Hpa-an Field Report: Continued difficulties under ceasefire, January to December 2015

October 18, 2016



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This Field Report includes information submitted by KHRG researchers describing events occurring in Hpa-an District between January and December 2015. It describes different human rights violations and other issues which are important to the local community, including education, healthcare, land confiscation, killing, development projects, fighting, and drug issues. In particular, land confiscation and drug-related problems are highlighted as major ongoing concerns in Paingkyon and Hlaingbwe townships.

- Villagers' land that has been confiscated by armed actors has not been returned even though villagers have submitted official complaints to local and national authorities. Despite villagers from Hlaingbwe Township having previously submitted a complaint letter related to land confiscation, in 2014 the Township general administrator and land administrator declared that the land that had been previously confiscated by the Tatmadaw will not be returned to the villagers.
- Increased trade and use of drugs, primarily methamphetamine, amongst local villagers have caused serious social and medical problems. Villagers from Hlaingbwe Township have therefore submitted a letter to the Burma/Myanmar Parliament regarding the issues related to the increased trade and use of drugs in Hlaingbwe Township.
- Religious leaders have faced serious violence from armed actors when they have tried to object to illegal logging in their communities. On October 9th 2014, a senior monk from L--- village was arrested and killed by soldiers from the Karen Peace Council (KNU/KNLA-PC), including the Company Commander Ta Wah, after the monk had attempted to prevent the soldiers from logging in his monastery's compound.
- Civilian villagers have been injured in the midst of fighting between different armed actors. On 6th July 2015, two young villagers, a 17 year old and a 21 year old, were shot and killed by Tatmadaw soldiers during a clash with Democratic Karen Benevolent Army (DKBA) soldiers in Hlaingbwe Township, Hpa-an District, which forced local villagers to flee for their safety.
- The Karen residents continue to experience difficulties with being able to learn their own Karen-script in schools as the Burma/Myanmar government has continued to send Bamar teachers to teach in a dual system with Karen teachers in rural areas in Nabu Township.
- The healthcare situation in remote areas in Hpa-an District remains fairly stable and there have been no major changes regarding healthcare since the 2012 preliminary ceasefire. However, the local villagers continue to face problems with a lack of clinics and healthcare from the Burma/Myanmar government so they have to rely on the Back Pack Health Worker Team (BPHWT).

They [the Tatmadaw] repaired their army camps, built up many buildings and all of those [were] for the Burma/Myanmar government. They have no concern for the villagers [when it comes to their] economic [situation] and [their access to] education."

KHRG community member, Hlaingbwe Township, May 2015

Front cover photo: This photo was taken by a KHRG community member on May 1st 2015 in B--- village, Yay Pu village tract, Paingkyon Township, Hpa-an District. This photo shows the villagers' land which was confiscated by BGF Cantonment Area Supervisor U Kyaw Hein, led by Cantonment Area Commander Kya Aye. The land was subsequently sold to the Steel Stone Group. [Photo: KHRG]

Introduction

This report notes a decrease in certain forms of abuse, such as forced labour and violent abuse by armed actors in Nabu Township. In addition, villagers now enjoy greater freedom of movement allowing them to conduct their livelihood activities more freely and new landmines are no longer being planted. However, other abuses have continued into the present reporting period in 2015, including land confiscations, killings, and the trade and use of drugs.

Land Confiscation

As in KHRG's 2013 Hpa-an Field Report,¹ KHRG has again received reports of land confiscation by Tatmadaw and Border Guard Force (BGF)² in Hpa-an District during the 2015 reporting period. This section details three major incidents of land confiscation during the reporting period. First, the Steel Stone Group confiscated land to build a road, second, Tatmadaw confiscated land for military bases, and third, the Burma/Myanmar government confiscated land to build a new town.

