire is not fulfilled due to the authorities. We got the order that forced us to demolish our home. In the past land owned by our parents was confiscated by the military. Now our house and shops for survival are destroyed. We are oppressed, if we receive the compensation to rebuild our situation as before we are satisfied. We don't want to be rich but just to be normal as before,"*

(HURFOM, recorded December 2016).

## **Political prisoner**

Former political prisoners spoke about the need for government compensation to counteract the negative impact of incarceration and torture, as well as medical issues associated with old age.

One former political prisoner (Case 108, see Impact of Human Rights Violations section) who was imprisoned for six and a half years on false accusations after having taken part in the 8888 uprising and was 70 years old at the time of the victim needs assessment, said:

*"I want government to take responsibility for health care of old people like me,"*

(FLC, recorded January 2017).

## RESTITUTION

Victims often asked for some form of restitution, such as the return of their land and/or property, or the release of family members who had been unjustly imprisoned. Some asked for restitution of their employment or pension.

### Conflict

Conflict victims often wanted to have property returned which had been confiscated following imprisonment during conflict. Others wanted the release of relatives wrongly imprisoned.

In a case from the 1991 Bogalay crisis (Case 55), a man was arrested by military intelligence and accused of being a Karen National Liberation Army (KNLA) fighter. He was cut with knives and had boiling water poured all over his body to mock his Wat Kone Inn tattoo, which is supposed to protect from harm. He spent 10 years in jail and had all his farmland confiscated. The man, who was 61 years old at the time of the interview, said his health was ailing and he had no way to make money but to work on borrowed farmland. When asked about what the government could do for him he told ND-Burma that if he received his farmland back his life would be “ok,” (FLC, recorded January 2017).

Conflict victims who had lost their land due to forced relocation also frequently prioritised return to their homes. In a case from December 2016 (Case 17), 80 people were expelled from their village in Kutkai Township, Shan State, by soldiers from LIB #45. The villagers built an IDP camp 15 miles from their home and were still living there over a year later, when the interview was conducted. When asked about their desires for justice, the IDPs told ND-Burma they wanted to go back home and be allowed to work on their farms in peace (GPS, recorded February 2017).

One victim specified the restitution of the government pension she was denied as a result of imprisonment during conflict. A woman who had been a primary school teacher when the 1991 Bogalay crisis broke out said she had been promptly arrested alongside 12 other ethnic Karen teachers and dismissed from her post (Case 16). She ended up serving close to two years in jail. She has faced financial difficulties since her release as well as social ostracisation. When asked about her desires for justice, she told ND-Burma:

*"If the Government were to provide pensions for the teachers who are victims, that would be good. They are too old and can no longer start businesses,"*

(FLC, recorded February 2017)



## Land grab

All land grab victims interviewed said they ideally wanted restitution of their land and property. Failing restitution, most said they would be satisfied with compensation.<sup>23</sup>

“If we don’t address impunity directly it will hinder the peace process, it will hinder national reconciliation”

In a case from Yebyu Township, Tenasserim Division (Case 91, Impact of Human Rights Violations section), Mawyawaddy Naval Base confiscated seven acres of land from one family over two separate incidents, resulting in the family suffering financial difficulties. The family told ND-Burma they wanted restitution and cooperation from the local administration to receive their land back:

*“[...] They confiscated my land such a long time ago, if they return it back right now, I will be satisfied. Current authorities [should] help our case. Me and the other villagers who lost their land are facing difficulties as long as they do not give back the land,”*

(HURFOM, recorded December 2016).

In a case from July 2015 (Case 98), a Burmese company confiscated land from villagers in Tachileik District, Shan State, for mining activities. When the landowners tried to file a complaint, representatives of the company said they had signed an agreement in Naypyitaw and told the villagers: “if you can’t show the land ownership grant it’s not your land.” None of the farmers had official deeds as customary law had always applied in these areas. The victims faced financial difficulties as a result of the loss of their land and when interviewed by ND-Burma asked for the company to give it back in order for them to feel like they had received justice (LWO, recorded April 2017).

## Political Prisoner

One former political prisoner who had been detained a total of five times for his activism, asked to have the government pensions of those incarcerated for political

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23. For more information on the impact of land and property confiscation on victims, see HURFOM: Examining Foreign Direct Investment in Mon State, July 2016, <http://www.rehmonnya.org/reports/Examining-FDI-in-Eng.pdf>; HURFOM: Yearning to be Heard, February 2015, <http://rehmonnya.org/archives/3376>; TWU: Our Lives are not for Sale, December 2014, [http://womenofburma.org/wp-content/uploads/2015/02/Our-Lives-Not-for-Sale\\_English.pdf](http://womenofburma.org/wp-content/uploads/2015/02/Our-Lives-Not-for-Sale_English.pdf); and HURFOM: Disputed Territory, December 2013, <http://www.rehmonnya.org/reports/DisputedTerritory.pdf>



activities reinstated. A former NLD Township Secretary and 60 years old at the time of the interview, he had first been arrested in 1989 after taking part in the 8888 uprising. He says he didn't bother to hire a lawyer for his trial as he knew it was a foregone conclusion and indeed, on the day of his verdict, the judge opened a letter from the military regime to read out a pre-prepared sentence. He was released after six months but served another five stints in prison for his continued activism. He spent a total of eight years in prison, most recently in 2015.

