

Report Briefer

November 2023

In the Dark:

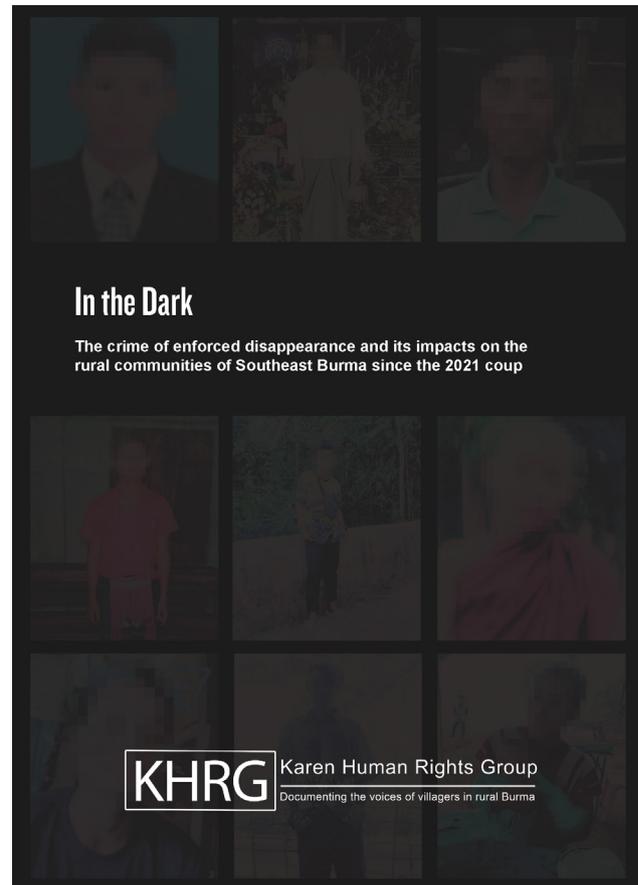
The crime of enforced disappearance and its impacts on the rural communities of Southeast Burma since the 2021 coup

Introduction

Since the 2021 military coup, the State Administration Council (SAC) in Southeast Burma is systematically attacking villagers' human rights, with total impunity. Despite the fact that civilians are being arrested, questioned, tortured, and disappeared throughout the country, accused of being anti-coup dissidents, many, especially villagers in rural areas, remain unaccounted for and unprotected. These crimes against humanity of enforced disappearance are dramatically increasing in Southeast Burma, with devastating consequences for local communities, including chronic fear and displacement, while receiving little international attention.

Enforced disappearance is a crime that involves the arrest, detention or abduction of individuals against their will. This deprivation of liberty is committed by, or with the authorization, support or acquiescence of, a State or a political organization, followed by the failure to give information on the fate or whereabouts of the disappeared. Perpetrators of this crime will refuse to acknowledge the deprivation of liberty or disallow contact between the victim and lawyers or family to hide evidence of their actions, such as torture. By prohibiting communication and observation, the disappeared victim is taken outside the protection of the law and left vulnerable to abuse. The victims of this crime are the disappeared persons and any individual who has suffered harm as the direct result of it: family members and friends face total uncertainty on the condition, whereabouts and fate of the disappeared, suffering a never-ending wait.

This report investigates the crime of enforced disappearance committed in locally-defined Karen State by the SAC, including the political targeting of villagers, the forcible disappearance of civilians after breaking martial law, as well as the disappearance of villagers forced to act as human shields. It also presents incidents of enforced disappearance committed by other armed groups present in the region, including armed resistance groups. This report examines the impact of this crime on the disappeared victims themselves, their family members, and their communities. It describes the



The full report is available in English and Burmese, and the report briefer is available in English, Karen, and Burmese at www.khrg.org

agency strategies used by villagers in response to this crime to help stakeholders better understand how support can be developed and delivered. The report also highlights the views and demands of villagers themselves, as well as their hopes for the future.

Methodology

In the absence of prior data on enforced disappearances occurring in locally-defined Karen State, KHRG set out to gather information on the gravity, nature and impact of this crime in Southeast Burma. KHRG conducted 35 semi-structured interviews, 15 of which were conducted with women, covering 27 incidents of enforced disappearances involving 63 disappeared civilians. The testimonies were collected from victims of enforced disappearances: disappeared villagers themselves who returned, family members, village and village tract leaders, and other villagers, friends and members of the affected communities. The interviews were conducted between June and August 2023 from six out of the seven districts of KHRG's operational area: Doo Tha Htoo (Thaton), Taw Oo (Toungoo), Kler Lwee Htoo (Nyaunglebin), Mergui-Tavoy, Mu Traw (Hpapun) and Dooplaya. These interviews were conducted by local researchers and community members trained by KHRG to document human rights violations happening in their communities. This report is based on the aforementioned interviews, alongside 24 field reports (including incident reports, short updates, interviews and situation updates) concerning enforced disappearances documented by KHRG since the 2021 coup; this adds an additional 96 villagers disappeared.

