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"WHY WOULD THEY TARGET US?"

Exposing patterns of the Burma Army's retaliatory abuses against villagers across Southeast Burma

KHRG Karen Human Rights Group

Documenting the voices of villagers in rural Burma

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Karen Human Rights Group
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"Why Would They Target Us?": Exposing patterns of the Burma Army's retaliatory abuses against villagers across Southeast Burma.

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For front and back cover photo captions, please refer to the final page of this report.

The 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. Printed copies of our reports may be obtained subject to approval and availability by sending a request to khrg@khrg.org.

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Introduction

Since the 2021 military coup,[1] the Burma military junta, calling itself the State Administration Council (SAC), has carried out violent attacks against civilians throughout the country in an effort to crush all dissent and opposition to its rule. These attacks include assaults against villages and abuses against villagers in Southeast Burma. Since the coup, KHRG has received reports of increased human rights violations committed in Karen State,[2] in particular where the Burma Army[3] has targeted civilians instead of armed groups. While the United Nations' Security Council has acknowledged the SAC's targeting of civilians,[4] little analysis has focused on the underlying logic that informs these attacks, particularly in ethnic states. Without an in-depth investigation into these patterns of abuse, the struggles of villagers and the conflict dynamics in Karen State cannot be fully understood. A careful investigation into these matters can also inform national, regional and international measures to protect civilians in Burma and to advance meaningful peace and justice in the country.

For these reasons, this report provides an analysis of the Burma Army's practices of deliberately targeting civilians in Karen State, looking specifically at how villagers in Southeast Burma understand and articulate human rights violations committed by the Burma Army. The report examines patterns of retaliatory abuses, as recounted by villagers, as well as other incidents of violence against villagers in the region documented by KHRG since the 2021 coup. The report clarifies the illegal and inhumane consequences of the SAC's activities and identifies several factors underlying the SAC's violence against civilians: the SAC targets villagers, considering them as "enemies", averse to the regime due to their support of anti-coup protests or because of their perceived link with ethnic armed groups. SAC military also commits abuses against villagers to spread terror in the region and impose their rule, as well as to deter attacks by local armed forces against them. Under-supplied SAC soldiers also loot villagers' properties. On numerous occasions, the targeting of nearby villages occurs after skirmishes between SAC and local resistance forces in the area. Lastly, villagers who refuse to comply with SAC orders are often targeted in overt retaliation.

[1] On February 1st 2021, the Burma (Myanmar) military deposed the democratically elected government led by the National League for Democracy (NLD). The military transferred power to Min Aung Hlaing, the Commander-in-Chief of Burma's Armed Forces. Based on unproven fraud allegations, the Burma military invalidated the landslide victory of the NLD in the November 2020 General Election and stated it would hold new elections at the end of the state of emergency. Elected President Win Myint and State Counsellor Aung San Suu Kyi were detained, along with ministers, their deputies and members of Parliament.

[2] Karen State, defined locally, includes the following areas: Kayin State, Tanintharyi Region and parts of Mon State and Bago Region. Karen State, located in Southeastern Burma, is primarily inhabited by ethnic Karen people. Most of the Karen population resides in the largely rural areas of Southeast Burma, living alongside other ethnic groups, including Bamar, Shan, Mon and Pa'Oh.

[3] The terms Burma military, Burma Army, Tatmadaw and SAC are used interchangeably throughout this report to describe Burma's armed forces. Villagers themselves commonly use Burma Army, Burmese soldiers, or alternatively the name adopted by the Burma military regime at the time - since the coup, the State Administration Council (SAC).

[4] See, for example, UNSC Resolution 2669 (2022)

Military attacks against civilians are not accidental, nor are they the result of the Burma Army's inability to distinguish civilian targets from military ones. Instead, these attacks are deeply rooted in an established practice of scapegoating in Southeast Burma, wherein villagers are blamed as a group for their perceived opposition to the military. Villagers are subjected to collective punishment, as the SAC launches punitive attacks against them for acts committed by other individuals considered to belong to the same group. By targeting civilians this way, the SAC violates international law, including by committing war crimes and crimes against humanity.

Key Findings

The military junta regularly targets civilians in Southeast Burma, in a deliberate manner, instead of directing their attacks to armed resistance groups, which has devastating and outspread consequences for local communities. These abuses take the form of air strikes and indiscriminate shelling towards villages, shooting villagers on sight and arbitrarily arresting them, and destroying and looting their properties, among others.

Several distinct, yet often overlapping patterns can be identified in villagers' testimonies explaining the mechanisms behind the SAC's targeting of civilians. These patterns share a notion of scapegoating and collective punishment linked to the Burma military's perception of villagers in Karen State as opponents and thereby prompting any retaliatory action against them, leading to grave abuses against civilians.

Conventional understandings of the conflict in Southeast Burma fail to grasp key conflict dynamics on the ground. The reality is not a two-party conflict between the SAC troops and ethnic armed organisations (EAOs), with neutral civilians collaterally impacted. Rather, civilians are targeted intentionally and systematically by the military junta, thus showing its disregard for human life and its illegitimacy.

The SAC attacks launched against civilians are in breach of international human rights, humanitarian and criminal law, particularly the interdiction of discrimination against any person on arbitrary grounds, as well as the prohibition of targeting civilians based on the principle of distinction between military and civilian targets. Military leaders must be prosecuted as such.

Armed conflict is only one end of the spectrum of resistance against military control within society in Karen State, and villagers' agency strategies are key to the civilian opposition against the military. Such efforts should be creatively supported, and conflict-sensitive understandings of the situation should be included in regional and international discourses and responses in Burma aiming for the protection of civilians and meaningful peace.

Villagers' voices and demands for decisive measures against and protection from SAC's abuses are met with inaction by the international community, enabling the human rights and humanitarian crisis to worsen. Moreover, the lack of a meaningful response may push villagers towards taking up arms, and increase militarisation in the country.

Recommendations

To the international community, ASEAN, NGOs, funding agencies, and individual governments:

- Acknowledge that the military junta is the root cause of the current human rights and humanitarian crisis, and refrain from giving any legitimacy to the junta, including by signing agreements with them and presenting credentials to them.
- Call on ASEAN to suspend Burma's ASEAN membership until a democratically-elected civilian government is restored; abandon the current Five-Point Consensus and develop a new plan that addresses the critiques outlined by numerous stakeholders;[5] and cooperate with international and local actors to end the junta's violence against the people of Burma.
- Support current investigations and proceedings to prosecute junta leaders, and seek out all additional opportunities (through ad hoc tribunals, universal jurisdiction and other mechanisms) to hold the Burma military accountable for its vast array of crimes.
- Broaden the scope of accountability in future proceedings to include SAC crimes committed against Karen peoples, not yet covered by current investigations, as well as to investigate the war crime of *collective punishment* and the crime against humanity of *persecution*.
- Increase financial support for and collaboration with local human rights organisations and actors operating on the ground to ensure that the widest representation of voices and experiences of oppressed peoples in Burma are considered.
- Acknowledging the SAC practice of purposely targeting civilians in Southeast Burma, ensure increased and adequate humanitarian assistance and protection, including support for victims of air strikes, displacement, property destruction, torture, arbitrary arrest, and other abuses.
- Ensure that the SAC is unable to hold decision-making power over the distribution of aid, and that funds are not indirectly being rerouted through the SAC.
- Consult and include local actors and communities in decision-making regarding humanitarian response and the resolution of the crisis, and prioritise and strengthen methods of service delivery and communication that rely on local CSO/CBOs and ethnic service providers.
- Urge neighbouring countries to ensure that their authorities do not deny entry to people crossing the border seeking refuge, as well as to allow the passage of aid into Burma through cross-border aid organisations and local CSOs already operating in the area.

[5] Progressive Voice, "Civil Society Position Paper Reviewing and Reframing the ASEAN's Five-Point Consensus", May 2023.

- Suspend exports of aviation fuel and all arms transfers to Burma, including weapons, munitions, surveillance technologies, and other military and security equipment, and take action to avoid contributing to these supply chains, whether directly or indirectly.
- Support coordinated and targeted sanctions against junta officials suspected of responsibility for international crimes and other serious violations of international law, as well as against their affiliated companies.

Methodology

In attempting to disclose underlying mechanisms behind attacks against civilians in Karen State since the 2021 coup, KHRG set out to gather information from villagers who faced or witnessed retaliatory actions. In total, 23 semi-structured interviews were conducted between September 2022 and January 2023 with villagers, including three women, 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.[6] Six respondents held, in the past or present, positions of authority as village leaders, administrators, or village elders. These oral testimonies were gathered via audio-recording in S'gaw Karen and Burmese languages. The interviews were conducted by KHRG staff and a network of researchers who are local community members, trained and equipped to employ KHRG's documentation methodology.

This report is based on those interviews, alongside 63 field reports focusing on cases of retaliation against civilians documented by KHRG since the coup, and published between March 2021 and February 2023, including news bulletins, interviews, short updates, situation updates and incident reports, used to further inform the analysis of SAC attacks against civilians. Following the compilation of this qualitative primary material, KHRG conducted thematic data analysis to identify recurring themes and patterns of retaliation respondents faced or witnessed.