He suffers financial problems and struggles to pay his children's school fees as his neighbours do not want to patronise his business for fear of losing their own jobs. He also faces social ostracisation as his friends refuse to speak to him. He says he is unsatisfied with the NLD-government as they are not responding to what people need. When asked about what the government could do for him to help rebuild his life, he told ND-Burma:

*"To be honest the Government has to take responsibility for us as the civil servants under the BSPP [Burma Socialist Programme Party] have pensions, the Administrative Chief also has a pension. If they receive 100,000 kyats [approx. 75 USD], we deserve more than that. People do not care for the former political prisoners, therefore the government has to take responsibility for us,"*

(FLC, recorded November 2016).

## JUSTICE

*"If we don't address impunity directly it will hinder the peace process, it will hinder national reconciliation."*

International Commission of Jurists lawyer U Hayman Oo speaking at an event in Rangoon, February 2018

Victims often spoke about wanting justice for the abuses they had suffered. However respondents repeatedly voiced low levels of trust in the legal system, with victims fearing futility, costs, and retribution from perpetrators.

In our dataset, five cases investigations had been opened into the crimes and in a number of instances a few of the perpetrators had faced prison terms. However in the majority of cases the victims have been unhappy with the legal process, which had either been hijacked by the Burma army through the military justice system, or been dealt with unsatisfactorily by police and local administration officials compliant to the army.



In a case from March 2013 (Case 33), two fishermen were shot by soldiers from IB #280 while on their way to the port in Ye Township, Mon State. One of the victims was still alive when found by family members, but the Captain of the Battalion blocked the village road and shot at villagers trying to help the wounded man. He consequently bled to death. The Captain subsequently apologised and launched a military investigation commission into the case, but no one has been found guilty and it has not been possible to get an update on the investigation. The wife of one of the victims told ND-Burma:

*"[...] Soldiers have escaped punishment whenever they committed crimes. We have known the perpetrator, his Battalion number, and obviously he killed the two villagers. Therefore we all want the right decision made by the court and punishment for this killing incident,"*

(HURFOM, recorded February 2017)

In a case from November 2016 (Case 72), a 15-year-old girl was cycling back home in Loi Mwe, Shan State, when a soldier from Infantry Battalion #226 dragged her behind a bamboo bush and raped her, telling her she would be killed if she told anyone. When the family complained to the Battalion Commander the next day, he said he would arrest the perpetrator. However the line-up of soldiers he presented to the family did not include the rapist and the family assumes he was transferred to another battalion. Instead, the Commander gave 100,000 kyats (approx. 75 USD) in 'assistance' to the victim's family. The girl dropped out of school and has been too frightened and ashamed to leave the house since the incident. The family told ND-Burma they wanted "truth and justice" for this case (LWO, April 2016).

In a case from February 2015, a 20-year-old man was working in Jang Gap jade mine in Hpakant, Kachin State, when Burma army LID #66 opened fire and he was fatally injured by shrapnel. Soldiers then detained a number of other men who had been working at the mine, beat them with buttstocks and verbally abused them. The soldiers claimed the young man had been hit by KIA fire, though skirmishes between the EAO and the Burma army had been far from the jade mine. A miner who witnessed the incident told ND-Burma:

*"It's very sad. We were angry. We didn't have any enemy but they shot at us in jade mining area. This was intentional. We would like to solve this case according to the law but there is no rule of law. We couldn't win if we went to open a file this case in court. That's why we didn't open a file for it. We believed that God would decide it,"*

(KWAT, January 2017).

## CHALLENGES TO JUSTICE

### Judicial harassment

The military has a long history of blocking justice for human rights abuses through intimidating, harassing, and threatening individuals and organisations investigating human rights abuses and seeking accountability.

Weak rule of law, the continued existence of repressive laws, and a corrupt judiciary system also make it difficult to seek justice. In 2015, a Kachin man who had accused the military of murdering his daughter and lodged a complaint at the Myanmar National Human Rights Commission (MNHRC) was found guilty of defamation and ordered to pay a 50,000 kyats fine (approx. 40 USD). The MNHRC has routinely been criticised for lack of independence and ineffectiveness.<sup>24</sup>

Those investigating human rights abuses and whistleblowers are also targeted with judicial harassment. In December 2017, two local journalists working for the Reuters international news agency were arrested after having accepted a dinner invitation from the police. They were reportedly given government documents relating to a mass grave in Arakan State, which they had been investigating. The journalists were arrested upon leaving the restaurant and charged under the colonial-era Official Secrets Act. A police officer who confirmed that the journalist had been set up to stop them investigating the mass grave was jailed under the Police Disciplinary Act. The journalists were sentenced to seven years in jail each in September 2018.

### Courts martial

The Burmese security forces are not subject to civilian oversight and Article 319 of the 2008 Constitution states that cases against Defense Services personnel are to be heard in courts martial. These are exempted from Supreme Court oversight and in the vast majority of cases operate in complete secrecy.