In addition, KHRG conducted interviews with national and international organisations working on the crime of enforced disappearance in Burma, namely the Assistance Association for Political Prisoners (AAPP), the International Center for Transitional Justice (ICTJ), the UN Working Group on Enforced or Involuntary Disappearances (WGEID), and an international organisation providing legal assistance (name censored for security purposes). The interviews were conducted to inquire about the situation of this crime throughout the country, as well as to better understand the support services currently available for civilians. An interview was also conducted with a Karen National Union (KNU) spokesperson, for the same reasons.



These two photos were taken on June 8th 2023 in Cb--- village, Noh Nya Lah village tract, Moo Township, Kler Lwee Htoo District. The first photo shows Naw Bg---, the mother of Saw Bh---, who was disappeared by the SAC in August 2022. The second photo shows some of his beloved possessions. [Photos: KHRG]

Key Findings

The crime against humanity of enforced disappearance is systematically committed against villagers across Southeast Burma. Perpetrators are committing this crime against civilians with total impunity.

The State Administration Council (SAC) is the primary perpetrator, forcibly disappearing villagers, alongside a host of other attacks, acts of violence, human rights abuses, and contraventions of international law throughout locally-defined Karen State.

Enforced disappearances occur in the context of the ongoing civil conflict. The SAC targets civilians with force in their pursuit to impose their undemocratic rule, which local villagers have consistently declared to be illegitimate. The most common form of enforced disappearance occurs when the SAC accuses villagers of being dissidents, such as being part of the Civil Disobedience Movement (CDM) or affiliated with armed resistance groups.

Young men, aged 15-25, are commonly targeted, often suspected of being affiliated with armed resistance groups. Villagers are disappeared by the SAC from their homes, villages, when travelling by road, or in plantations and fields. They also risk disappearances at checkpoints or after curfew hours. Villagers are also arrested and forced to act as human shields, often disappeared during their time forced to walk with SAC soldiers.

Armed resistance groups also target and disappear men, particularly village heads, accused of being SAC informants and spies. These civilians face torture and death. In the complex civil conflict, other armed groups not affiliated with the SAC nor with the anti-coup resistance groups are also operating in the area and have also forcibly disappeared civilians.

The crimes of arbitrary arrest and extrajudicial killing committed in Southeast Burma in many instances also entail enforced disappearances. The crime of enforced disappearance lasts during the period of denial of information on the whereabouts, status or situation of the detained individual, or concealment of evidence through the refusal of visitation by lawyers or family. The crime continues until there is sufficient information on the fate of the victim, when the disappeared returns, or their remains are brought back to the family.

Incidents of enforced disappearances are gravely under-reported. Barriers include villagers fearing retaliation from armed actors, and the lack of mechanisms to hold the perpetrators accountable or seek justice.

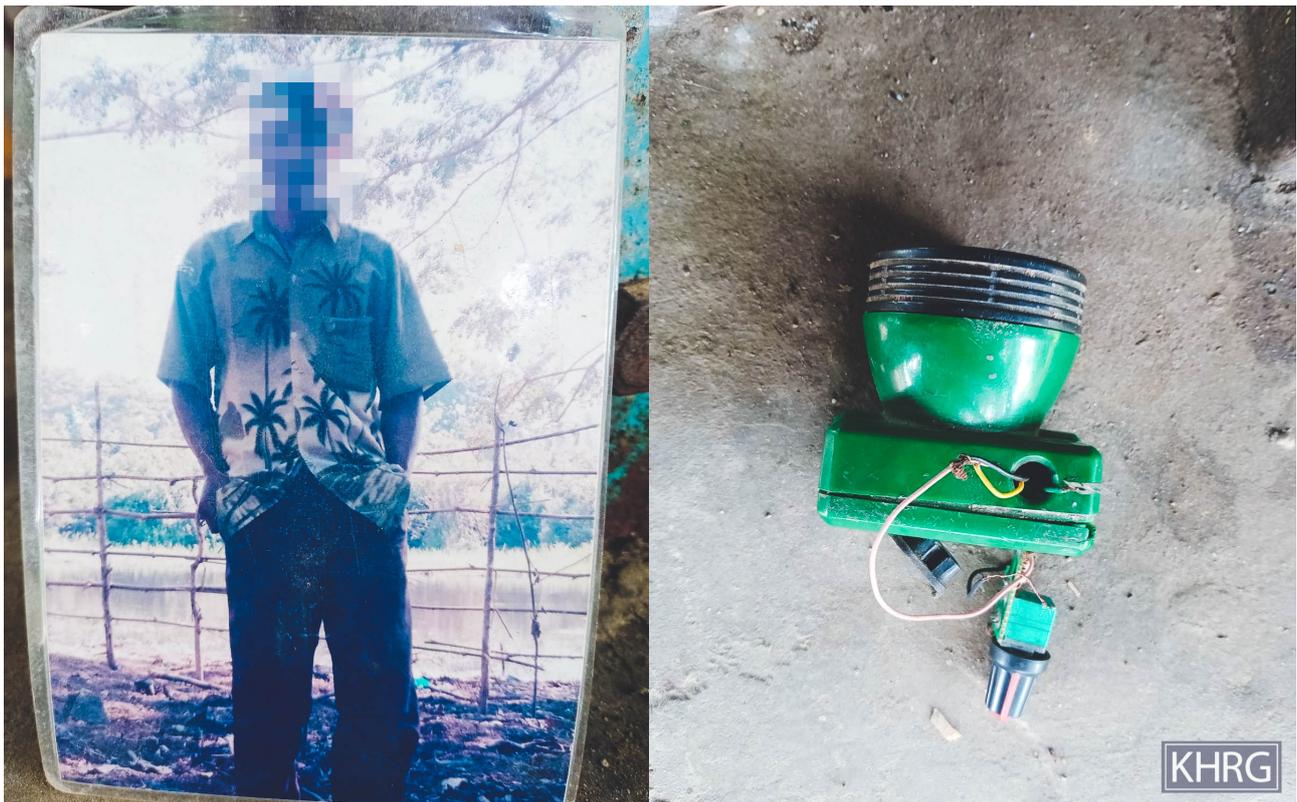
The emotional impact of the crime of enforced disappearance weighs heavily on the survivors themselves, as well as their families and whole communities. Villagers who have been forcibly disappeared need safety and psychosocial services, on their return. As the crime remains unpunished in Burma, family members of disappeared victims need support to find information on the whereabouts of their loved ones, negotiate for their release, and practical and financial assistance to cope with livelihood and security problems. The needs of the whole community are highly influenced by the insecurity generated after the disappearances, causing displacement, internally and across the border.