This report faces certain limitations. The gender balance among interviewees is unequal, making it difficult to gather insights from women on issues affecting them specifically. Moreover, due to the heightened insecurity in the region, all districts within locally-defined Karen State could not be equally represented in the sample of participants, with the majority of respondents being from Taw Oo (Toungoo) and Dooplaya districts. The decision to exclude Hpa-an District from our research was based on the type of incidents this report is concerned with, that is retaliatory attacks against villagers (usually launched shortly after skirmishes with EAGs), which did not occur in Hpa-an District during the reporting period [KHRG did receive reports of scapegoating attacks against civilians in Hpa-an District since April 2023]. Despite the aforementioned shortcomings, the main findings of the study pertaining to recurring patterns leading to SAC attacks against civilians remain valuable for anyone who wishes to develop a more accurate understanding of conflict dynamics and the struggle lived by civilians in Southeast Burma.

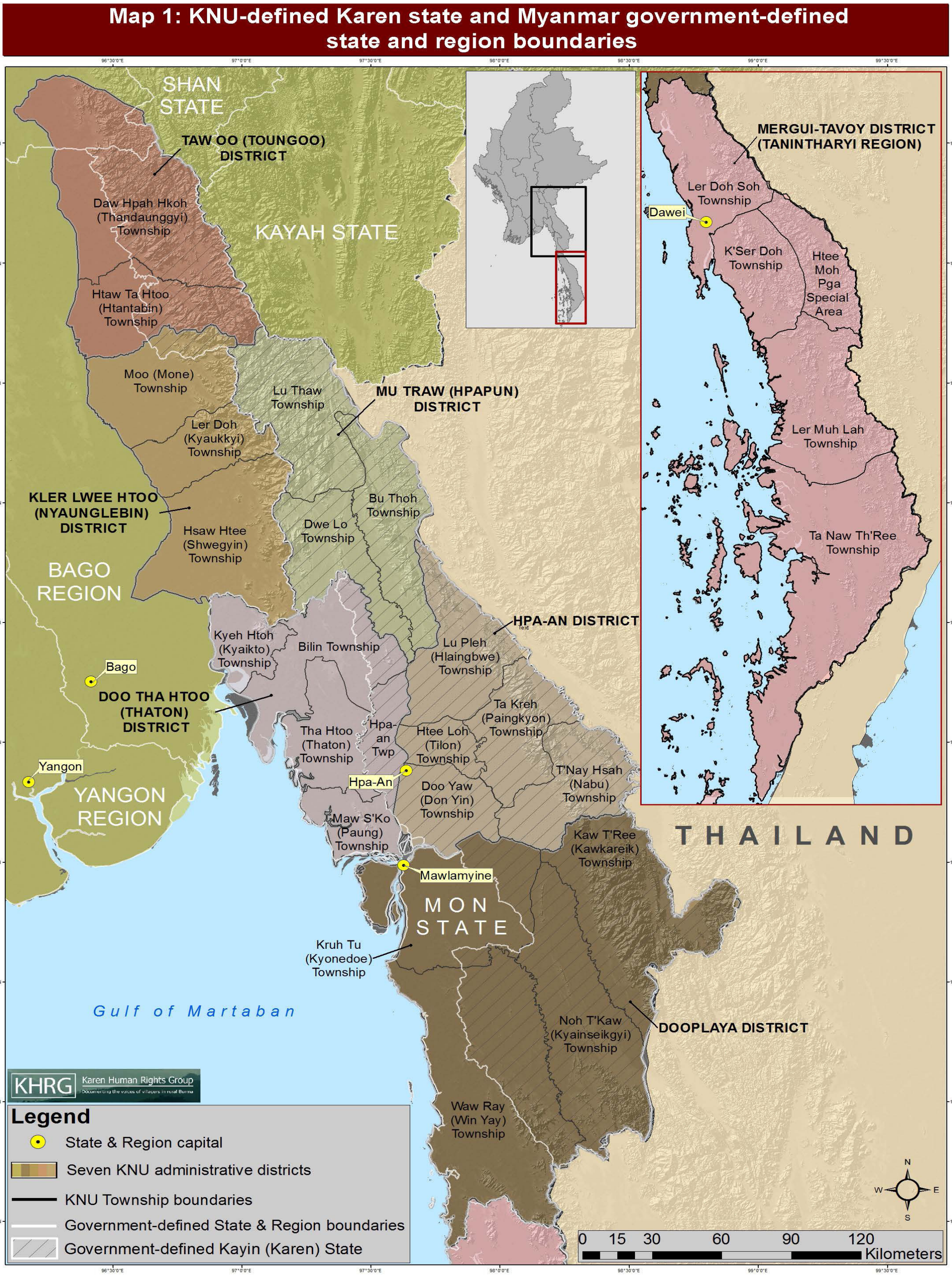
[6] KHRG operates in seven areas in Southeast Burma: Doo Tha Htoo (Thaton), Taw Oo (Toungoo), Kler Lwee Htoo (Nyaunglebin), Mergui-Tavoy, Mu Traw (Hpapun) and Dooplaya and Hpa-an. When KHRG receives information from the field, it organises data according to these seven areas. These are commonly referred to as 'districts' and are used by the Karen National Union (KNU), as well as many local Karen organisations, both those affiliated and unaffiliated with the KNU. KHRG's use of the district designations in reference to our research areas does not imply political affiliation; rather, it is rooted in the fact that many rural communities commonly use these designations. For clarity, the Burmese terms for these districts are provided in brackets but do not correspond with the Burma (Myanmar) government administrative divisions.

All participants were informed of the purpose of the interviews and provided consent to be featured in this report. The names and other identifying details of interviewees have been withheld for security reasons, including any information that KHRG has reason to believe could put villagers in danger or at risk. In certain cases, village and personal names have been censored using single-digit letters from A--- to Z---. The code names do not correspond to the actual names or to coding used by KHRG in previous reports. All names and locations censored according to this system correspond to actual names and locations on file with KHRG. Thus, censoring should not be interpreted as the absence of information. Moreover, further details on villagers' strategies to avoid attacks by the Burma military have also been withheld for the security of villagers in continuing to use these strategies to avoid abuses committed by the SAC.

Terms and Abbreviations

ASEAN	Association of Southeast Asian Nations
BGF	Border Guard Force
CSO/CBO	Civil Society Organisations / Community-Based Organisations
CDM	Civil Disobedience Movement
CIDKP	Committee for Internally Displaced Karen People
EAO/EAG	Ethnic Armed Organisation/Ethnic Armed Group
ICRC	International Committee of the Red Cross
IDP	Internally displaced person
IHL	International Humanitarian Law
KNDO	Karen National Defence Organisation
KNLA	Karen National Liberation Army
KNU	Karen National Union
Ko/Ma	Male/female honorific title in Burmese language.
LIB	Light Infantry Battalion of the Burma Army
Naw/Saw	Female/male honorific title used before a person's name in S'gaw Karen.
NCA	Nationwide Ceasefire Agreement
NGO	Non-governmental organisation
NLD	National League for Democracy
NUG	National Unity Government
PDF	People's Defence Force
SAC	State Administration Council
U/Daw	Male/female honorific title in Burmese language for a married man/woman or a man/woman of a higher social position.
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNSC	United Nations Security Council
UXO	Unexploded Ordnance

Map of KHRG operational area



Chapter 1. Historical context in Karen State: an enduring legacy of human rights abuses

This section provides a brief summary of the human rights situation in Southeast Burma, prior to and following the Nationwide Ceasefire Agreement (NCA); the changes during the democratic, quasi-civilian government; and the exacerbation of abuses since the 2021 military coup. The historical context behind abuses suffered by civilians at the regional level is central to understanding patterns of retaliation against civilians in Karen State since the 2021 coup.

The 'four cuts' strategy and 'shoot on sight' policy (1960s – 2000s)

In the lead up to Burma's independence from British rule on January 4th 1948, many Karen people felt that ethnic Karen aspirations would be threatened by a centralised government dominated by ethnic Bamar majority. In consequence, the Karen National Union (KNU)[7] was formed on 5th February 1947 and soon after, in July 1947, the KNU established its armed wing. According to the KNU, the objective "from the outset of the revolution was the independence of Karen State",[8] within a federation called the Autonomous National States of Burma.[9]

In response to the Karen and other ethnic insurgencies and civilian support of those insurgencies, the Burma Army developed a counter-insurgency strategy referred to as "pyat lay pyat", or the "four cuts" strategy. This strategy, officially adopted in the mid-1960s, sought to destroy links between insurgents, their families and local villagers, cutting four crucial pillars of support: food, funds, intelligence and recruits. Entire townships were labelled "black areas"[10] where everyone was considered a member of a Karen ethnic armed group (EAG) and shot on sight. Although the "four cuts" campaign executed by the Burma Army consisted of targeting civilians deemed to support EAGs, in reality all Karen civilians were targeted. Abuses included the indiscriminate firing of weapons, the destruction of food, medical supplies, religious buildings and homes, and the forced relocation of civilian populations to areas under Burma Army surveillance and control. After the first Burma military coup in 1962, many Karen schools were forced to close down and social and cultural activities were controlled by the Burma military regime.[11] The "four cuts" strategy led to the displacement and forcible

[7] The Karen National Union (KNU) is the main Karen political organisation. It was established in 1947 and has been in conflict with the Burma government since 1949. The KNU wields power across large areas of Southeast Burma and has been calling for the creation of a democratic federal system since 1976. Although it signed the Nationwide Ceasefire Agreement in 2015, relations with the government remain tense.

[8] Karen National Union, "The KNU and the Peace Process", August 2013, p. 3.

[9] Martin Smith, "*Burma: Insurgency and the Politics of Ethnicity*", London: Zed Books, 1999, in Kim Joliffe, "Ceasefires, Governance and Development: The Karen National Union in Times of Change", Asia Foundation, Policy Dialogue Brief Series No. 16, December 2016, p. 3.