Section 72 of the 1959 Defence Services Act also stipulates that soldiers who have committed murder, culpable homicide, and rape are to be tried in courts martial,

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24. For more background on lack of trust in the MNHRC, see Progressive Voice, *Suspicious Minds*, 2017, <https://progressivevoicemyanmar.org/wp-content/uploads/2017/11/Report-on-MNHRC-Eng1.pdf>. For a list of good recommendations to reform the MNHRC, see Democracy Reporting International: *An Institution at a Crossroads*, April 2017, [http://democracy-reporting.org/wp-content/uploads/2017/05/DRI-MM-STEP\\_MNHRC-BP\\_final\\_04.05.2017.pdf](http://democracy-reporting.org/wp-content/uploads/2017/05/DRI-MM-STEP_MNHRC-BP_final_04.05.2017.pdf). For international standards of national human rights institutions see OHCHR: *Principles relating to the Status of National Institutions (The Paris Principles)*, General Assembly resolution 48/134 of 20 December 1993, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfNationalInstitutions.aspx>



“Even Daw Aung San Suu Kyi said forget about the past however we still feel pain in our heart”

while the Myanmar Police Force Maintenance of Discipline Law decrees that members of the police accused of crimes are tried in Police Courts and sets down more lenient punishments for offences than the country’s Penal Code.<sup>25</sup>

As these courts usually operate in secrecy, it is impossible to know how many soldiers have been

punished for committing human rights abuses. As our victim needs assessments show, the military does not usually provide victims with information as to how the trial is proceeding, or whether it is really proceeding at all.

However, over the last few years a handful of low-ranking soldiers have been publicly sentenced by courts martial. In 2015 a soldier was sentenced to seven years in jail for ‘misconduct’, although he had been accused of attempting to rape a 73-year-old Kachin woman. In 2016 seven soldiers were sentenced to five years in jail for killing five Shan civilians following a trial that was open to the public. In 2017 a soldier was sentenced to two years in prison for murdering an unarmed Kachin student, and in 2018 six soldiers were sentenced to six years in jail for killing Kachin civilians. Seven soldiers who executed Muslims in Arakan State were also given a 10 year sentence in 2018. A soldier who was sentenced to one year in jail by a court martial in 2014 for raping a 14-year-old disabled Kachin girl was transferred to a civilian court following outrage at the lenient ruling, where he was sentenced to 13 years in jail. Cases in which soldiers are tried in civilian courts are extremely rare.<sup>26</sup>

Though these instances of accountability through courts martial are an improvement on blanket impunity for human rights abuses, they are unable to satisfactorily deliver justice. Firstly, which cases are taken up and which not seems to be decided at random, undermining rule of law. Secondly, the lack of transparency in the majority of cases makes it impossible to know whether soldiers have truly been sentenced. Often soldiers are sentenced for less serious crimes, such as violating disciplinary codes or

25. For a detailed analysis of how Burma’s judicial and legal system entrenches impunity, see ICJ: Achieving Justice for Gross Human Rights Violations in Myanmar, January 2018, <https://www.icj.org/wp-content/uploads/2018/01/Myanmar-GRA-Baseline-Study-Publications-Reports-Thematic-reports-2018-ENG.pdf>

26. AJAR and WLB: Access to Justice for Women Survivors of Gender-based violence committed by state actors in Burma, 24 November 2016, pp. 2-3, <http://www.asia-ajar.org/files/VAW%20Briefing%20Paper-%20English%20Version.pdf>

breaking curfews. Furthermore courts martial do not provide for reparations to victims, nor for remedy to ensure abuses do not recur.

## **Military investigation commissions**

Internal military investigation commissions have repeatedly been used to absolve security forces of wrongdoing in the face of accusations of human rights violations. A 2002 military investigation into reports that soldiers were using rape as systematic weapon of war in Shan State claimed the allegations had been fabricated to “hurt the prestige of Myanmar and the Myanmar Armed Forces.”<sup>27</sup> It later transpired that soldiers had warned villagers who had been interviewed not to mention any incidents of rape and told them to sign statements confirming this in Burmese - a language most of the villagers did not understand.

## **REHABILITATION**

### **Conflict**

Although most conflict victims spoke about receiving symbolic forms of reparations or compensation, some also had creative ideas for how the government could provide them with rehabilitation services. It must be noted that a dearth of government services and assistance throughout the country, in particular in conflict zones in remote areas, greatly lowers people’s expectations.

In a case from March 2016 (Case 73, see Impact of Human Rights Violations section), villagers fled their homes in Kutkai Township, Shan State, after soldiers from LID #33 started shooting at inhabitants. After people fled, their villages were set on fire and they lost all their property. About 760 people now live in an IDP camp and told ND-Burma they wanted “to live peacefully” and suggested the government “create job opportunity for IDPs including making crop and agriculture farms,” (TWO, recorded January 2017).

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27. Shan Women’s Action Network (SWAN) and the Shan Human Rights Foundation (SHRF): ‘License to Rape’, 2002, [http://www.shanwomen.org/images/reports/licensetorape/Licence\\_to\\_rape.pdf](http://www.shanwomen.org/images/reports/licensetorape/Licence_to_rape.pdf) and ICTJ: ‘Impunity Prolonged: Burma and its 2008 Constitution’, <https://ictj.org/sites/default/files/ICTJ-Myanmar-Impunity-Constitution-2009-English.pdf>



## Political Prisoner

A number of political prisoners had concrete ideas about how the government could provide them with rehabilitation services in order to alleviate some of the negative impact of the abuses they suffered. This included government action to change perceptions about former political prisoners, who are often viewed as convicts and consequently face social stigmatisation and ostracisation.