Villagers mainly count on the mutual support of their community, as neighbours and local villagers respond to the immediate needs of the families of the disappeared. They provide emotional comfort, help to locate the disappeared or find out information, pray for the victims and provide practical support as needed. No formal support is available to villagers in rural Southeast Burma. Support mechanisms offered by international organisations in Burma are also failing to adequately reach those affected in Southeast Burma.

Overview of chapters

Chapter 1. Context

- Generations of villagers in Southeast Burma have experienced violence, oppression, and human rights abuses committed by the Burma Army since the country's independence in 1948.
- Hopes of meaningful progress towards lasting peace and political empowerment of ethnic minorities in Southeast Burma came to a halt in February 2021, with a military coup and the reinstatement of authoritarianism in Burma. The State Administration Council (SAC), led by Senior General Min Aung Hlaing, have enacted a new wave of violence throughout the country. Many anti-coup protesters and Civil Disobedience (CDM) leaders fled to borderland areas controlled by ethnic armed groups. This new counterinsurgency campaign against civilians ignited a new level of violence in the region.
- It is common for prisoners to be disappeared during interrogation. As for victims' families, it is extremely difficult for lawyers and other national or international organisations to access detention facilities in Burma and find information on the status of prisoners. The SAC is using the detention system to commit enforced disappearances.



These two photos were taken on July 3rd 2023 in Ep--- village, Ko Ni village tract, Moo Township, Kler Lwee Htoo District. The first photo shows an old picture of Saw Kb---. He was forcibly disappeared by SAC and the guards of Kyun Pin Seik village militia in July 2023, while travelling back from his farm. He has not been seen since then. The photo on the right shows a torch light belonging to Saw Kb---. He often used to repair old torch lights. [Photos: villager/KHRG]

Chapter 2. Enforced disappearances in Southeast Burma

Since the coup, villagers in Southeast Burma are being forcibly disappeared while the civil conflict persists. At least 159 civilians have been forcibly disappeared in Southeast Burma since then.

Villagers forcibly disappeared by the SAC as political targets

Among many other human rights violations brought against civilians since the 2021 coup, enforced disappearances are used by the SAC as a strategy of political oppression, targeting villagers on suspicion of being affiliated with anti-coup activities. Villagers are arbitrarily arrested, detained, and forcibly disappeared by the SAC.

- Since February 2021, KHRG has received at least 48 reports of enforced disappearance committed by the SAC (and their affiliated armed groups) in locally-defined Karen State, involving 144 villagers.
- According to KHRG documentation, 23 villagers were extrajudicially killed while detained by the SAC. As of September 2023, at least 50 villagers remain disappeared.
- When villagers are disappeared under the suspicion of being involved with anti-coup activities, they are at a high risk of being tortured or threatened in detention.
- Human rights defenders are also being forcibly disappeared by the SAC, deemed to be political opponents.

Villagers in locally-defined Karen State are arrested and forcibly disappeared by the SAC on the accusation of being affiliated with armed resistance groups, usually when skirmishes between armed actors occur.

- The SAC frequently uses enforced disappearance as a retaliatory act against civilians in the aftermath of military losses and to intimidate, terrorise or gather potential information about armed resistance groups' operations.
- Anyone that SAC soldiers think can be linked to resistance armed groups or anti-coup protests could be tortured and killed.
- The SAC usually does not let family members of the arrested villagers know where their relative is being detained and they do not release information about their health status.
- SAC soldiers often try to conceal the corpses of the victims. Many instances reported to KHRG show the concealment of the bodies, not only by hiding and burying or burning them, but by dressing victims in soldiers' uniforms, desecrating their bodies and obscuring their identity.
- Young people are likely to be targeted, arrested and forcibly disappeared by the SAC, as they are seen as potential members of resistance forces.