[10] The Burma Army viewed territory as 'black', 'brown' or 'white' according to the extent of non-state armed group activity and control in that area. The military sought to transform areas under EAO control (i.e., 'black areas') into contested 'brown areas' and then eventually into 'white areas' under Burma Army control, cleared of 'insurgent' activities and heavily militarized to exert control over the territory and population.

[11] Karen Women's Organisation (KWO), "State of Terror", February 2007.

relocation of entire Karen communities between the 1960s[12] and the 1990s, according to KHRG reports. Between 1975 and 1978 alone, the KNU estimated that over 800 villages comprising at least 20,000 homes were burned down.[13]

The abuses suffered by villagers worsened after 1992, as KHRG documented a multitude of reports of rape, torture, killings, forced labour, arbitrary demands for food and money, and forced relocations committed by the Burma Army against Karen civilians, leading tens of thousands of villagers to flee. In 2000, the Committee for Internally Displaced Karen People (CIDKP) estimated that there were around 300,000 internally displaced people (IDPs) in Karen State.[14]

Human rights abuses persisted in Southeast Burma beyond 2000. Abuses by the Burma Army during the northern Karen State offensive have been extensively documented by KHRG and other local organisations.[15] The International Human Rights Clinic at Harvard Law School released, in November 2014, a legal memorandum focusing on the Burma Army offensive in eastern Burma from 2005 until 2008, concluding it found sufficient evidence of war crimes and crimes against humanity, including murder, torture, forcible transfer of a population, enslavement, pillage, and other inhumane acts.[16] It also found evidence of the crimes of rape and persecution.

Ceasefire agreement(s) and the 2015 general elections

In January 2012, the Burma quasi-civilian government and the KNU met for the first time to hold peace talks in Hpa-an Town. As a result, the KNU signed a preliminary ceasefire agreement with the Burma government on January 12th 2012. Further talks between the Burma government, the KNU and other ethnic armed groups were held, and on October 15th 2015, a Nationwide Ceasefire Agreement (NCA) was signed between the Burma government and eight of the fifteen ethnic armed groups originally invited to the negotiation table, including the KNU/KNLA[17]. A general election was held again in 2015, which resulted in a landslide victory by the National League for Democracy (NLD)[18].

[12] Martin Smith, "Ethnic Groups in Burma: Development, Democracy and Human Rights", Anti-Slavery International (ASI) Human Rights Series, 1994, p. 44.
[13] Karen National Union (KNU), "KNU Bulletin", September 1986, cited in Paul Keenan, "Life in Burma's Relocation Sites," Ethnic Nationalities Council, January 2010.
[14] CIDKP Work Plan (2000-01), cited in Thailand Burma Border Consortium (TBBC), "Internally Displaced People and Relocation Sites in Eastern Burma", September 2002.
[15] KHRG, "Self-protection under strain: Targeting of civilians and local responses in northern Karen State", August 2010. Also: Karen Women's Organisation (KWO), "State of Terror", February 2007; Burma Issues, "Shoot on Sight: The ongoing SPDC offensive against villagers in northern Karen State", December 2006.
[16] International Human Rights Clinic at Harvard Law School, "Legal Memorandum: War Crimes and Crimes against Humanity in Eastern Myanmar", November 2014.
[17] The Karen National Liberation Army (KNLA) is the armed wing of the Karen National Union (KNU).
[18] The National League for Democracy (NLD) is the political party that governed Burma from 2016 to January 2021. Led by Aung San Suu Kyi, the NLD won landslide victories in the 2015 and 2020 General Elections. The NLD government was deposed by the Burma Army in the February 2021 Burma coup d'état, after which elected President Win Myint and State Counsellor Aung San Suu Kyi were detained, along with ministers, their deputies and members of Parliament.

In some areas of Southeast Burma, the signing of the preliminary ceasefire agreement in 2012 resulted in an improvement in the human rights and economic situation, which continued through the signing of the NCA. These included freedom of movement, increased livelihood opportunities, a heightened sense of security and safety, access to education, and freedom of expression.[19] Despite these improvements, KHRG's documentation revealed that armed actors continued to implement travel restrictions in some areas of Southeast Burma and conducted physical punishments for non-compliance. Landmine and UXO contamination also remained a serious threat all across the region.[20]

The improvements in access to social services during the ceasefire period, including in education and healthcare, were also perceived by many Karen villagers as a means of Burmanisation, sought to create a nation built on Bamar culture and identity.[21] For instance, there were more schools in mixed-control areas, but the curriculum taught often did not include Karen language or Karen cultural education. Likewise, the improvement in the human rights situation made it easier for Burma Army soldiers to engage in extortion and land confiscation with impunity, and to increase the number and size of their military bases in some districts. Human rights defenders faced significant risks of being arrested and charged under the country's restrictive legal framework on freedom of expression and assembly. Religious minorities suffered constraints to religious liberty and the erection of religious buildings imposed by the government in Naypyidaw.

Abuses since the 2021 military coup

The security situation sharply deteriorated in Southeast Burma, and throughout the country, following the most recent coup d'état led by the Burma Army in February 2021. After pro-democracy demonstrations were violently reprimanded throughout Karen State following the coup, armed conflict escalated between SAC and local armed groups. An estimated 500,000 villagers in Karen State have been forced to displace as a result of conflict and the junta's military operations and attacks on villages.[22]

The Burma military has reinvigorated its 'four cuts' strategy of 'burn all, destroy all' to cut off support to opposition forces. Air strikes targeting civilian areas take place on a wide scale. The new military junta has also imposed heavy restrictions on movement and the transportation of goods, confiscated, looted and destroyed medical and food supplies and arrested those providing them, thus cutting off essential resources to

[19] KHRG, "Beyond the Horizon: Local Perspectives on Peace, Justice and Accountability in Southeast Myanmar", September 2019.
[20] KHRG, "Dreaming of Home, Hoping for Peace: Protracted Displacement in Southeast Myanmar", May 2019, p. 32-35
[21] KHRG, "Beyond the Horizon: Local Perspectives on Peace, Justice and Accountability in Southeast Myanmar", September 2019.
[22] Karen Peace Support Network (KPSN), "Kawthoolei IDP Update", February 2023.

civilians, in an effort to destroy the support base of EAOs.[23]

For the past seven decades, civilians in Karen State have been suffering direct attacks delivered by the Burma military, including grave human rights violations, which have escalated since the 2021 coup. The Burma Army has been oppressing ethnic minorities not just through its four-cuts strategy, but also through a Burmanisation campaign that sought to undermine the culture, language, history, and ethnic expression of minority groups. As stated by a female villager from Mu Traw District, interviewed for a 2022 KHRG report, when comparing the present situation to the past: "*There is no difference except we were not attacked by air strikes before. We have to see injury, blood and death both in the past and now. The fear that we had before and the fear that we have now because of the attack is the same.*"[24] The way in which Burma Army soldiers target civilians remains forbidden both by the law of armed conflict[25] and by human rights law, amounting to war crimes and crimes against humanity,[26] as presented below.

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[23] KHRG, "Denied and Deprived: Local Communities Confronting the Humanitarian Crisis and Protection Challenges in Southeast Burma", June 2022.

[24] KHRG, "Undeniable: War crimes, crimes against humanity and 30 years of villagers' testimonies in rural Southeast Burma", December 2022, p. 68

[25] The conflict in Karen State meets the two conditions for the legal existence of a non-international armed conflict: daily instances of killings, shelling and airstrikes underline *the violence of the conflict*, while the ability of armed groups to control parts of the territory demonstrates their *high level of organisation*. Hence, treaty and customary rules of international humanitarian law apply. When serious violations of the law of armed conflict happen in nexus with the conflict, these can amount to war crimes.

[26] According to customary international law, crimes against humanity require the context of a widespread or systematic attack against the civilian population. In Karen State, the *civilian* population has been a constant target of the military regime; these attacks are *widespread* since they target a high quantity of individuals; and the assaults are following long-established, *systematic*, policies by the Burma Army.

Chapter 2. Patterns of SAC retaliatory attacks against villagers

This section presents seven factors described by interviewees as fuelling the targeting of civilians by SAC soldiers, which are further informed by other field reports: (1) the SAC sees and targets villagers as enemies due to their support for anti-coup protests; (2) the SAC attempts to cut off support for EAGs; (3) the SAC also attacks nearby villages in response to skirmishes with EAGs; (4) the SAC targets civilians to terrorise them; (5) SAC soldiers loot villagers' properties for their own personal gain; (6) the SAC targets villagers to destroy EAG's will to fight; and (7) the SAC attacks civilians for non-compliance. All are rooted in the Burma Army's culture of scapegoating ethnic villagers that has prevailed for decades in Southeast Burma. These seven patterns are often overlapping, although treating them separately allows the unpacking of the conflict dynamics at play in Karen State. The SAC's attacks against civilians are in breach of international law, amounting to war crimes and crimes against humanity.

a. Retaliation against villagers seen as "enemies" of the SAC regime

Villagers repeatedly described that SAC soldiers consider civilians in Southeast Burma as "enemies", warranting any violent act against them. According to villagers' testimonies gathered for this report, abuses against civilians are fuelled by the Burma military's beliefs that civilians living in locally-defined Karen State are averse to the junta's rule: sometimes perceived as active participants in the anti-coup protests and Civil Disobedience Movement (CDM), other times targeted due to ethnic kinship.