**“Though some former political prisoners have gained international recognition and are well respected in Burma, the majority continue to be stigmatised and have trouble finding work and reintegrating back into their communities.”**

**Chit Min Lay, activist and former political prisoner**

A former political prisoner who took part in the 8888 uprising in Pyay, Bago Region, was arrested for allegedly having illegal lottery tickets after months of surveillance by military intelligence (Case 106). He was sent to a military court and sentenced to a number of months in jail. He once again spent time in jail in 2015 after protesting the killing of a land rights activist by police. He opened a bicycle repair shop after his release in 1989 but faced financial hardship as government officials spread rumours about him, scaring his neighbours away from patronising his business. He has also had trouble renting an apartment as authorities reportedly threaten landlords not to rent to him. When asked about his desires for justice, he suggested the government conduct “counselling and reintegrate the victims with the neighbours” as no one wants to talk to him because he is a former convict. He also suggested the government provide financial advice and education to former political prisoners, who often suffer economic hardship, telling ND-Burma:

*“Even Daw Aung San Suu Kyi said forget about the past however we still feel pain in our heart,”*

(FLC, recorded February 2017).

Another former political prisoner took part in the 8888 uprising and managed the running of the local cooperative shop in Monywa District, Sagaing Region (Case 109). He was sentenced to one year in jail with hard labour under the Cooperative Act. He told ND-Burma he was “happy to sacrifice” but also requested the state provide different forms of rehabilitation:

*“If the current Government were to take responsibility for some kind of business for the victims and health care that would be great,”*

(FLC, recorded December 2016).

# HEALING THE WOUNDS OF THE PAST: A BLUEPRINT

*"We have found some ways to deal with the issues former political prisoners experience after their release. We sit together and speak about how we feel, and maybe practice some meditation. The women we work with say it reduces their anxiety and sadness a little to be with others who can understand what they have gone through. But we are only a small organisation and cannot do much - there are so many who suffer in silence. If the government could help us reach more people, then we could really make a difference."*

Khin Mi Mi Khine, Director at the Vimutti Women's Organisation

In the absence of meaningful government action for victims of human rights violations, a multitude of NGOs, international organisations and civil society organisations instead provide services to help victims and advocate for reparations on their behalf. Their example can serve as a blueprint for a future state-led reparations programme.

## **SYMBOLIC SATISFACTION**

Satisfaction refers to symbolic action undertaken by perpetrators of human rights violations and the government to try and heal the psychological wounds of victims.

A number of civil society organisations - including ND-Burma members - have organised public 'truth-telling' activities where victims of rights abuses can share their stories as part of a personal and societal healing process. Such activities enable victims to start to come to terms with the human rights violations they have suffered and can also help take away some of the stigma of certain violations, such as rape.



**YOU CANNOT IGNORE US:**

Victims of human rights violations in Burma from 1970 – 2017 outline their desires for justice



In November 2014 KWAT conducted a truth telling event in Myitkyina to mark the International Day for the Elimination of Violence Against Women. The mother of a 17-year old rape victim told her story, as did the wife of a man who was killed by the army.

A Survivor gives her testimony at an event organised by KWAT to mark the 2014 International Day for the Elimination of Violence Against Women

Civil society organisations have also been working on memorialisation to ensure mass human rights violations are remembered and an accurate record of history maintained. For example, 2015 saw the establishment of the 8888 Memorial Hall in Rangoon. The museum documents the military’s violent crackdown in photos and videos and was established by the ‘88 Generation and Open Peace Society, which continues to maintain the Hall. One of the founders of the Hall, Aung Maw, said the Society continues to be monitored by a government secret services outpost on the other side of the street. In 2017 it was reported that the government would develop a building in Rangoon into a permanent space for the 8888 museum.<sup>28</sup> March 2018 also saw the opening of a



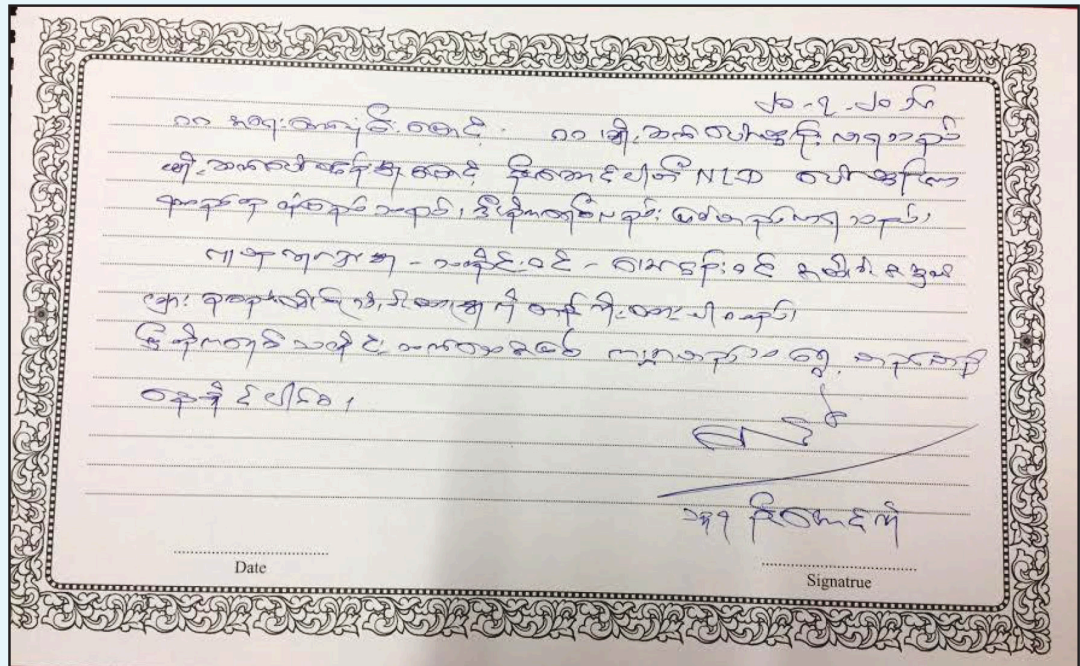
Aug Maw, former student activist and presiding officer of the 8888 Memorial Hall