This photo was taken on July 25th 2023 in Ca--- village, Noh Hpoh village tract, Kaw T'Ree Township, Dooplaya District. This photo shows Saw D---, who was disappeared and severely tortured by the SAC on January 6th 2023, after his release. [Photo: KHRG]

The SAC also uses enforced disappearance to spread terror and impose their rule in Karen State.

- Imposing terror among civilians by targeting, arresting and disappearing opponents is a strategy to show villagers that the SAC has power over them, despite not having political legitimacy.
- When the SAC disappears villagers with no reason given for the arrest, they show their capability to take anyone without fear of punishment from any legal mechanism.
- In other reported incidents, family members do not know who is responsible for the disappearance, nor the reason for arrest. However, due to the nature of the disappearances, villagers often come to the conclusion (or have reasons to believe) that the disappeared villager was arrested by SAC soldiers.

“During the interrogation, they tortured me very badly. They asked me questions, punched me, kicked me, and I could not move any part of my body because they tied me tightly. It’s a serious violation of my rights. I escaped the day before they planned to kill me.”

U E---, from K’Ser Doh Township, Mergui-Tavoy District. He was arrested on March 30th 2022, by SAC Infantry Battalion (IB) #267.

Arbitrary laws, curfew, travel restrictions, and increased militarization

Following the 2021 military coup, the SAC imposed restrictions on civilians living in their operation areas, including in mixed-controlled areas. In February 2023, the junta extended martial law to a total of 50 townships across several states, including in Karen State, to further their own agenda, and increase their control over these areas.

- The imposition of martial law by the SAC enables the military to commit abuses, including arbitrary arrest and enforced disappearances, without accountability.
- The curfew, travel restrictions, militarisation and threat of being arrested and disappeared at any time have impacted the right to livelihood and movement of villagers as they can no longer work full-time and travel as necessary.
- Many civilians were not aware the martial law newly extended in February 2023, so they went out of their homes as they normally would. SAC security forces subsequently began arresting and disappearing villagers.

Since the coup, the SAC has set up curfew, militarised the region, and created checkpoints between villages and towns. Some villagers are accused of being supporters or members of local armed resistance groups when carrying food, essential items or farming materials on the road.

- At least 33 villagers have been arrested, detained, and forcibly disappeared in Southeast Burma while travelling between villages for their livelihood activities. Most of these arrested villagers are young adults, as the SAC suspects them as being members of armed resistance groups. In the incidents reported to KHRG, the disappearances lasted between a few days and several weeks, and some victims were later released.
- Due to the instances of arbitrary arrests while travelling, local villagers, family members of the victims and victims themselves, were terrified and they stopped travelling to the towns completely in order to avoid arrest by the SAC.

Enforced disappearances of villagers forced to act as human shields

While imprisonment and detention remain the most common types of deprivation of liberty, in rural Southeast Burma villagers often face the threat of being taken and forced to act as human shields by SAC soldiers. During this time, they are detained and forced to walk among soldiers from one village to another, sometimes also used as porters or navigators.

- These villagers are often forcibly disappeared: they are held by SAC soldiers, who usually confiscate their phones, and their fate is unknown to their loved ones.
- The SAC soldiers usually enter villages and nearby fields and plantations, and capture all the villagers they find in areas where their control is contested, using villagers to avoid being ambushed by armed resistance forces.
- Villagers are often injured when being used as human shields because of fighting, landmines, poor conditions while travelling, or violence exerted by SAC soldiers during detention.



This photo was taken on March 22nd 2023, in Noh Taw Pla village tract, Noh T’Kaw Township, Dooplaya District. The photo shows Naw Ak--- (19 years old), who was injured while being used as a human shield for the SAC. Due to severe bleeding from having been shot, local villagers transported her to a hospital in Thailand where she received treatment. [Photo: KHRG]