On May 1st 2015, the Steel Stone Group, led by Tha Laing Aung, collected soil in A--- and B--- villages for road construction in Yay Pu village tract, Paingkyon Township, Hpa-an District. The land on which the road will be constructed was confiscated by BGF Cantonment Area Supervisor U Kyaw Hein, led by Cantonment Area Commander Kya Aye; the two then sold it to the Steel Stone Company to construct the road. In response, the local villagers submitted a letter³ to the Burma/Myanmar government and the Karen National Union (KNU) requesting the authorities' support in reclaiming their land. In addition to the complaint letter, the villagers also requested the local KNU Agriculture Department from Paingkyon Township to take action to resolve the land confiscation case committed by the BGF.⁴



The above photos were taken on May 1st 2015 in B--- village, Yay Pu village tract, Paingkyon Township, Hpaan District. These photos show the villagers' land which was confiscated by BGF Cantonment Area Supervisor U Kyaw Hein, led by Cantonment Area Commander Kya Aye. The land was subsequently sold to the Steel

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¹ "Hpa-an Field Report: January to December 2013", KHRG, January 2015.

² Border Guard Force (BGF) battalions of the Tatmadaw were established in 2010, and they are composed mostly of soldiers from former non-state armed groups, such as older constellations of the DKBA, which have formalised ceasefire agreements with the Burma/Myanmar government and agreed to transform into battalions within the Tatmadaw. BGF battalions are assigned four digit battalion numbers, whereas regular Tatmadaw infantry battalions are assigned two digit battalion numbers and light infantry battalions are identified by two or three-digit battalion numbers. For more information, see "DKBA officially becomes Border Guard Force" *Democratic Voice of Burma*, August 2010, and "Exploitation and recruitment under the DKBA in Pa'an District," KHRG, June 2009.

³ The complaint letter to the KNU Agriculture Department is available on the KHRG website: "Complaint letter to KNU Agriculture Department in Paingkyon Township regarding land confiscation," KHRG, July 2015.

⁴ This information is taken from "<u>Hpa-an Incident Report: Land confiscation in Paingkyon Township, May 2015</u>," KHRG, August 2015.

Stone Group. The second photo shows the road construction which the Steel Stone Group carried out on the villagers' land. [Photos: KHRG]

Another incident of land confiscation occurred in Hlaingbwe Township, Hpa-an District, when Light Infantry Battalion⁵ (LIB) #338 and Infantry Battalion (IB)⁶ #28 confiscated land for military bases. This area is also near the area where LIB #339 has already confiscated land.⁷ The land was confiscated in 1991 and 1992 across Hlaingbwe Township, Hpa-an District, in C---, D---, E-- and F--- villages. When LIB #338 first came to set up their military base on villagers' land there, they gathered the farmers and asked them to sign a document in order to make the confiscation of the land legal. Signing the document would have meant that the villagers had given the land to the Burma/Myanmar government military (Tatmadaw). One of the villagers whose land was confiscated, a woman named Naw Z---, stated in a June 2015 interview with KHRG:

"And they [the farmers] did not agree [to sign the document] and they went back [home]. My mum told him [my father] not to sign the document. And the second time [LIB #338 asked villagers to sign the document], it included threats."

When they first confiscated the land, the Tatmadaw promised to compensate villagers for their lost crops and all of the land that they had confiscated in the area, but villagers have not received the compensation as of the end of the 2015 reporting period.

With regards to this case of land confiscation, villagers reported that there has also been no transparency on the part of the Tatmadaw. They have never explained openly to the villagers exactly the land area that they require for their base and the villagers have stated that they have confiscated more land than they would legitimately need for military purposes. In 2014, the Burma/Myanmar government Hlaingbwe Township general administrator and the land administrator requested to meet with villagers and, during the meeting, the administrators said that they had received a letter from their superiors stating that the land that had been confiscated by the Tatmadaw will not returned to the villagers.





⁵ A Tatmadaw Light Infantry Battalion (LIB) comprises 500 soldiers. However, most Light Infantry Battalions in the Tatmadaw are under-strength with less than 200 soldiers. LIBs are primarily used for offensive operations, but they are sometimes used for garrison duties.

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⁶ An Infantry Battalion (Tatmadaw) comprises 500 soldiers. However, most Infantry Battalions in the Tatmadaw are under-strength with less than 200 soldiers. They are primarily used for garrison duty but are sometimes used in offensive operations.

⁷ Hpa-an Situation Update: Hlaingbwe, Don Yin and Hti Lon townships, April 2014

This information is taken from "Hpa-an Interview: Naw A---, June 2015," KHRG, June 2016.