28. DVB: Ministry to spearhead permanent museum honouring 1988 pro-democracy uprising, 9 November 2017, <http://www.dvb.no/news/ministry-spearhead-permanent-8888-museum-honouring-pro-democracy-uprising/78290>





new museum by AAPP commemorating the struggle of current and former political prisoners.



Entry into the guest book of the '88 Museum by Thura U Aung Ko, Burma's current Minister of Religious Affairs and Culture, as well as senior member of the Union Solidarity and Development Party (USDP).

It says: "Because of the '88 revolution, there was the '88 generation. Because of the '88 generation, there was the NLD, and democracy. I greatly value this museum's commemoration and hope the light of democracy continues to shine forever".

Memorials have also been erected to commemorate former political prisoners who died while incarcerated. Currently a memorial dedicated to Ko Si Thu, who passed away in 2001, stands in Tharyarwaddy prison, as well as one dedicated to Ko Thet Win Aung, who passed away in 2006, which stands in Mandalay prison. In Thayet prison, Magway Region, stands a monument dedicated to all the prisoners who died there.

In Taunggyi, Shan State, a memorial commemorating the 8888 uprising was built by democracy activists in 2016. Former political prisoners also unveiled a memorial in Bago City to mark the 30th anniversary of the 8888 uprising in 2018. The launch was attended by a number of local politicians.



**YOU CANNOT IGNORE US:**

Victims of human rights violations in Burma from 1970 – 2017 outline their desires for justice



A memorial commemorating the 88 uprising in Taunggyi, Shan State. AAPP and FPPs have also been honouring the contribution made by fallen political prisoners through holding ceremonies for those who died in prison and providing their families with certificates acknowledging the sacrifice they have made in the name of democracy.



Certificate provided by AAPP to families of fallen political prisoners. This one is for U Aung Kyaw Moe. The certificate reads: "U Aung Kyaw Moe believed in democracy, human rights and ethnic equality, and fought in the '88 revolution to defend these values. For this he went to jail, where he lost his life. This is to honour his contribution to the democracy struggle."

## REHABILITATION

The U Win Tin Foundation has been providing assistance to former and current political prisoners and their families since its founding in 2012. The foundation provides cash payments to families of current or former political prisoners and journalists who have faced harassment. Many former political prisoners have trouble finding work after their incarceration. So far they have dispensed 1,857 lakh (approx. 136,570 USD) in assistance to 27 individuals or their families. They also provide a free healthcare clinic for former political prisoners, many of whom continue to suffer health complications as a result of torture and incarceration in harsh conditions. U Htin Aung said: "Here we are doing the work that the army should be doing, as it is they who committed these crimes." He said he had extended an invitation to the newly elected MPs – the majority of whom are former political prisoners – to show them what work they were doing and inform them of the needs of those who were benefitting from the foundation. No one took him up on his offer.

**"Without transitional justice there can be no reconciliation, there can be no peace."**

**U Htin Aung, Director of the U Win Tin Clinic**

Another venture which aims to provide opportunities to former political prisoners was launched by international NGO FHI 360 in July 2017. The programme, which was funded by international aid agency USAID, placed 50 former political prisoners who were without work in media and civil society organisations, where they undertook a six-month fellowship. Following the completion of the programme, 22 of the fellows found full-time employment.<sup>29</sup>

*"Former political prisoners are sentenced to a second punishment after their release, when they face obstacles to finding employment both because of the stigma of prison and because they are behind their peers in education and work skills, due to the years they have lost to prison. This second punishment is as unjust as the political repression which first landed them behind bars, and initiatives like the Former Political Prisoners Fellowship can help ex-prisoners reintegrate into society while also letting them share their vast knowledge of political issues and activism with the media and civil society organisations in which they are placed."*

Matthew Pietz, Chief of Party, FHI 360 Civil Society and Media Program

29. BNI Online: Media and CSOs provide support for former political prisoners, 11 July 2017, <https://www.bnionline.net/en/news/mizzima/item/3232-media-and-csos-provide-support-for-former-political-prisoners.html>. FHI 360 provided ND-Burma with more information about the programme on request.