Other armed groups as perpetrators of enforced disappearances

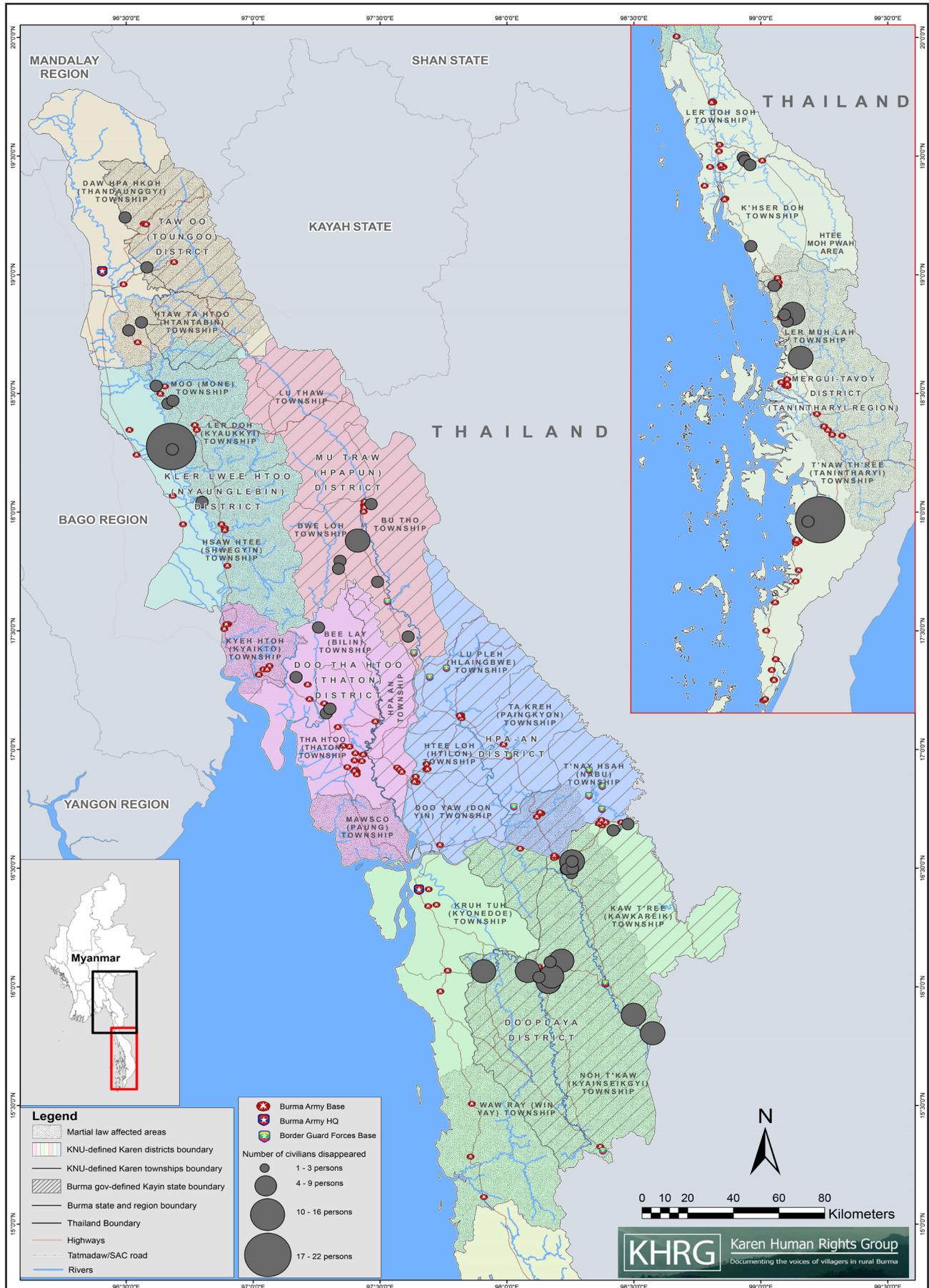
The Burma Army, under the command of the SAC, is not the only armed group committing enforced disappearances in Southeast Burma. Other armed groups operating independently, as well as armed resistance groups have disappeared civilians in Southeast Burma since the 2021. These incidents involve 15 disappeared villagers.

- KHRG received one report of enforced disappearances committed by the Democratic Karen Benevolent Army (DKBA) and another incident committed by the KNU/KNLA-Peace Council.
- Since the coup, eight incidents of enforced disappearance, involving 10 civilians, committed by armed resistance groups, including the People’s Defence Force (PDF), the Karen National Liberation Army (KNLA) and the Kawthoolei Army (KTLA), as reported to KHRG. These all happened in Ler K’Saw Township, Mergui-Tavoy District, an area under contested control. All 10 villagers were extrajudicially killed whilst forcibly disappeared.
- Amidst the conflict, armed groups arrest any villagers they suspect and accuse them of being informants without conducting a proper investigation.
- Village heads in mixed-controlled areas are at a high risk of receiving accusations from all parties of the conflict as they have to engage and negotiate with several armed actors as representatives of the village. As a result, village cohesion and security are undermined by people’s unwillingness to serve as village heads, and by the frequent rotation or lack of village heads in some areas.

“People have been facing livelihood difficulties due to the unstable political situation after the coup. So, some people did not have a choice and agree[d] to be village heads for their survival. [...] Personally, I think that PDF should not kill them even though they secretly provided information to the SAC. [...] Everyone is struggling for their livelihood. Some people chose to be village heads and received money [from the SAC]. However, after PDF killed village heads, people do not want to be village head anymore. Now, we don’t have a village head in my village. There is no village head in Dw--- village and Dx--- village [either].”

Saw Ao---, a villager from Ds--- village, Dg--- village tract, Ler K’Saw Township

Map 2. Incident locations of enforced disappearance in Southeast Burma since the 2021 coup



Chapter 3. Impacts of the crime of enforced disappearance in communities in Southeast Burma

Needs of the disappeared victim upon return

Enforced disappearances leave a lasting impact on the forcibly disappeared person. They have often experienced a traumatic arrest, been subjected to physical and emotional abuse, including torture, and denied rights to protection under law as a prisoner.