This photo was taken in February 2021 in Bl--- Town, T'Naw Th'Ree Township, Mergui-Tavoy District. It shows local civilians holding anti-coup protests. SAC soldiers were reported to have arrested participants in the days following the protests. *[Photo: KHRG]*

As described by Saw G---, a villager from I--- village, Htaw Ta Htoo Township, Taw Oo District, this was the reason why a local villager was arrested in December 2022: "*I think he was arrested due to the impact of the coup. They [the SAC] just wanted to arrest villagers they suspected. They [the Burma Army] wanted to take power because they want to rule the country. Because of this, people tried to protest against them. That is why they arrested villagers that they considered suspicious.*" Without reasonable grounds for detention, these are arbitrary arrests, which are forbidden in human rights law and international humanitarian law.[27]

[27] Customary International Humanitarian Law, International Committee of the Red Cross, rule 98. Arbitrary detentions in Burma usually result in inhumane treatment (rule 87) and often constitute enforced disappearances (rule 98)

Arbitrary arrests constitute a war crime under the Rome Statute, art. 8(2)(a)(vi), and, in the context of a widespread and systematic attack against civilians, may amount to a crime against humanity under the Rome Statute, art. 7(1)(e).

Saw J---, a villager from L--- village, Noh Pah Htaw village tract, Waw Ray Township, Dooplaya District, also shared his perspective: *"[…] They [the SAC] knew civilians did not support them [SAC], so they regarded them as enemies. As I previously stated, indiscriminate shelling caused some of the villagers' houses to be damaged, and some villagers were injured or killed."* Similar events where SAC soldiers targeted civilians due to their actual or alleged participation in the CDM movement were often reported to KHRG in the first five months following the February 2021 coup.[28]

Southeast Burma is home to several ethnic groups and cultures, such as the Karen, Shan, Mon and Pa'Oh, different from the Bamar ethnic majority in the country. Villagers reported to KHRG that ethnicity is another reason why Burma Army soldiers consider them as opposing the SAC's rule. Saw J--- described the SAC's indiscriminate shelling of civilian areas following armed clashes in the region: *"As you know, villagers are not their [SAC] relatives [they are not part of the same ethnic kinship] so they [SAC] indiscriminately shelled mortars after [KNLA/KNDO[29]/PDF] attacked them. They considered civilians in our area [near the interviewee's village, in a KNU-controlled area] as their enemies so they indiscriminately shelled mortars. Due to indiscriminate shelling, some villagers' houses were damaged, [and] some villagers injured."* Naw Ae---, a female villager from Bf--- village, Yaw K'Daw village tract, Noh T'Kaw Township, Dooplaya District, also stated: *"They could not find the Kaw Thoo Lei [KNLA soldiers], so they target the civilians as their enemy. Why would they kill, attack or target us if they didn't consider us as an enemy?"*

This is not new and relates to a history of xenophobic discrimination against ethnic minorities in a Bamar-centred state.[30] This discrimination impacts Karen villagers' security, as they face SAC attacks, as well as affects other spheres of their lives, such as their education and healthcare. Naw N---, a female villager from Q--- village, Htee Pah Htaw village tract, Waw Ray Township, Dooplaya District, further explained that, since the coup, "*When we [local villagers] went to the clinic [SAC-run Seik Gyi hospital], they [SAC personnel] didn't even care about us. They didn't value us. They didn't take care of us well. They didn't really want to accept Karen people. […] They didn't want to accept Karen people only. […] They scolded the patients a lot, so we couldn't tolerate it.*"

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[28] See, for instance: KHRG, "Doo Tha Htoo Situation Update: Fighting and indiscriminate shelling by SAC forces, April to May 2021", June 2021; KHRG, "Taw Oo District Situation Update: Fighting, displacement, killing, and villagers' livelihoods in Htaw Ta Htoo Township, April to July 2022", December 2022.

[29] Today the Karen National Defence Organisation (KNDO) refers to a militia force of local volunteers trained and equipped by the KNU/KNLA and incorporated into its battalion and command structure; its members wear uniforms and typically commit to two-year terms of service.

[30] KHRG, "Minorities under Threat, Diversity in Danger: Patterns of Systemic Discrimination in Southeast Myanmar", November 2020.

In other instances, verbal threats have also been an indicator of the SAC's consideration of villagers living in Karen State as "enemies".[31] As explained by Ma S---, a female interviewee from U--- village, Bo---village tract, Tha Htoo Township, Doo Tha Htoo District: "*If they [SAC soldiers] entered villages when villagers were present, they threatened villagers by saying, 'You are living under this group [there are PDF in your village], you are collaborating with this group, you are Nga Pway ["Ringworms", a derogatory name used by Burma Army to refer to Karen soldiers] and rebels. You guys should not be kept alive. If we keep you alive, it is just like we are watering a poisonous tree [making the enemy stronger].'*" Similarly, Ma S--- also reported: "*They [SAC] threatened villagers saying 'If you guys continue to live under KNU [KNU-controlled area], your lives will be finished. We [SAC] will kill you.'*" These perceptions of local communities as rebels because they reside in KNU-controlled areas will be further examined in the next section, as it is linked to the SAC's long-standing military strategy of the 'four cuts'.

The SAC practice of targeting civilians in Southeast Burma, perceived as averse to their rule, is not justified in ethical or legal terms. The act of subjecting civilians to discriminatory treatment is explicitly prohibited by established international law standards.[32] Despite this prohibition, the Burma military engages in discriminatory practices by deeming entire populations as adversaries. Additionally, SAC attacks are targeted against specific groups defined by social origin, ethnicity, or political affiliations, which may amount to the crime against humanity of *persecution* under the Rome Statute, art. 7(1)(h). The Burma military violates fundamental principles pertaining to the prohibition of discrimination and persecution, showing its deep disregard for internationally recognised norms.

b. Retaliation against villagers to block support for armed resistance

The practice of targeting villagers in Karen State shares close links with the "four cuts strategy", which intends to destroy the assumed links - namely food, funds, intelligence and recruits - between villagers and ethnic armed forces. This strategy, first implemented in Karen State as early as the 1960s, has been reinvigorated by the Burma Army following the 2021 military coup.[33]

The targeting of civilians stemming from the four-cuts strategy includes indiscriminately shelling mortars or conducting air strikes into villages in an attempt at weakening flows of recruits and information from local villagers to EAGs. Saw V---, a villager from X--- village, Meh Klaw village tract, Bu Tho Township, Mu Traw District, explained: "*The shelling is still ongoing. SAC soldiers are only silent [do not conduct shelling on villages] when they are not attacked. […] The SAC soldiers were saying that 'civilians [villagers]*

[31] KHRG, "Mergui-Tavoy District Situation Update: Shelling, displacement, threats, arrest, travel restrictions and telecommunication shutdowns in Ler Doh Soh Township, April to May 2022", August 2022.
[32] Customary International Humanitarian Law, International Committee of the Red Cross, rule 88.
[33] KHRG, "Undeniable: War crimes, crimes against humanity and 30 years of villagers' testimonies in rural Southeast Burma", December 2022.

are the strength of armed groups.' The shelling hit villagers when the SAC conducted them in the village's area or into the villages." This is supported by the testimony of Saw Z---, a villager from Ba--- village, Maw Nay Pwa area, Htaw Ta Htoo Township, Taw Oo District: "*They [SAC] threaten villagers because many types of people are against them [their regime]; they think that villagers encourage, protect and support people [resisting] in many different ways. Therefore, they [SAC] might think that, if they threaten villagers like this it will reduce the strength [capacity] of the people who are against them.*"

These two photos were taken on March 23rd 2022 in Taung Kyar Inn village, Nga Pyin Ma village tract, Kruh Tuh Township, Dooplaya District, following SAC indiscriminate shelling in the village. They show a house that was damaged in the shelling, and an unexploded artillery shell. *[Photos: KHRG]*

Several interviewees illustrated the impact of this strategy through travel restrictions and stealing at SAC checkpoints. Villagers are often forbidden from transporting large quantities of rice, as soldiers suspect them of providing it to local armed groups.[34] Saw Aa---, a displaced villager in Bb--- village, Ma Htaw village tract, Dwe Lo Township, Mu Traw District, stated: "[After the coup,] *BGF[35] were afraid that KNLA would retrieve information from the villagers and they were also afraid that villagers would offer KNLA soldiers rice if they allowed villagers to travel. That was the reason the BGF put travel restrictions over villagers*." The consequences of such restrictions are devastating for

[34] See: KHRG, "Dooplaya District Short Update: Skirmishes between armed groups and indiscriminate shelling result in displacement, casualties and destruction of villagers' property (October 2021)", December 2021; KHRG, "Mergui-Tavoy District Situation Update: Arbitrary arrest and detention, looting and property damage, indiscriminate shelling, SAC militarisation, movement restrictions, and livelihood challenges, June to September 2022", March 2023.

[35] Border Guard Force (BGF) battalions of the Burma military 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 government and agreed to transform into battalions within the Burma military.

local communities, especially in times of poor harvest or displacement.[36] As described by Saw Ab---, a villager from Bc--- village, Ta Au Hkee village tract, Bilin Township, Doo Tha Htoo District, "*When people travel for food [for their livelihoods] by car and motorcycle, they [SAC] block the road and set up a curfew by time and date. As the villagers in our area [Bilin Township] were displaced, they did not harvest enough paddy for their family so they had to purchase food from the town. They [SAC] do not allow us to transport much rice now; one villager is allowed to transport only one sack of rice. Sometimes, they allow us to transport rice, but sometimes they do not. […] They might think that villagers feed [KNLA] soldiers so they always oppress civilians*."