## YOU CANNOT IGNORE US:

Victims of human rights violations in Burma from 1970 – 2017 outline their desires for justice

Several women's organisations, such as the Karen Women Organisation (KWO), Vimutti Women's Organisation, TWO, and KWAT, in collaboration with international NGO Asia Justice and Rights (AJAR), conduct trauma healing projects with victims.<sup>30</sup> Survivors meet in a calm space and practice physical and mental awareness through activities such as yoga and meditation, or just talking in a safe, non-judgemental environment.



A patient is treated at FLC's mobile clinic for former political prisoners and their families

The Future Light Center operates a mobile clinic for former political prisoners and their families. The clinic travels to remote areas and provides patients with both medical care and informal counselling. The free-of-charge service has been used by some 350 patients since it was launched in 2014.

*"The people we reach with our mobile clinic do not have good access to healthcare. Either they cannot afford it or it is too difficult to reach and the travel costs too high. Although we do our best there are so many more people who need treatment for their physical and mental wellbeing. We wish we could do more."*

Thet Thet Aung, Director of the Future Light Center

AAPP provides counselling to former political prisoners and their families. Counsellors are trained by the U.S. based John Hopkins Bloomberg School of Public Health and help patients try and overcome depression, post-traumatic stress disorder (PTSD) and substance abuse. They have treated over 2,000 patients since starting their work.

30. For a detailed description of methods used by women's organisation, see AJAR: Unlearning Impunity, October 2015, <http://www.asia-ajar.org/files/Manual%20Book%20-%20Unlearning%20Impunity.pdf>

## COMPENSATION

Compensation is difficult to deliver in a satisfactory way when it is not accompanied by other measures. As our needs assessment shows, the army has paid ‘compensation’ to a number of victims of human rights violations, but failed to provide acknowledgement or apology. With many victims facing economic hardship, even small ‘assistance’ packages provided by the military to silence victims are taken in order to try and survive. This is akin to buying victims’ silence and does nothing help rebuild trust between victims and perpetrators.

In the absence of Government compensation for the death of political prisoners in its custody, AAPP provides the families of fallen political prisoners with financial aid to help offset the challenges relatives face when they lose the main breadwinner of the household. In 2016 AAPP provided 61 families with 500 USD each.

*"The families of fallen political prisoners often face severe financial difficulties. This is because they have lost the main breadwinner of the household, or because the remaining family members are stigmatised and consequently have trouble finding a job. Our small financial aid packages help alleviate their suffering somewhat, but perhaps most importantly remind them that they are held in the deepest esteem for the tremendous contribution they have made to Burma's struggle for democracy."*

Zaw Moe, Head of Documentation and Research at AAPP

## RECOMMENDATIONS

The findings of ND-Burma's needs assessment are a first step in determining what action victims of human rights violations will need in order to rebuild their lives. The small sample size, loosely structured research methodology, and unfamiliarity of many victims with justice concepts and processes need to be taken into account and follow-up research conducted. The recommendations below draw on both the needs assessment as well as ND-Burma's 14 years' experience working with survivors of human rights violations.

### **Guarantees of non-recurrence**

- ◆ Adopt a Reparations Law that acknowledges mass human rights violations have been committed and that victims require reparations through an administrative government programme.
- ◆ Include discussion on reparations as part of 21st Century Panglong. Broaden discussions to include all victims of human rights violations, not just only those displaced by conflict.
- ◆ In areas where there have been allegations of human rights violations, the government must give unfettered access to humanitarian groups, human rights monitors, and media.
- ◆ End surveillance and harassment of field workers documenting human rights abuses.
- ◆ Create a victim protection programme within the judicial system.
- ◆ Adopt a military code of conduct that meets international human rights standards and prosecute soldiers accused of human rights violations in civilian, not military courts.

- ◆ End corruption in the legal system and ensure domestic courts are independent and adhere to the rule of law.
- ◆ Enact legislative reform to bring the legal system into line with international human rights obligations.
- ◆ Remove Article 445 (the 'immunity clause') from the 2008 Constitution
- ◆ Ratify the UN Convention Against Torture, including the optional protocol, and amend the draft Prison Law to meet international standards for the treatment of prisoners.
- ◆ Ratify the International Covenant on Civil and Political Rights (ICCPR)
- ◆ Revise the National Human Rights Institution Law in accordance with the Paris Principles so the MNHRC can be reformed to become truly independent and effective. Cooperation with civil society should be enhanced through establishing an advisory body or appointing civil society representatives as commissioners.
- ◆ Revise school textbooks produced in consultation with ethnic nationality communities that reflect their history and provide an uncensored account of past abuses.

### **Symbolic satisfaction**

- ◆ Publicly recognise that mass human rights violations have been committed, apologise for those violations, and accept that victims deserve reparations.
- ◆ Perpetrators must provide acknowledgement and apology for human rights violations committed. Where possible and desired by victims, perpetrators should apologise directly to victims.
- ◆ Recognise political prisoners and provide a definition of the term; provide a formal, public pardon; and end ongoing surveillance and harassment. All former political prisoners, including those released under Article 401 (Presidential amnesty), should have their records completely expunged.
- ◆ Provide funding and approval for memorials, monuments and museums honouring those who have been persecuted by government forces.