- At least 78 victims of enforced disappearance were subjected to torture, threats and violence whilst in detention. The status of 50 victims is unknown, and it is likely that many of them have been, or are being, subjected to severe mistreatment and violence.
- If the victim survives the disappearance, they must cope with injuries, as well as the physical health and emotional challenges they are left with.
- Survivors of enforced disappearance have security concerns of retaliation after being released, both by SAC soldiers and armed resistance groups. They may be accused of being spies or having been coerced into giving information during detention.

Needs of the relatives and family members

Due to the severity of the impact of enforced disappearances on family members, relatives are also considered victims in the international legal understanding of the crime.

- 96% of the interviewees and field reports mentioned emotional challenges faced by the victims, their families and their neighbours after an incident of enforced disappearance happened in the communities. The families struggled with sadness, worry and fear, which have long-term impacts on their mental health.
- The majority of the interviewees mentioned that the family of the arrested villagers tried to look for their disappeared relative through different methods. They went from place to place, asking people, and approaching authorities to obtain any piece of information on the arrested persons.

Some families are able to see their arrested relatives after a short time, but many do not have the chance to know their whereabouts or condition.

- As the SAC conceals information about the people they have taken, the search for news on the disappeared is challenging. Some relatives only learned of the fate of the disappeared when seeing their corpse or when the victims returned home.
- Mothers are also often left alone to search for their forcibly disappeared sons, and bear the biggest impact of their disappearance.



This photo was taken on June 5th 2023 in Cw--- village, T’Kuh Hkee village tract, Noh T’Kaw Township, Dooplaya District. The photo shows an old picture of Saw Ad---, aged 15 years old, on a phone screen. He was disappeared along with a friend when travelling by motorcycle. Villagers assumed they were arrested by SAC. [Photo: villager/ KHRG]

The loss of breadwinners has left the victims' families with long-lasting livelihood hardships.

- The family faces extreme difficulties in being able to work on the plantations or earn enough money for the whole family.
- The loss of a breadwinner in families with higher numbers of young children caused livelihood breakdown and concerns for the future of their children. The mothers frequently had to take on double responsibilities to afford the children's food and education.
- The loss of young adults also has a huge impact on families' livelihoods. Some older parents rely on the support of their sons when they can no longer farm or earn an income by themselves.

Villagers also struggle financially when searching for their relatives who were arrested by the SAC.

- Transportation costs when travelling to different areas following rumours, as well as paying people to obtain information, are the main costs that families face.
- Some families pay money to SAC soldiers for the release of their relatives.
- If victims of enforced disappearance return home with injuries from torture, families pay for the medical treatment.
- Some families of victims of disappearance became indebted during the whole period of disappearance: they borrowed money from their fellow villagers and struggled to pay back the debts for the release of their relatives.

A concern for the family of forcibly disappeared victims is being targeted by the perpetrator. This causes high security risks, forcing the family to be displaced from their home town.

- Due to the lack of accountability and the impunity currently enjoyed by perpetrators, families often flee and avoid reporting the abuse to authorities.

"Five months after the arrest of my son, I have been thinking about him every day. I have been thinking about whether he will be released and returned home. If he is still alive, he will return home. If he is dead, he cannot return home. If he returns home, he will be very helpful to the family because there is no one to take care of the family in the house. If he returns home, we can depend on him. If not, there is no one else we can rely upon."

Naw Bi---, the mother of a 24-year-old villager forcibly disappeared by SAC Military Operations Command (MOC) #8 and Light Infantry Battalion (LIB) #407, on December 2022, at a rubber plantation in Dwe Lo Township, Mu Traw District.

Impacts on and needs of the community

All villagers in the community may face insecurity, flee, face travel restrictions, or have livelihoods threatened as a result. Villagers are largely left to cope with the crisis alone.

Villagers live with fear even when they are in their own houses, and worry of the increase in enforced disappearance incidents.

- Young male villagers are at high risk of enforced disappearance and so communities have begun to warn them about how to keep safe from this crime.
- As the risk is deemed lower, some villagers ask women and girls to travel to buy supplies, thus exposing them to other risks involved in travelling around.
- Villagers may choose to remain silent instead of seeking the truth and justice for their loved one who has been disappeared, due to fears of reprisals by armed actors.

Justice system and structural support

Villagers in Southeast Burma usually seek justice through customary justice mechanisms at the village level, or through the formal courts under the justice department of the Karen National Union (KNU).

- Although soldiers under the Karen National Liberation Army (KNLA) and Karen National Defence Organisation (KNDO) can be prosecuted following this procedure, Burma Army personnel cannot be formally prosecuted under the KNU justice system.
- In the power vacuum in Southeast Burma, it is however the case that many personnel from armed resistance groups are not held accountable for the human rights abuses they commit.
- Myanmar civilian courts do not have jurisdiction to prosecute Burma Army personnel, with exclusive jurisdiction given to courts-martial which cannot even be accessed by lawyers.

As a common practice, villagers turn to their village heads when a disappearance occurs in their area, that is local leaders and authorities at the village level.

- The search for the disappeared includes a negotiation with the perpetrators of the crime, to obtain information about the status of the detained, as well as to vouch for their release.
- Negotiations occur at high risk to villagers' lives, and on many occasions, these are unsuccessful, especially when the forcibly disappeared victim has been targeted politically.
- Underreporting of enforced disappearances from family members to local leaders is often attributed to fear of retribution by armed actors and the inability of to hold perpetrators accountable.