This photo was taken on March 24th 2022 in Htee Moo Hta village, Noh Hpoh village tract, Kaw T'Ree Township, Dooplaya District. It shows a house that was damaged by indiscriminate shelling undertaken the same day by SAC LIB #355 during an armed clash. A 17-year-old girl was killed and three other villagers were wounded in the attack. *[Photo: KHRG]*

These suspected links between villagers and resistance forces are sometimes not unfounded. As explained by Ma S---, a female interviewee from U--- village, Bo--- village tract, Tha Htoo Township, Doo Tha Htoo District, SAC attacks launched in November 2021 against civilians in Kyeh Htoh Township occurred because PDF supporters and messengers were living in the village: "*The SAC burned houses because many PDF supporters and messengers live in the village. They [SAC] even said: 'there are villagers who joined the PDF from this village'*." As the witness reported to KHRG, "*the SAC soldiers [also] slapped and kicked a woman in the village when they found [some] villagers [including her husband] were missing from the village. They asked the spouse to raise her hands up and walk around the village and asked [her] whom the houses belonged to. The SAC soldiers were targeting the PDF and KNU and had done all these things to the villagers.*" In this incident, SAC soldiers were reported to have killed, tortured and arrested villagers [unknown number] and burned multiple houses.

Whether or not links exist between villagers and resistance soldiers, any attack against family members, and civilian targets, is prohibited under the law of armed conflict. Indiscriminate attacks are also unlawful and may also constitute war crimes.[37] Instances of shelling and airstrikes without distinction between civilian and military targets also violate specific norms of international humanitarian law (IHL).[38] Moreover, the purposeful restriction of food reserves, especially in poorer areas sensitive to famine, is contrary to the obligation of the state (or an entity aiming to act like a state)

[36] KHRG, "Mergui-Tavoy District Situation Update: SAC military activities, livelihood challenges, education, an armed clash, displacement and indiscriminate shelling by the SAC, April to May 2022", December 2022.
[37] In violation of Customary IHL, ICRC, rules 1, 7, 11, 12, 13, 14, 15. As a war crime, Rome Statute, art. 8(2)(e)(i).
[38] Customary International Humanitarian Law, ICRC, rule 12, 13, 15, 17.

to respect the right to adequate food.[39] In cases where these restrictions become severe enough to starve the civilian population, these restrictions amount to a serious violation of customary IHL.[40]

c. Retaliation against civilians following skirmishes

On top of the aforementioned scapegoating of civilians, linked with historical patterns of abuse committed by the Burma Army in ethnic regions, villagers have described SAC soldiers regularly targeting civilians following armed clashes between the SAC and armed resistance groups. This pattern is widespread: half of the field documents consulted for this report describe attacks against civilians that took place following nearby armed clashes, and half of the interviewees shared information where retaliatory attacks followed this same pattern. In all of those instances, SAC soldiers retaliated against the wrong actors, i.e. villagers, instead of the EAGs that led the operations.

This photo shows a house damaged by SAC air strikes and indiscriminate shelling launched in Kaw T'Ree Township, Dooplaya District in November 2022. *[Photo: KHRG]*

This photo was taken on December 16th 2022. It shows an unexploded bomb following an SAC air strike launched on December 15th 2022 in Htaw Ta Htoo Township, Taw Oo District. *[Photo: KHRG]*

The most common forms of SAC retaliation against villagers following nearby armed clashes are indiscriminate shelling and airstrikes towards villages. The Burma Army regularly fails to distinguish between armed actors and civilians, or military and civilian targets, as they strike villages proximate to the location where SAC soldiers are attacked.[41] Saw Ac---, a villager from Bd--- village, K'Ser Hkler area, K'Ser Doh Township, Mergui-Tavoy District, explained: *"[Since the coup,] there is no direct shelling into the village if conflict [skirmishes between SAC and armed resistance groups] doesn't happen. The shelling usually happened when armed conflict happened around the area. We could hear the shelling sound from afar. As soon as fighting happens, there will be shelling [in nearby areas] every night."*

[39] Universal Declaration of Human Rights (UDHR), art. 25(1) for customary law, International Covenant on Economic, Social and Cultural Rights, art. 11(1) for treaty law

[40] Customary International Humanitarian Law, ICRC, rule 53.

[41] See, for instance: KHRG, "Dooplaya District Situation Update: Killing, fighting, indiscriminate shelling, air strikes and displacement, March 2022", May 2022; KHRG, "Dooplaya District Situation Update: SAC military activity, displacement, livelihood challenges, travel insecurity and education, March to May 2022", February 2023.

On some occasions, the SAC military targets villages because they know that soldiers from local resistance forces are present there, as explained by Saw Ad---, a villager from Be--- village, Saw Muh Plaw village tract, Lu Thaw Township, Mu Traw District: "*They [SAC] aimed at armed groups guarding the villages and providing security for the villagers living in the village*." However, as the villager pointed out, this retaliation is conducted by indiscriminately shelling mortars or conducting air strikes. These are inherently indiscriminate attacks against a civilian target, and hence in violation of international humanitarian law.

Villagers also face other types of abuses following clashes, such as torture, killings or arbitrary shootings.[42] This is illustrated by an incident that took place on December 2021 in Doo Tha Htoo District, when Naw H--- was tortured and murdered by SAC soldiers following skirmishes between SAC and ethnic armed groups in the region. Her husband, Saw M---, testified: "*When we were in the rubber plantation, we heard gunfire so I told her [the wife]: 'Dah [a Karen term of affection]! Run along the fence!' […] I was running behind her and did not see her anymore so I thought she had run further [from the incident place]. I called her once, but she did not hear me. At that time, I heard a lot of gun sounds behind me so I could not look for her.*"[43] Naw H---'s tortured corpse was found shortly after, and local villagers believe that the SAC and BGF troops questioned her, probably about the KNLA, before torturing and killing her.

These photos were taken between December 17th and 22nd 2021 in Doo Tha Htoo Distict. The first photo shows Naw H---'s body after she was tortured and killed by SAC soldiers on December 21st 2021, in Doo Tha Htoo District. The second photo shows local villagers who fled the area due to the SAC's indiscriminate shelling and fighting in the area. *[Photos: villagers]*

[42] See, for example: KHRG, "Mu Traw District Situation Update: Human rights violations including looting, killing, arbitrary arrest and torture, and the burning of houses and villages, April to July 2021", January 2022; KHRG, "Mu Traw District Incident Report: Torture of three villagers in Dwe Lo Township by an SAC officer, August 2021", January 2022.

[43] KHRG, "Doo Tha Htoo District Incident Report: SAC and BGF tortured and killed a female villager in Bilin Township, December 21st 2021", January 2022.

Other cases bring to light how SAC soldiers, following an EAG attack, steal and destroy villagers' goods.[44] Saw Ag---, a village leader from Bg--- village, Htee Hpoe Neh village tract, Hpa-an Township, Doo Tha Htoo District, described an incident that followed EAGs attacks in the area: *"After armed conflict happened between them [SAC/BGF against KNLA], they [SAC and BGF] entered [Bq---] village and confiscated one solar panel, one [golden] necklace, one [pair of] earring[s], one ring with a greenstone and one tin of rice from villagers. […] They [SAC/BGF] might have blamed villagers for providing information [to the KNLA] and so they did this retaliation against villagers."* Ma S---, a female interviewee from U--- village, Bo---village tract, Tha Htoo Township, Doo Tha Htoo District, also told KHRG how SAC ransacked things in her area after the fighting: *"They went into every house. [...] If they found four cups of rice inside the house, they threw them away. If they found something they wanted such as money, they confiscated it. They even confiscated high quality clothes."*

In other cases, villagers described SAC soldiers failing to locate armed groups in the region, and targeting villages instead.[45] Naw Ae---, a villager from Bf--- village, Yaw K'Daw village tract, Noh T'Kaw Township, Dooplaya District, explained: "*This [SAC air strike launched in November 2022 in a mining site located near a village] is purely to oppress civilians. They [SAC] could not find their enemy [KNLA] so they just attacked civilians. They have no target on the military [KNLA] in this case.*" In another instance, on July 12th 2022, following a KNLA attack using a tripwire landmine, SAC soldiers under Military Operations Command (MOC)[46] #20 fired guns indiscriminately as they travelled from Kyauk Taing village tract, Daw Hpa Hkoh Township, Taw Oo District, to Toungoo (Taw Oo) Town.[47] U Af---, a 40 years old male shopkeeper, was injured in the indiscriminate shooting. Nearby houses, clinics, shops and farming huts were also damaged. Saw Ab---, a villager from Bc--- village, Ta Au Hkee village tract, Bilin Township, Doo Tha Htoo District, added: "*Sometimes, their [SAC] soldiers got injured and they could not [fight against] that armed group [KNLA which attacked them] so they purposely did it [attacked] to villagers as retaliation.*"

Villagers complained about these unfair and unlawful acts. As further explained by Saw Ab---: "*They [SAC] should attack their enemy, but they shot villagers instead, not their enemy. Therefore, their path of retaliation is incorrect. If they shot the enemy that shot them, we will not say anything [give any comment] about it. However, whenever their enemy [KNLA] shot them, then they shelled mortars into our village*."

[44] See: "Doo Tha Htoo District Short Update: Forced labour, looting and skirmishes between the SAC and the KNLA, August 2021", December 2021; KHRG, "Dooplaya District Short Update: Skirmishes between armed groups and indiscriminate shelling result in displacement, casualties and destruction of villagers' property (October 2021)", December 2021.