## **Restitution**

- ◆ Provide full property restitution or commensurate financial compensation for those who have lost their land due to conflict, military decree or private enterprise.
- ◆ Where possible provide restitution of IDP and refugee land and property through voluntary and dignified return in accordance with the Pinheiro Principles. Where property has been destroyed financial compensation or alternative lodging should be provided. IDPs and refugees should be provided with all necessary documentation to continue their lives, such as National Registration Cards, land deeds etc.
- ◆ Restore government employment or pensions terminated due to political activity.
- ◆ Return professional licenses revoked as a result of political activity.
- ◆ Reinstate citizenship revoked following exile and subsequent application for foreign citizenship for those wishing to return.
- ◆ End the blacklisting of exiles through denying visas.
- ◆ Provide of university certificates to students who were forced to interrupt their studies due to their political activities.

## **Compensation**

- ◆ Provide financial compensation schemes for victims of human rights violations through a reparations law.
- ◆ Perpetrator pressure on victims to stay silent in exchange for unofficial compensation must end.

## **Rehabilitation**

- ◆ Provide free-of-charge healthcare, including mental health services, for victims of human rights violations continuing to suffer medical issues. This could come in the form of individual payments or treatment centres.
- ◆ Provide training and education for victims who are unable to find work following abuses. This should include a range of vocational, skills and livelihood training.
- ◆ Provide employment opportunities for victims. This could include government programmes to fast-track victims into work and official government recommendations on behalf of victims.



# APPENDICES

## Appendix 1: Table of victim needs assessment cases: Conflict

- (1)Arbitrary/illegal arrest/ detention
- (2)Confiscation/destruction of property
- (3)Disappearance
- (4)Forced labour
- (5)Forced relocation
- (6)Killing
- (7)Obstruction of freedom of expression/assembly
- (8)Other sexual violence
- (9)Rape
- (10)Torture
- (11) Arbitrary taxation

Case No.	Date	Location	No. of Victims	Perpetra-tor	Source	1	2	3	4	5	6	7	8	9	10	11
1	10/1/1991	Kwin Pone Village, Boga-lay, Irrawaddy Region	1	Military intelli-gence	FLC	x	x								x	
2	4/1/2013	Sinsu Ward, Pyay Town, Bago Region	1	Military IB 75	HRDP						x				x	



3	12/1/2011	Jaapu Village, Winemaw Township in Myitkyina District, Kachin State	1	Military IB 390 and 398	KWAT	x		x			x						
4	6/1/2015	La Mong Village, Karmine sub-Township, Hpakant Township, Kachin State.	1	Military unknown	KWAT	x		x			x						x
5	8/1/2016	Kawng Katawng Village, Puta-O Township, Kachin State	1	Military IB 328	KWAT			x			x						
6	10/1/1999	La Pat Village, Kyauk Kyee Township, Bago Region	1	Military led by Lieutenant Tint Lwin and Lieutenant Maung Maung	GPS	x					x						
7	12/1/1996	Hseng Zan Village, Tedim Township, Chin State	1	EAO CNF	GPS						x						x
8	4/1/2001	Twee Thang Village, Tedim Township, Chin State	1	EAO CNF	GPS						x						x
9	12/1/1996	Hseng Kan Village, Tedim Township, Chin State	1	EAO CNF	GPS						x					x	x
10	10/1/2000	Yoe Thae Kate Village, Tedim Township, Chin State	1	EAO CNF	GPS						x						
11	10/1/1996	Hseng Zan Village, Tedim Township, Chin State	2	EAO CNF	GPS		x				x						x





20	12/1/2012	Mannton Village, Kutkai Township, Lashio District, Shan State	200	Military IB 45	GPS						x						
21	1/1/1982	Nam Oukhpa Town, Kutkai Township, Lashio District, Shan State	11	Military LIB 45	GPS	x											x
22	12/1/1988	No. 2 Ward, Mhaw Be Township, northern District, Yangon Region	1	Military under control of Captain Bo Lae Ni	GPS												x
23	10/1/1998	Mot Palin prison, Kwar Le Kyaw camp, Belin Township, Mon State	20	Military unknown	GPS	x		x				x					
24	1/1/2016	Hopon Village, Tar Moe Nye Town, Kutkai Township, Lashio District, Shan State	100	Military LID 11 and 99	GPS			x				x					
25	6/1/2013	Ward 4, Pathein Township, Irrawaddy Region	2	Thin-bawkyin police station under command of Pol. Lt. Kyi Lin	HRDP	x											x











50	8/1/2016	Ner Hai Village, Mogaung Township, Kachin State	1	Military IB 427	KWAT	x													x
51	10/1/1991	Ka Tha Mhyin Village, Bogalay Township, Irrawaddy Region	1	Government security forces including military, military intelligence, and police	FLC	x													
52	4/1/2010	Shwe Min Wan, Kyauk Kyee Township, Bago Region	1	Military IB 60 and 35	GPS	x		x				x							
53	10/1/1988	Phu Gyi Village, Mhaw Be Township, Yangon Region	18	Military unknown	GPS	x													
54	11/1/1991	Ka Tha Paung village, Bogalay Township, Irrawaddy Region	2	Military and military intelligence	FLC														
55	10/1/1991	Kwin Pone Village, Bogalay Township, Irrawaddy Region	1	Military intelligence no.6	FLC	x	x												x
56	10/1/1991	Htaw Pai Village, Bodalay Township, Irrawaddy Region	21	Military LID 11	FLC	x	x												x