No formal justice procedures in Southeast Burma are currently able to find justice for the victims.

- Aside from searching for the disappeared victims, or finding justice for the relatives, local KNU leaders are approached as governmental structures to obtain different types of support. However, no specific monetary support, or reparations, has been available for family members who are victims of this crime.
- Other types of support are requested by villagers to local KNU authorities, such as help to transport returned/escaped victims to hospitals through safe routes, halt on attacks to SAC soldiers while villagers are negotiating a release, essential items while displaced due to enforced disappearances in the area, or first aid assistance after escaping from detention.

Local civil society and community-based organisations (CSO/CBOs) in Southeast Burma are not providing specific support to family members and forcibly disappeared victims. Although not reported by interviewees, KHRG has found that there are several other organisations that have specific



This photo was taken on November 27th 2021, in Er---village, P'Law area, Ler Muh Lah Township, Mergui-Tavoy District. This photo shows an old picture of a young villager, Kyaw By---, who was arrested by the SAC. [Photo: villager/KHRG]

programmes to assist families of forcibly disappeared civilians in Southeast Burma.

- These organisations have different mandates, strategies to find out information about the disappeared, and support networks available for family members, including referrals to international mechanisms, financial and psychosocial support, and direct negotiation with perpetrators.
- Although their outreach in rural areas in Southeast Burma is extremely limited, these organisations are working in other regions of the country to assist victims. This points to the fact that this crime is country-wide, and hence widespread and systematic.

Chapter 4. Villagers' agency strategies against enforced disappearances

Displacement as an agency strategy

In Southeast Burma, displacement is the most widespread strategy used by villagers to avoid many forms of human rights violations perpetrated by armed actors, including enforced disappearance.

- Whenever crimes of enforced disappearance occur in rural communities, villagers in the area will likely displace themselves elsewhere to avoid the potential abuse.
- 19 out of 35 interviewees reported to KHRG that displacement took place in their communities after enforced disappearances occurred. In some occasions villagers flee across the border and into Thailand.

Negotiation and compliance

In many instances, villagers themselves ask armed actors for information on the disappeared individual, as well as try to negotiate their release.

- These negotiations involve, many times, a bribe to SAC authorities, entailing a great risk to villagers' lives.
- Some villagers are able to negotiate the release of their family members, or find out about their whereabouts, through personal connections with soldiers, and have to show that they do not hold a connection with resistance groups.

Sharing of information among villagers

Sharing information is the most common agency strategy employed by villagers to understand, confront, and prevent human rights violations, being present in virtually all cases KHRG documented.

- Sharing of information is used to avoid encounters with SAC soldiers: villagers flee before the troops arrive at the village or avoid temporary checkpoints set on the roads.
- Villagers in Karen State are always on the lookout for any military activities, and suspicious circumstances, particularly when seeing soldiers travelling with villagers.
- The exchange of information among villagers is constant and fundamental as an agency strategy of community care and survival.



This photo was taken on June 21st 2023 in Ca---village, Noh Hpoh village tract, Kaw T'Ree Township, Dooplaya District. This photo shows Saw A---, who was forcibly disappeared by SAC LID #44 and #55 on April 11th 2023. He was released on April 15th 2023 after his mother had negotiated with his captors, and local BGF forces vouched for his innocence. [Photo: KHRG]

Village mutual support

In the aftermath of an enforced disappearance, family members of the disappeared are in need of practical help to respond to the sudden loss of a relative. Villagers support one another, providing essential support to victims of this crime.

- Whilst local CBO/CSOs occasionally provide aid within a context of broader humanitarian assistance, villagers are the ones who respond most frequently, and to a variety of urgent needs, specifically to support relatives of enforced disappearances.
- Four forms of support given by villagers to victims can be differentiated, including help to find the disappeared person, emotional support, financial support, and practical help such as providing food or transportation.

“In the village, people told her [Naw Ae---] ‘We will help you look for him’. They encouraged her saying ‘We will try to communicate for you’. To encourage her, someone would go and stay with her... [They tell her] ‘Do not worry, we will help you look for him and if we hear that he is in [the prison] we will go together to get him back.’... The villagers can only encourage her like that, they go to her house and tell her to keep her heart calm and say funny things to her.”

Saw Bb---, a villager from T’Kuh Hkee village tract, Noh T’Kaw Township, Dooplaya District.

Chapter 5. Villagers’ views and recommendations

- Villagers expressed that enforced disappearances are happening due to the ongoing civil armed conflict.
- Villagers highlight the need for the strengthening of justice systems and the enactment of the rule of law. They understand that without the rule of law in Southeast Burma, enforced disappearances and other human rights abuses will continue to occur and remain unpunished
- Villagers ultimately want peace, but amid the conflict, they demand armed actors to respect civilians as neutral, and not treat them as military targets.
- Villagers want KNU authorities and local leaders to help them find information about the forcibly disappeared villagers or seek justice.
- Villagers wish to know more about their rights regarding enforced disappearance and the laws in place to help them.
- Villagers want accountability and to bring justice to the victims of these crimes and their families. Many interviewees expressed that unless proper and concrete actions are taken by relevant stakeholders and the preparators are held accountable, the occurrence of these crimes will persist and perpetuate the suffering of innocent civilians.