[45] KHRG, "Mu Traw District Short Update: Air strikes and displacement, shelling, food shortages and health care, April to May 2022", February 2023.

[46] Military Operations Command (MOC) is comprised of ten battalions for offensive operations. Most MOCs have three Tactical Operations Commands (TOCs) made up of three battalions each.

[47] Unpublished raw data from November 2022.

All these cases illustrate how, following armed clashes, SAC soldiers launched attacks against civilians instead of the resistance forces involved in the skirmishes. The different abuses that SAC perpetrates against civilians constitute violations of international law: the killing of villagers, for example, is the highest possible violation of the right to life in human rights law.[48] Under international humanitarian law, the killing of civilians is also prohibited.[49] This act constitutes a war crime under international criminal law, as well as a crime against humanity.[50] Torture and other cruel, inhuman or degrading treatment are firmly prohibited under all circumstances.[51] Torture also constitutes a crime against humanity and a war crime under international criminal law.[52]

These photos show the body of U L---, a villager from Br--- village, K'Ser Kler area, K'Ser Doh Township, Mergui-Tavoy District. He was arrested and killed by SAC soldiers on April 2nd 2022, after they entered his village for unclear reasons. *[Photos: KHRG]*

d. Retaliation as a method of terrorising civilians

Several villagers reported SAC soldiers shelling mortars in areas near villages or shooting guns in the air to intimidate local populations.[53] Saw Ab---, a villager from Bc--- village, Ta Au Hkee village tract, Bilin Township, Doo Tha Htoo District, explained: *"They [SAC soldiers] might have targeted villagers but it [the shells] did not reach villagers. They did it just to frighten villagers. If they wanted to shell mortars on villagers' farms, the mortar rounds would have landed on the farms [and not beside them]."* Saw Ag---, a village leader from Bg--- village, Htee Hpoe Neh village tract, Hpa-an Township,

48 Universal Declaration of Human Rights, art. 3.
49 Customary International Humanitarian Law, ICRC, rules 87 with 89
50 Rome Statute, art. 8(2)(a)(i) & 8(2)(c)(i) & (ii), as a war crime, and Rome Statute, art. 7(1)(a), as a crime against humanity.
51 Universal Declaration of Human Rights, art. 5, as well as in violation of Customary International Humanitarian Law, ICRC, rules 87 with 90 and 91. Torture is also *jus cogens*, thus supersedes all treaties and customary laws.
52 Rome Statute, art. 7(1)(f) and Rome Statute, art. 8(2)(a)(ii) & 8(2)(c)(i) & (ii).
53 KHRG, "Mergui-Tavoy District Situation Update: Military activity, shelling and displacement, May to June 2022", January 2023.

Doo Tha Htoo District, further described: *"I think they did it [committed human rights violations] because they [SAC soldiers and their leaders] want to hold power on controlling villagers and be their government, so they threaten villagers [to create fear] in order to legitimise themselves as their government. Civilians actually do not accept them [to be their government], but we do not feel secure to tell much against them because they [SAC] have guns."*

These pictures were taken on March 5th and 6th 2022. They show villagers who were killed and injured due to SAC shelling in Bm--- village, Meh K'Law village tract, Bu Tho Township, Mu Traw District. The attack followed armed clashes in the area. Seven villagers, including three children and one pregnant woman, were killed [picture on the left] and four injured in the shelling. *[Photos: KHRG]*

In these cases, SAC soldiers aimed to keep allegedly rebellious villagers under control and to strengthen their rule over certain areas. As Saw Ah---, a village elder from Bh--- village, Bh--- village tract, Moo Township, Kler Lwee Htoo District, stated: "*I think, they did it [committed human rights violations] having a purpose, a plan in mind. I do not think that they did it randomly. They want to hold power and take over power [from civilians] so they did it [all human rights violations] just for maintaining their power so that their [SAC] regime will be long-lasting. People should not be killed and threatened, but they [SAC] killed and threatened those people anyway. This is what they committed after the coup. They threatened villagers and put villagers in fear.*"

Village heads face recurrent intimidation and threats related to the SAC's mode of operating.[54] Saw G---, a villager from I--- village, Htaw Ta Htoo Township, Taw Oo District, explained the kinds of struggles village heads face: *"[T]hey [SAC's soldiers] threatened villagers in many cases. Especially, they threatened village authorities [village heads]. They would give punishment [commit human rights abuses] if village authorities did not follow what they told them to do. They would fire at [shoot] village heads if they did not listen to them [follow SAC soldiers' demands]. So, nobody wants to be a village head since the coup. Some village heads understand villagers' situation [understand their*

[54] See KHRG, "Mu Traw District Situation Update: Landmine contamination, indiscriminate shelling, arbitrary taxation, movement of troops, and livelihood, education and healthcare situation, May to June 2021", September 2021.

struggles]. Some village heads just follow what Tatmadaw ask them to do because they don't have a choice."

Similarly, civilians who organised anti-coup demonstrations also faced struggles.[55] Ko Aj---, a villager living in Hsaw Htee Township, Kler Lwee Htoo District, explained how he was forced to flee to avoid arrest after he organised protests: "*Their [the SAC] purpose is to arrest people like me who organised the protest. They want to arrest people so people [villagers] will not be able to support PDF members, NUG members and ethnic armed organisations. They just want to make people feel afraid to support PDF, NUG and ethnic armed organisations. So, they arrest those people as an example in order to make people feel afraid.*"

This pattern explaining why SAC targets civilians is connected to scapegoating civilians as opponents. Fear and terror are used to deter or keep them under control. To exert violence in order to create fear amongst the civilian population is forbidden by the law of armed conflict.[56] Moreover, by punishing indiscriminately and collectively persons regardless of their actual involvement in the armed conflict, the SAC attacks may amount to the war crime of *collective punishment* (insofar as they indeed had the intent to do so).[57] Customary International Humanitarian Law establishes that "collective punishments are prohibited". This prohibition stems from the principle that no one may be convicted of an offence except on the basis of individual criminal responsibility.[58]

e. Retaliation against civilians for SAC soldiers' personal gain

Cases of theft and looting were often mentioned by villagers as cases where SAC soldiers deliberately targeted them, for a wide range of reasons. At times, these cases are connected to the belief that villagers are supporting EAGs in the area or respond directly to attacks from EAGs in the area. Ill-equipped SAC soldiers have also engaged in looting activities for their own personal gain.

SAC looting and theft activities are not limited to villages or villagers' houses. They also regularly confiscate goods from villagers who travel on the roads. For example, on February 17th 2022, SAC soldiers arrested two villagers who travelled on a road in Htaw Ta Htoo Township, Taw Oo District to check on them. They confiscated two motorbikes from these arrested villagers. They then stopped arresting other people who were travelling on that day because they said that they were only required to seize

[55] See: KHRG, "Mergui-Tavoy District Interview: Security forces intimidate anti-coup activists in T'Naw Th'Ree Township, February 2021", March 2021; KHRG, "Mergui-Tavoy District Situation Update: SAC militia shoots teenage villager, CDM and protester protection, SAC troop movement, arbitrary taxation and livelihood, healthcare and education challenges, March 2021", January 2022.
[56] Customary International Humanitarian Law, ICRC, rule 2
[57] Customary International Humanitarian Law, ICRC, rule 103
[58] Customary International Humanitarian Law, ICRC, rule 102

two motorbikes per day.[59] Saw Ah---, a village elder from Bh--- village, Bh--- village tract, Moo Township, Kler Lwee Htoo District, also reported: *"Currently, they are taking [villagers'] motorcycles when villagers are riding [on the road]. You cannot negotiate with them after they take your motorcycles."*

Under-supplied SAC soldiers loot property from villages when they do not have enough supplies to cover their needs. For example, on April 7th 2021, SAC LIB #407 stole rice, money, a phone and other items from A--- village, Lay Hpoh Hta village tract, Dwe Lo Township, Mu Traw District because they could not receive rations due to a KNLA blockage of the road.[60] In a similar manner, Saw Ai---, a villager from Bi--- village, Per Htee Area, Htaw Ta Htoo Township, Taw Oo District reported to KHRG that, following the arbitrary arrest of a teenager in the area on December 2022, his parents went to see him at the prison "*[and they were told by the SAC that], 'If you want your son to be released, you have to bring money. 800,000 kyat, and then we will release your son!' I think that the SAC has no other option [to get income] so they were just looking to get funds to be able to buy food like this [doing anything to get money]. They arrested only youth*." Such abuses emanate from the Burma Army's historical 'self-sufficiency policy', which was established in the 1990s, ordering local commanders to provide what they needed for themselves, instead of relying on a central supply system[61]. This suggests that the SAC military leaders encourage their soldiers to abuse civilians in rural areas, through theft and looting, in order to maintain their own survival.