⁹ Ibid.

These photos were taken in Lu Pleh Town, Hpa-an District on June 28th 2015. These are photos of villagers' land that was confiscated by the Tatmadaw LIB #338 and IB #28. [*Photo: KHRG*]

Another case of land confiscation occurred in 2015 in Hpa-an District when the Burma/Myanmar government built a new town in Hlaingbwe Township called Klaw K'Tee Town. Prior to the recent construction, there was only Lu Pleh Town in the area, but now G--- village has been expanded into a new town. The government has put their efforts into building the place into a new town since 2013, and now they have established a school, clinic, government department buildings, and military buildings in the villages that were abandoned by villagers who migrated to refugee camps in Thailand. G--- village is situated near the Thai-Burma/Myanmar border where Thai and Burmese traders meet to trade goods. The Klaw K'Tee road that leads to the border and that villagers used to use for trading was destroyed in 1981 and 1982 when the Burma/Myanmar government fought against KNU. As the fighting continued, the villagers faced forced labour demands from Tatmadaw. As a consequence, the H--- villagers had to leave their farms and migrate to H--- and Meh I--- villages and then to refugee camps in Thailand. Nowadays, the villagers who migrated to refugee camps in Thailand are facing problems with returning to their homeland, as their land is being used by the Tatmadaw. A KHRG community member from Hlaingbwe Township stated in his report:

"One of the villagers said the Tatmadaw built a new town in order to brag [to the people of Burma/Myanmar about what they have done]. They [the Tatmadaw] repaired their army camps, built up many buildings and all of those [were] for the Burma/Myanmar government. They have no concern for the villagers [when it comes to their] economic [situation] and [their access to] education."



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¹⁰ This information is taken from "<u>Hpa-an Situation Update: Hlaingbwe Township, April to May 2015</u>," KHRG, July 2016.



The above photos were taken in April 2015 in Klaw K'Tee Town, Hlaingbwe Township, Hpa-an District. The buildings in these photos were constructed by the Burma/Myanmar government between 2013 and 2015 on the land left behind by fleeing villagers, who left for refugee camps along the Thai-Burma/Myanmar border between 1981 and 1982. [Photos: KHRG]

Growing use and sale of drugs

There have been increases in the trade and use of drugs which have had negative social and medical effects on the villagers. As a result, armed actors have taken measures to reduce the trade of drugs and villagers have submitted an official complaint letter to the national parliament. A previous KHRG field report published in 2014¹¹ highlighted the production and sale of yaba¹² as a very sensitive issue which villagers had to be very careful with when reporting because of previous incidents, such as abusive behaviour of yaba users in the village and cases of yaba producers killing villagers when they expose their involvement in the *yaba* business.¹³

In 2015, in Hlaingbwe Township, Hpa-an District, KHRG community members reported increasing drug use amongst students. The students who have started using yaba were said to not obey their parents and teachers anymore since they became addicted.¹⁴

In 2015, there have also been reports indicating that armed actors, such as BGF, wish to address the issue of growing drug availability and use. In Paingkyon Township, Hpa-an District, a group of BGF soldiers came into J--- village, Pee Ta Ka village tract, on February 12th 2015 at 4:00 pm to arrest Naw Y--- who was selling yaba in the village, but they could not arrest her as she escaped. The BGF were able to arrest her two daughters, Naw¹⁵ X--- and Naw W---, who were helping her sell yaba, instead. The BGF brought them to their military base. During the raid on their family house, the BGF confiscated 20,000 pills, a 32mm pistol and some of the money

¹¹ "Hpa-an Field Report: January to December 2013," January 2015, KHRG.

¹² Yaba, which means 'crazy medicine' in Thai, is a tablet form of methamphetamine. First developed in East Asia during the Second World War to enhance soldiers' performance, methamphetamine has become increasingly popular in Thailand, Laos, Cambodia, Vietnam, and Burma/Myanmar where it is typically manufactured. See, Yaba, the 'crazy medicine' of East Asia, UNODC, May 2008; "Woman raped and killed in Pa'an District, October 2012," KHRG, December 2012; and Chapter IV in Truce or Transition? Trends in human rights abuse and local response in Southeast Myanmar since the 2012 ceasefire, KHRG, June 2014.