“I want the United Nations to take action in holding the SAC or other armed groups accountable for the crimes they commit against villagers. The accountability should involve their adherence to the Geneva Conventions and military rules. [...] There have been instances where SAC soldiers have committed human rights abuses or crimes but they did not face legal consequences for their actions. This lack of accountability has led soldiers to think that they are not guilty of their wrongdoing because they receive no punishment for the crimes they committed against villagers. As a result, the UN should put pressure on both SAC and other armed groups to be held accountable for the crimes they commit.”

Saw Aa---, a villager from T’Hka Kloh village tract, Noh T’Kaw Township, Dooplaya District.

Conclusion

- The SAC is the main perpetrator of disappearances in Southeast Burma, though other non-SAC-affiliated armed groups present in Southeast Burma also forcibly disappeared villagers. These enforced disappearances are political.
- Given their widespread and systematic nature, the actions committed by the SAC amount to the crime against humanity of enforced disappearance, and junta leaders should be prosecuted as such.
- Disappearances are severely impacting villagers' lives and communities. Civilians being forcibly disappeared suffer fear, trauma, torture and death. Their families face long-lasting emotional impacts, while left in the dark about the whereabouts, condition or fate of their loved ones. Families are also impacted financially.
- To cope with these impacts, villagers cannot count on formal assistance or justice. Rather, communities in rural Burma create a network of help. Therefore, it is urgent that relevant stakeholders, including foreign government and INGOs, take the appropriate measures to ensure that Southeast Burma does not remain a blindspot of their activity.

Enforced disappearance is one of the cruelest crimes being committed in Burma, deeply impacting victims, families and whole communities. The international community remains inactive, while civilians in Southeast Burma are suffering from the impunity that remains widespread.



The photo, taken in Kh--- area, Lu Pleh Township, Hpa-an District on November 6th 2022, shows Saw Y--, a local human rights defender, singing a love song before attending a human rights workshop. Saw Y-- was forcibly disappeared on February 2nd 2023 by the SAC. [Photo: local villager]

Recommendations

To foreign governments and international stakeholders:

- Acknowledge that the State Administration Council (SAC) is at the origin of the current human rights and humanitarian crisis, and ensure that no legitimacy is given to the junta.
- Recognise that justice for this crime is currently not available locally, and advocate for the establishment of mechanisms to investigate cases of enforced disappearance, by bringing new legal challenges to national courts (via universal jurisdiction) and international courts to try the members of the SAC for the crime against humanity of enforced disappearance.
- Impose targeted sanctions on military junta officials responsible for this and other crimes.
- Listen to and support local CSO/CBOs in their efforts to document enforced disappearances, advocate for victims' rights, and provide comprehensive support for witnesses. This support should include relocation, psychosocial support, legal aid, and financial assistance.
- Take diplomatic, political and technical action to protect human rights defenders, ensure that they can continue their work, and advocate for the immediate and unconditional release of those who are currently arrested or disappeared.

To international NGOs in the country:

- Investigate the nature of this crime in ethnic and rural areas, acknowledging villagers are politically targeted, and expand the current services to reach all regions in Burma.
- Establish coordination and cooperation with CSO/CBOs to make services accessible in rural areas, particularly for the negotiation of the release of victims with perpetrators.
- Support local CSO/CBOs in creating programs geared towards psychological support for forcibly disappeared villagers, their families, and the communities [...].
- Increase financial and technical support for CSO/CBOs working in displacement camps along the Thai-Burma border, as these are often a refuge for those fleeing disappearances.
- Establish crisis planning for human rights defenders and their impacted families.

To the Karen National Union (KNU):

- Commit to upholding international human rights and international humanitarian law standards, including those related to the treatment of spies, the prohibition of extrajudicial killings and the right to a fair trial.
- Equip Karen National Liberation Army (KNLA) soldiers and individuals under KNU with the knowledge of international law, including the Geneva Conventions, and encourage them to respect and follow international law.
- Take concrete actions against individuals under KNU who commit enforced disappearances.
- Develop support programs for victims of enforced disappearance, including family members, in relation to their psychosocial and financial needs, including searching for the disappeared.

To the National Unity Government (NUG):

- Provide members of People's Defence Force (PDF) with knowledge of international humanitarian and human rights law and make sure they follow it.
- Implement concrete actions to hold members of PDF and individuals under the administration of NUG accountable for the crimes they commit, including enforced disappearance.



Karen Human Rights Group (KHRG) was founded in 1992 and documents the situation of villagers and townspeople in rural Southeast Burma through their direct testimonies, supported by photographic and other evidence. KHRG operates independently and is not affiliated with any political or other organisation. Examples of our work can be seen online at www.khrg.org or printed copies of our reports may be obtained subject to approval and availability by sending a request to khrg@khrg.org