65	4/1/2015	Puwan Village, Hpawng Hsai Village Tract, Mong Koe Township, northern Shan State	5	Military LID 88	KWAT												x
66	7/1/2015	near Hka Leng Village, Phai Kawng Village Tract, Pang Hsai Township, Muse District, northern Shan State	1	Military LID 88	KWAT												x
67	4/1/2016	Nawng Kham Ward no.7, Mong Koe Township, Muse District, northern Shan State	2	Military LID 99	KWAT	x											x
68	4/1/2016	Nawng Kham Ward 7, Mong Koe Township, northern Shan State	1	Military LID 99	KWAT	x											x
69	11/1/1991	Mitta Village, Kyauk Kyee Township, Bago Region	1	Military IB 60	GPS			x	x								
70	1/1/2015	Maw Harn Village, Kutkai Township, Lashio District, Shan State	1	Military LIB 68	GPS						x						x
71	9/1/2016	601 Missile Defence Unit, Oakshitpin Town, Pang Taung Township, Pyay District, Bago Region	1	Military Air Defence Unit no. 2034	HRDP		x					x					x
72	11/1/2015	Ywar Thit Village, Keng Tung Township, Shan State.	1	Military IB 226	LWO												x
73	3/1/2016	Loi Saran, Mann Sein, Paing Bon, Loi Kan, Pang Nay, Ngao Ngar, and Mann Pu Village in Kutkai Township, Shan State	7 villages of 760 people	Military LID 33	TWO		x				x						





**Appendix 2: Table of victim needs assessment cases: Land grab**

- (1)Arbitrary/illegal arrest/ detention
- (2)Confiscation/destruction of property
- (3)Disappearance
- (4)Forced labour
- (5)Forced relocation
- (6)Human trafficking
- (7)Killing
- (8)Obstruction of freedom of expression/assembly
- (9)Other sexual violence
- (10)Rape
- (11)Torture
- (12)Use as child soldier
- (13) Arbitrary taxation

Case No.	Date	Village/ Town	Township	State/ Region	Source	1	2	3	4	5	6	7	8	9	10	11	12	13
86	12/1/ 2016	Thae Chaung Village, Yebyu Township, Te- nasserim Region	2	Military Myawad- dy Naval Base	HUR- FOM		x			x								
87	3/1/ 2014	Thae Chaung Village, Yebyu Township, Te- nasserim Region	2	Military Myawad- dy Naval Com- mand	HUR- FOM		x			x								
88	1996 and 2016	Thae Chaung Village, Yebyu Township, Te- nasserimRegion	1	Military Myawad- dy Naval Com- mand	HUR- FOM		x			x								



96	1997	Shwe Bonetha Village, Shwe Bonetha Village Tract, Pang Taung Township, Pyay District, Bago Region	5	State Peace and Development Council (military administration) and Village Headman	HRDP	x												
97	1998 and 2016	Khawza Town, southern part of Ye Township, Mon State.	4	Military IB 31 and GAD	HUR-FOM	x												
98	7/1/2015	Nam Aw Village, Tarlay Township in Tarchilek District, Shan State.	3	Private business with support of government	LWO	x												



**Appendix 3: Table of victim needs assessment cases: Political prisoner**

- (1)Arbitrary/illegal arrest/ detention
- (2)Confiscation/destruction of property
- (3)Disappearance
- (4)Forced labour
- (5)Forced relocation
- (6)Human trafficking
- (7)Killing
- (8)Obstruction of freedom of expression/assembly
- (9)Other sexual violence
- (10)Rape
- (11)Torture
- (12)Use as child soldier
- (13) Arbitrary taxation

Case No.	Date	Village/ Town	Township	State/ Region	Source	1	2	3	4	5	6	7	8	9	10	11	12	13
99	Detained in 1990	Hpa-An City, Karen State.	1	Military intelligence	FLC	x							x			x		
100	Detained in 1988 and 1991	Hpa-An City, Karen State.	1	Military intelligence and police	FLC	x							x			x		









**Appendix 4: Example victim needs assessment**

Sender Name –

Organisation Name -

Date - .....

<b>(1) Title</b>
Provide a short and descriptive title that distinguishes of this report
<b>(2) Summary -</b>
This should be a paragraph. For example - explain the event: Who did what to whom, when and where
(3) Location
(2) Location of Documented
(4) Violations
The violations will be connected with one another so write down the violations list depending on the event.
Example – Torture, Killings, Disappearance, etc.
(5) Note of the Date
Note the Date as (1) Event Date (2) Documentation Date
(1) Event Date –
(2) Documentation Date –



(6) Not the information Source
Note who provided information about the event
(2) Provide detailed information about the event
Provide detail of the event:
(8) Personal Biographical Data
Note Personal Biographical Data are as: any related person in the event (Provide any data of victim, perpetrator, eyewitness, environment, etc.)







**Reparations Working Group**  
email: [office@nd-burma.org](mailto:office@nd-burma.org)  
website: [www.nd-burma.org](http://www.nd-burma.org)