KHRG documentation shows that the SAC looted money, foodstuff, livestock, jewellery, electronic accessories, vehicles, household materials and other valuable items from local villages, severely impacting villagers' livelihood and food security. Looting and the destruction of property are prohibited under various components of international law,[62] including in international humanitarian law, which features the obligation of protecting objects indispensable to the survival of the civilian population, like foodstuffs, crops and livestock.[63] Under international criminal law, pillage is considered a war crime.[64] The SAC also violates its obligation to respect the right to property.[65]

[59] KHRG, "Taw Oo District Situation Update: SAC military activities, SAC attacks on CDM participants, travel restrictions, and livelihood, healthcare and education challenges, December 2021 to February 2022", April 2022.
[60] KHRG, "Mu Traw District Situation Update: Human rights violations including looting, killing, arbitrary arrest and torture, and the burning of houses and villages, April to July 2021", January 2022.
[61] KHRG, "Undeniable: War crimes, crimes against humanity and 30 years of villagers testimonies in rural Southeast Burma", December 2022, p. 52.
[62] Customary International Humanitarian Law, ICRC, rule 7 and 52; and UDHR, art. 17
[63] Customary International Humanitarian Law, ICRC, rule 54.
[64] Rome Statute, art. 8(2)(a)(iv)
[65] Universal Declaration of Human Rights, art. 17

f. Retaliation as precautions: destroying armed groups' will to fight

In several cases, SAC soldiers targeted villagers to prevent EAGs attacks. *"They [SAC] targeted civilians because they thought that KNLA would withdraw their troops if they hurt villagers. They [SAC] thought that KNLA would not fight them if they hurt villagers. That is why they [SAC] targeted villagers*", reported Ko Aj---, a villager living in Hsaw Htee Township, Kler Lwee Htoo District. Similarly, Saw Ab---, a villager from Bc--- village, Ta Au Hkee village tract, Bilin Township, Doo Tha Htoo District, explained: "*They [SAC] violated villagers with the actual purpose of [KNLA] soldiers to take pity on villagers and then surrender to them [SAC].*"

Illustrative of this pattern are also cases when SAC and their allies arrested villagers and forced them to act as human shields and navigators when travelling for military purposes.[66] As indicated by Naw N---, a female villager from Q--- village, Htee Pah Htaw village tract, Waw Ray Township, Dooplaya District, using villagers, including women and children, as human shields is one of SAC's strategies to operate in KNU-controlled areas: *"They [SAC] worried that EAGs would attack them, so they used villagers as human shields."* In another similar case that took place in August 2021, SAC and BGF soldiers were attacked by KNLA soldiers as they travelled to T--- village, Bilin Township, Doo Tha Htoo District. After the short attack, the SAC and BGF arrested and forced T--- villagers they found on the way, including women and children, to act as human shields to protect them from further KNLA attacks. As they entered T--- village, they pointed their guns at villagers and threatened them that they would fire mortars into the village if they were attacked by the KNLA.[67] Female villagers in particular are more vulnerable to being forced to serve as human shields by SAC soldiers compared to male villagers. This is, at times, because SAC soldiers assume that the KNLA may be less likely to attack them.[68]

As frequently reported to KHRG, SAC soldiers threaten to burn villages or conduct shelling in the area if attacked.[69] Saw Ah---, a village elder from Bh--- village, Bh--- village tract, Moo Township, Kler Lwee Htoo District, explained how the SAC threatened local villagers in his area [unknown date in 2022], *"They [SAC] told villagers [from Bs--- village, Aww Law See village tract, Moo Township] 'If they attack us, all villages here will be turned to ash!' I personally think that they threatened civilians to make the civilians ask the KNU Army [KNLA] to refrain from attacking them."* The SAC army camp in Aww Law See village had been attacked by KNLA soldiers before the accident happened. Likewise, Saw J---, a villager from Waw Ray Township, Dooplaya District raised a similar

66 KHRG, "Dooplaya District Interview: Looting, fighting, forced labour and COVID-19 infections, September 2021", January 2022.
67 KHRG, "Doo Tha Htoo District Short Update: Forced labour, looting and skirmishes between the SAC and the KNLA, August 2021", December 2021.
68 Ibid.
69 See, for instance: KHRG, "Mu Traw District Short Update: Torture, fighting, indiscriminate shelling, and threats by SAC soldiers have resulted in fear and displacement of villagers in Dwe Lo Township, August 2021", December 2021; KHRG, "Kler Lwee Htoo District Short Update: SAC troops fired mortars into a village, injuring three villagers, December 2021", January 2022.

case: *"In order to keep people from attacking them [SAC], […] they threatened the villagers that if they were attacked, they would burn down the village and school and fire mortars into the village."* It is clear that SAC used threats as a tool to prevent attacks from their enemies during wartime.

This photo was taken on April 7th 2022 in Kyauk Aaing village, Meh Keh village tract, Th'Yeh Chaung Township, Mergui-Tavoy District. It shows the villagers' house and property inside were burned down by the SAC. *[Photo: KHRG]*

This photo was taken on April 8th 2022 in Meh Keh village, Meh Keh village tract, Th'Yeh Chaung Township, Mergui-Tavoy District. It shows the villagers' house, truck and property inside were burned down by the SAC. *[Photo: KHRG]*

g. Retaliation against villagers for non-compliance

One of the most overt forms of SAC retaliatory attacks against civilians is perpetrated after villagers directly confront Burma Army soldiers or refuse to comply with their demands.[70] Retaliation in these cases is disproportionate and illegal, as civilians are protected persons by the law of armed conflict. A community-member trained by KHRG described an event that happened near E--- village, R--- village tract, Dwe Lo Township, Mu Traw District: "*The incident began when Ko O---'s car was stopped at the BGF checkpoint* […] *When he arrived at the checkpoint, the BGF soldier […] asked him to pay a higher rate than usual. The two of them then had arguments between themselves over the tax rate. During the argument, the BGF soldier, Kyaw Kyaw, punched Ko O--- in the face, which became swollen. Hearing that Ko O--- was punched by the BGF soldier, his father U W---, and sister Ma Y---, […] went to help him. […] Kyaw Kyaw, the same BGF soldier, then punched U W--- and Ma Y--- in the face, resulting in both of them suffering swollen faces. Ko O--- then paid the tax and continued his journey to Kamamaung Town.*"[71]

[70] KHRG, "Kler Lwee Htoo District Situation Update: Arbitrary taxation, education, health care, SAC activity and indiscriminate shelling, March to June 2022", January 2023.
[71] KHRG, "Mu Traw District Incident Report: Three villagers in Dwe Lo Township were physically assaulted by a soldier from BGF Battalion #1013, March 2021", July 2022.

SAC soldiers brutally retaliate against those who fail to respect their demands, for instance curfews or movement restrictions. On September 4th 2021, a young couple in Doo Tha Htoo District went fishing during the night, despite the curfews. This followed a week of curfews that caused difficulties for villagers to get sufficient food. As Saw P---, his five months pregnant wife, and their four-year-old toddler were returning from fishing in a stream beside their house, they encountered an SAC patrol. The villagers were questioned by the soldiers and shot multiple times. A local villager from B--- village, Paw Township, Doo Tha Htoo District, explained: *"The army announced a night curfew. But since they [the family] had to find food to eat, they went to search for food […] just beside their house. […] Naw E--- was shot approximately 12 times: one shot to her belly, two shots to her head and eight or nine shots to her thighs, until her thighs were destroyed by the bullets. The soldiers shot twice at Saw P---'s head; both shots struck his head near his right ear, and at least one bullet lodged in his head."* Their four-year-old daughter was taken in by her grandmother, who faces livelihood difficulties.[72]

In these cases, villagers faced retribution for not following or simply failing to comply with SAC orders. The retaliation was unjustified and disproportionate, underlining another pattern of abuse against civilians in Karen State.

The seven patterns presented in this chapter clearly depict a scapegoating practice employed by the military junta, which direct its retaliatory attacks against civilians instead of resistance armed groups. As mentioned above, the practice may amount to specific breaches of international criminal law: the war crime of *collective punishment* and the crime against humanity of *persecution* might be present in the Burma Army's practice of purposely attacking civilians in Southeast Burma, who are discriminated against and targeted on political, ethnic, cultural or other arbitrary grounds.

[72] KHRG, "Doo Tha Htoo District Incident Report: SAC shot on sight a pregnant woman and her husband in Paw Township, September 2021", December 2021.

Chapter 3. Impacts of SAC targeting of civilians and villagers' agency

Since the 2021 coup, the majority of villagers in Southeast Burma have been forced to displace from their villages due to fighting, shelling, air strikes and other abuses committed by the SAC. Two-thirds of the field documents analysed for this report, and 18 out of the 23 interviewees, mention displacement as a direct impact of the SAC's targeting of civilians. Pregnant women, children and the elderly are particularly vulnerable in times of displacement.[73] Naw Ae---, a female villager from Bf--- village, Yaw K'Daw village tract, Noh T'Kaw Township, Dooplaya District, explained the nature of such challenges: "*Displaced people including children, infants and mothers or pregnant women are facing health issues. The vulnerable are at high risk if they are not taken care of.*" This is echoed by the testimony of Saw Al---, a village leader from Bk--- village, Yaw K'Daw village tract, Noh T'Kaw Township, Dooplaya District: "*We are worried about the kids and mothers in particular. If something happens, we are afraid they won't be able to flee on time. For elder people who cannot walk, we take them to the hiding place before sunset.*" Due to the sporadic nature of attacks and clashes, the majority of displaced villagers cannot bring basic necessities with them and are also unable to work for their livelihood for prolonged periods of time, leading to food shortages and livelihood challenges.[74]

This photo was taken on July 15th, 2022. It shows displaced villagers from Bn--- village, Ler Muh Lah (Pa Law) Township, Mergui-Tavoy District who fled their village due to increased fighting between SAC and PDF/KNDO forces in the region, and SAC indiscriminate shelling in the village. *[Photo: local villagers]*

[73] See: KHRG, "Mu Traw District Situation Update: Airstrikes, fighting, indiscriminate shelling and landmine contamination resulted in the displacement of villagers, one injury and one death in Bu Tho Township, Mu Traw District, March to May 2021", December 2021; KHRG, "Mergui-Tavoy District Situation Update: Military activity, shelling and displacement, May to June 2022", January 2023.