This information is taken from "Hpa-an Field Report: January to December 2013," January 2015, KHRG.

¹⁴ This information is taken from an unpublished report from Hpa-an District, received August 2015.

¹⁵ Naw is a S'gaw Karen female honorific title used before a person's name.

they made from selling *yaba*. Currently, Naw Y--- is staying in the Karen Peace Council¹⁶ (KNU/KNLA-PC) camp under Operation Command #3 with Htaw Meh Pa Battalion.¹⁷



These photos were taken on February 12th 2015, in J--- village, Paingkyon Township, Hpa-an District. The first two photos are of Naw X--- and Naw W---, the daughters of Naw Y---, who were arrested by the BGF for selling *yaba* on February 12th 2015. The BGF confiscated 20,000 pills of *yaba*, a 32 mm pistol as well as some of the money they earned from selling drugs. The BGF also intended to arrest Naw Y--- but they were unable to do so as she had fled and sought cover with the KNU/KNLA-PC Operations Command #3. [*Photos: KHRG*]

Effects of presence of armed actors on civilians

The activities of armed actors have negatively affected civilians in different ways. First, civilians have been harmed from clashes between armed actors, and second, armed actors have been involved in income-generating activities, such as illegal logging which harm villagers' livelihoods and can even result in civilian casualties.

In July 2015, there was a Tatmadaw attack on a Democratic Karen Benevolent Army (DKBA)¹⁸ camp which resulted in two civilian deaths and the displacement of villagers. On July 6th 2015,

¹⁶ The KNU/KNLA Peace Council (also called the Karen Peace Council or KPC), is an armed group based in Htoh Kaw Ko, Hpa-an District, and split from the Karen National Union (KNU) in 2007 because they entered into ceasefire negotiations with the Government of Myanmar without permission from the KNU. The KNU/KNLA PC refused to transform into a BGF despite orders from the then-SPDC government. The KNU/KNLA PC have signed the Nationwide Ceasefire Agreement.

¹⁷ This information is taken from an unpublished report received in June 2015.

¹⁸ The Democratic Karen Benevolent Army (DKBA) was formed in 2010 as a breakaway group following the transformation of the majority of the original Democratic Karen Buddhist Army (1994 – 2010) into the BGF. This group was originally called the Democratic Karen *Buddhist* Army until it changed its name to the Democratic Karen

Tatmadaw soldiers fired small machine guns and grenade launchers at the DKBA camp near Z--- Bridge in H--- village in Hlaingbwe Township. As a consequence, the villagers who live near the place where the fighting happened fled the area for their own safety. On the same day at 7:00 pm, a 17-year-old villager and a 21-year-old villager were accidentally shot and killed by Tatmadaw soldiers while travelling to I--- village when they crossed the place where Tatmadaw soldiers had taken up position when fighting against DKBA soldiers. The families of the killed villagers requested to retrieve their bodies. Initially, the Tatmadaw refused to hand the villagers' bodies over; however, several days after the clashes, the relatives were permitted to retrieve the bodies. 19

Related to this incident, a villager from V--- village named Naw K--- also commented:

"In the past, before nothing [any problems] happened, Ta Wah was company commander. He [arbitrarily] took all of the taxes from anything [that villagers own or produce]. When he was working [conducting business], he thought only of himself. He did not think for [the benefit] of the villagers. He wanted to work [conduct business] alone. He did not feel good if villagers worked on [any business]. "20

In addition, a dispute over logging conducted by the KNU/KNLA-PC resulted in the killing of a senior monk.21 In October 2014, a senior monk was killed by KNU/KNLA-PC soldiers in Paingkyon Township, Hpa-an District. Five soldiers from KNU/KNLA-PC, including the Company Commander Ta Wah, arrested a senior monk from L--- village on October 9th 2014 after he refused to grant them permission to log t'la aw trees²² in the monastery's garden. The soldiers led him to a place close to Ka Nuh Hta road, where they beat him repeatedly, burnt his back and then killed him. After the incident, the villagers were able to recover the body with the help of KNU/KNLA-PC and provided the monk with a proper burial ceremony. Later on, the villagers submitted a complaint regarding the killing to KNU/KNLA-PC Company Commander Ta Wah's superiors and, several months after receiving this report, KHRG learned that on April 20th 2015 four armed actors, the KNLA, KNU/KNLA-PC, DKBA and BGF held a meeting to discuss how to take action against the perpetrators who murdered the monk and it was decided that they will be punished under KNU law. Following the arrest of the five perpetrators, who were Company Commander Ta Wah's subordinates. Ta Wah escaped and his current whereabouts are unknown at the time of publication.

Benevolent Army in April 2012 in order to reflect its secularity. This group is comprised of different divisions, including Klo Htoo Baw Battalion and DKBA-5, and was led for many years by General Saw Lah Pwe aka Na Khan Mway who passed away in March 2016 and was replaced by General Saw Mo Shay in April 2016. The DKBA signed a preliminary ceasefire with the Burma/Myanmar Government on November 3rd 2011 and then signed the signed the Nationwide Ceasefire Agreement (NCA) on October 15th 2015. The group is based in Son Si Myaing area, Myawaddy/Kawkareik Township, Dooplaya District, southern Kayin State. This DKBA (Benevolent) (2010 – present) should not be confused with, either the original DKBA (Buddhist) (1994-2010) which was transformed into the BGF in 2010, or with the DKBA (Buddhist) (2016 - present) which was formed in 2016 as a splinter group of the DKBA (Benevolent) (2010 – present). Importantly, the DKBA (Benevolent) has signed both the preliminary and nationwide ceasefire agreements with the Burma/Myanmar government, whereas the DKBA (Buddhist) has not signed either agreement. For more information on the DKBA and its relationship with other armed actors, see "Militias in Myanmar," John Buchanan, The Asia Foundation, July 2016.

¹⁹ This information is taken from "Recent fighting between Tatmadaw and DKBA soldiers leads to killing and displacement of villagers in Hpa-an District, July 2015," August 2015, KHRG.

This information is taken from an unpublished report, received February 2015.

²¹ This information is taken from an unpublished report, received February 2015.

²² T'la aw trees are teak-like trees with large leaves, which are traditionally collected by villagers and used to make thatch shingles for the roofs of houses.



The above photos were taken in V--- village, Thay Maw Koo village tract, Paingkyon Township, Hpa-an District by a Karen Office of Relief and Development (KORD) researcher. The first photo shows the monastery compound and the *t'la aw* trees in the background. The second photo shows the exhumed body of the senior monk who had been arrested, beaten, set on fire and buried by five KNU/KNLA-PC soldiers for denying them the right to log *t'la aw* trees in the monastery's garden. [Photos: KORD]

Education

In terms of education in Nabu Township, Hpa-an District, the abuses related to education have noticeably decreased compared to the period before the 2012 preliminary ceasefire, ²³ but the Karen residents continue to experience difficulties with being able to learn their own Karenscript in schools. In Nabu Township, there are KNU schools, KNU/KNLA-PC schools in the KNU/KNLA-PC controlled areas, and many Burma/Myanmar government schools. ²⁴

In addition, the situation of the school is not stable as there are two groups of teachers in the schools. One group is from the KNU and the other group is from the Burma/Myanmar government, and the two groups of teachers often have tensions because of differing priorities. In December 2014, the Japanese Nippon Foundation²⁵ came to the area and built schools and offered aid for education in Hlaingbwe and Nabu townships. At the same time, between December 2014 and January 2015, the Burma/Myanmar government tried to send their school teachers to Karen villages in rural areas in order to mix the Karen and Burmese teachers so that the Karen students could continue to a higher grade after they completed school in their villages. However, some Karen local villagers do not want the school teachers from the Burma/Myanmar government. However, they have to accept them because if they do not mix the local school teachers and the teachers from the Burma/Myanmar government, it would not be possible for the Karen students to continue their education to a higher level after they complete the KNU school in their village. A KHRG community member from Hpa-an District stated in their Situation Update:

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²³ On January 12th 2012, a preliminary ceasefire agreement was signed between the KNU and Burma/Myanmar government in Hpa-an. Negotiations for a longer-term peace plan are still under way. For updates on the peace process, see the KNU Stakeholder webpage on the Myanmar Peace Monitor website. For KHRG's analysis of changes in human rights conditions since the ceasefire, see *Truce or Transition? Trends in human rights abuse and local response since the 2012 ceasefire*, KHRG, May 2014. In March 2015, the seventh round of the negotiations for a national ceasefire between the Burma/Myanmar government and various ethnic armed actors began in Yangon, see "Seventh Round of Nationwide Ceasefire Negotiations," *Karen National Union Headquarters*, March 18th 2015. Following the negotiations, the KNU held a central standing committee emergency, see "KNU: Emergency Meeting Called To Discuss Nationwide Ceasefire Agreement And Ethnic Leaders' Summit," *Karen News*, April 22nd 2015.

This information is taken from "Hpa-an Short Update: Nabu Township, April to March 2015," October 2015,

²⁵ The Nippon Foundation is a Japanese NGO currently implementing social innovation and development projects in Burma/Myanmar. KHRG has received several reports from community members on The Nippon Foundation's recent activities in Thaton and Hpa-an Districts, see more at "Hpa-an Situation Update: Hlaingbwe and Nabu townships, December 2014 to January 2015," KHRG, July 2015; and "Thaton Situation Update Bilin and Hpa-an townships, June to November 2014," KHRG, February 2015.

"Karen villages in rural areas only have primary schools, so after students pass fourth standard [and have] to continue into high school, there are only [Burma/Myanmar] government schools for them. Therefore they need the country to improve, and [to secure] peace and freedom so that they can better access education. We do not want to have conflicts among ethnicities and we hope there is no more war in the country."²⁶

Healthcare

In Hpa-an District, the healthcare situation has remained fairly stable and there have been no major changes. Although the Burma/Myanmar government and foreign countries provide some support for healthcare, most clinics that are supported by them are situated near urban areas. As for the villages situated in rural areas in Hlaingbwe Township, they have no clinics or health workers sent directly from the government's Department of Health.²⁷ In some areas there are no hospitals or clinics so the villagers rely on the Back Pack Health Worker Team (BPHWT) for their healthcare needs. Normally, if villagers are severely ill, they are sent to the Hpa-an Hospital in Hpa-an Town or to a hospital in Thailand.²⁸ According to an April 2015 report from Nabu Township, the most common illnesses were fever and malaria.²⁹

Conclusion

This Hpa-an Field Report followed up on the abuses that have happened in recent years since the 2012 preliminary ceasefire, including land confiscation for road construction and building of Burma/Myanmar government offices; education challenges faced by villagers from remote areas wishing to continue their education after primary school; as well as the Burma/Myanmar government military's actions against the sale of drugs. However, there are still difficulties with education, healthcare, drug issues, land confiscation, arbitrary killings, and military activities.

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

- "Hidden Strengths, Hidden Struggles: Women's testimonies from southeast Myanmar" (August 2016)
- "Hpa-an Interview: Saw H---, February 2016" (August 2016)
- "Hpa-an Interview: Naw A---," (June 2015)
- "Growing drug use and its consequences in Dooplaya and Hpa-an Districts, between February and December 2015," (May 2016)
- "The 2015 elections and beyond: Perspectives from villagers in rural southeast Burma/Myanmar," (February 2016)

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²⁶ This information is taken from "<u>Hpa-an Situation Update: Hlaingbwe and Nabu townships, December 2014 to January 2015," July 2015, KHRG.</u>

²⁷ This information is taken from "<u>Hpa-an Situation Update: Hlaingbwe Township, April to May 2015</u>," July 2015, KHRG.

²⁸ This information is taken from "<u>Hpa-an Situation Update: Hlaingbwe and Nabu townships, December 2014 to January 2015,</u>" July 2015, KHRG.

²⁹ This information is taken from "<u>Hpa-an Short Update: Nabu Township, April to March 2015</u>," October 2015, KHRG.

Hpa-an District



Karen Human Rights Group (KHRG)