[74] See: "Dooplaya District Short Update: Skirmishes between armed groups and indiscriminate shelling result in displacement, casualties and destruction of villagers' property (October 2021)", December 2021.

Displaced and non-displaced villagers alike face serious healthcare, livelihood and education challenges. SAC soldiers, often posted at checkpoints, forbid civilians to transport medicine, or straightforwardly prevent civilians in need of medical attention to travel through their checkpoints.[75] Many local schools have also closed due to the conflict. In some situations, however, displaced villagers continued their education while hiding in the forests to the best of their abilities.[76] Several villagers described difficulties for their livelihoods, notably in terms of labour, due to SAC launching attacks against them.

This photo was taken on September 22nd 2022 in Shwegyin Inn village tract, Moo (Mone) Township, Kler Lwee Htoo (Nyaunglebin) District. It shows the corpse of Naw Thoo Lei Paw, a displaced villager killed on her way back from her village to retrieve rice by indiscriminate shelling fired by SAC troops from LIB #351. *[Photo: KNU]*

Saw Am--- was injured by shrapnel from a mortar fired by SAC troops from IB #75, following armed clashes. This photo was taken on the night of December 8th 2021, in Bn--- village, Kheh Der village tract, Ler Doh Township, Kler Lwee Htoo District. He was taken to a hospital in Mu Traw District. Two children were also injured in the shelling. *[Photo: local villagers]*

The climate of fear created by armed conflict is another prevailing consequence mentioned by villagers. Civilians described having to live under constant fear due to regular SAC violations, not knowing when or where they would be targeted. Naw C---, a villager from F--- village, Htee Hpa Doh Hta village tract, Bilin Township, Doo Tha Htoo District, explained, *"We always have to be afraid due to the coup. […] We worry that they will burn the village or kill people [civilians]. They might kill us if someone [KNLA] shoots at them."*[77] In alignment with this experience, Saw Ak---, a villager from Bp--- village, K'saw Plo village tract, Thandaunggyi Township, Toungoo District, explains the trauma a wife in his village faced after her husband was shot by SAC soldiers: "*She did not come back to stay in the village. She is worried that she will be arrested if she comes back. Since her husband was killed, she dares not to stay in her house anymore. She*

[75] KHRG, "Mergui-Tavoy District Situation Update: SAC military activities and travel restrictions, livelihood challenges, education, an armed clash, displacement and indiscriminate shelling by the SAC, April to May 2022", December 2022.

[76] KHRG, "Kler Lwee Htoo District Situation Update: SAC air strikes, shelling and fighting, displacement, insecurity, and livelihood, education and healthcare challenges in Ler Doh Township, February to May 2022", August 2022.

[77] KHRG, "Doo Tha Htoo District Short Update: Forced portering and the use of civilians as human shields by the SAC and BGF in Bilin Township, September 2021", March 2022.

also got a mental issue since her husband died: she constantly feels worried and fearful [that she will be killed]."

Pregnant women and vulnerable populations, including children, people with disabilities and the elderly, are disproportionally affected by the armed conflict and SAC attacks. Movement restrictions and SAC confiscation of medicine or food at checkpoints create additional difficulties in the villages. Saw Ab---, a villager from Bc--- village, Ta Au Hkee village tract, Bilin Township, Doo Tha Htoo District, explained: "*Pregnant women face particular [human rights violation]. For example, [before the coup], if a pregnant woman experienced labour pain but was unable to deliver her baby in her village, she was immediately sent to a hospital the same night. But now, we do not feel secure travelling during night time anymore [as we can be shot on sight or trigger a landmine planted on the road by armed actors]. Therefore, they [pregnant women] faced particular and major concerns*."

a. Villagers' strategies against SAC attacks

Previous KHRG findings indicating that fear of reprisal led villagers to resort more frequently to methods of avoidance, protection, and self-reliance, as opposed to more overt and confrontational resistance strategies,[78] apply to this report. Under the constant threat of armed clashes, shelling, airstrikes, and other abuses committed by SAC soldiers, villagers resort to displacement as an avoidance strategy notably.

As SAC air strikes are regularly conducted at night, villagers often displace at dusk and go back to the village during the day to check on their crops and livestock, doing so at risk to their life.[79] Saw Al---, a village leader from Bk--- village, Yaw K'Daw village tract, Noh T'Kaw Township, Dooplaya District, described this strategy: "*Local authorities [KNU] told us to sleep overnight in other places because the air strikes [in that area] only come at night when everyone is deeply asleep. When it [the jet/helicopter] comes during the day, it only conducts reconnaissance*".

Villagers also resort to negotiating with and bribing soldiers, particularly to obtain the release of villagers after arrests.[80] Ko Aj---, who organised protests in Hsaw Htee Township, Kler Lwee Htoo District, explained how several villagers had to bribe SAC police following CDM protests: "*After the coup, in April [2021], they [SAC] arrested a civilian named Ko Ao---. He was arrested and they put him in jail. After that, they arrested five more [civilians]; two of them were released after they paid money as bribery for their release […]. As far as we know, they had to pay over two million kyats to [SAC] military and police to solicit their release*."

[78] KHRG, "Foundation of Fear: 25 Years of Villagers' Voices from Southeast Myanmar", October 2017.
[79] KHRG, "Dooplaya District Short Update: A woman was killed by mortar shrapnel during indiscriminate shelling by armed groups, February 2022", March 2022.
[80] KHRG, "Dooplaya District Situation Update: SAC interrogation and arbitrary arrest, arbitrary killing, and displacement due to fighting in Noh T'Kaw and Kruh Tuh townships, April to May 2021", December 2021.

Villagers use different ways to cope with the increased insecurity caused by military activities. Villagers reported sharing important information pertaining to SAC activities in their region among themselves or with other EAGs, in order to avoid certain SAC checkpoints or to flee before SAC soldiers conduct troop exchanges or other operations.[81] Saw Z---, a villager from Aa--- village, Maw Nay Pwa area, Htaw Ta Htoo Township, Taw Oo District, explained: "*We just get regular updates of the situation of [SAC] arresting people; currently, we received information that they [SAC] arrest people in the morning until noon time. Therefore, we will go [to the Town] in the afternoon and then return early in the morning before 8:00 am [in the next morning]*."

Lastly, villagers often found ways to decrease the impacts of constant systematic violations on their communities, such as the SAC's attacks on critical infrastructures or deprivation of essential services. This is notably the case when displaced villagers reported organising school in the forests while hiding, as explained by Saw Ac---, a villager from Bd--- village, K'Ser Hkler area, K'Ser Doh Township, Mergui-Tavoy District: "*We used to have students who studied up to middle school level. However, after the coup, it [the education system] got all ruined. We don't even have a school at the primary level. Therefore, we started to stand by ourselves and arrange for the education rights of our children so that they do not become illiterate. […] Who will take care of it if we don't? So, we try to improve this as much as we can.*"

b. Villagers' recommendations to relevant stakeholders

Villagers interviewed for this report shared their recommendations for stakeholders. Most expressed concern about the further worsening of the situation if the top SAC generals stay in power and remain unaccountable for their crimes. Many highlighted the lack of attention by international stakeholders to the situation, despite the seriousness of the SAC's violations, and the slowness of legal proceedings against the junta. Nonetheless, villagers remained hopeful that the situation could improve in the mid-to-long run if strong national and international legal and political measures are taken.

Many urged the international community to closely consider the lived experiences of villagers to motivate sanctions against the junta. Saw Ah---, a village elder from Bh--- village, Bh--- village tract, Moo Township, Kler Lwee Htoo District, recommended the following: "*[W]e want leaders including organisations [CBO/NGO], ASEAN and UN level stakeholders to help us prevent the repetition [of human rights abuses]. They will not be able to come and actually see us, but if they hear the voices of civilians and ethnic people who have been experiencing the [violations] committed by this junta and our situation, we hope that they will put pressure in any possible way [on the SAC] in order to stop all of these [human rights violations] for us*." This echoes the testimony of Ma S---, a female villager from U--- village, Bo---village tract, Tha Htoo Township, Doo Tha

[81] KHRG, "Doo Tha Htoo District Short Update: SAC troops arbitrarily detain seven villagers, March 2022", June 2022.

Htoo District, who urged the international community to take measures to stop the flow of money to the Burma military: "*I want international big [powerful] countries to learn about these incidents in our area and block [hold sanctions on] the [SAC business] department [to stop the flow of money going to the Burma Army] so that they will become weak. Then if they [SAC] change their mind, they might hand power to the civilians. It is good if the big [powerful] international countries do [this] for us.*"

Several interviewees wished to see SAC generals, including Min Aung Hlaing, prosecuted for their crimes in order to bring lasting peace to the country. Saw Ab---, a villager from Bc--- village, Ta Au Hkee village tract, Bilin Township, Doo Tha Htoo District, stated: *"[Min Aung Hlaing] has been committing widespread [violations against villagers] that may amount to crimes [against humanity]. We as villagers do not dare to tell [to order him to stop doing violations]. We also do not have the chance [power] to do it, so if powerful countries could take this issue into account and prosecute him and charge him with punishment, like a period of imprisonment or position resignation, [then it will be good for us]."*

Some villagers warned that the security situation will continue to deteriorate if no concrete steps are taken to stop SAC's attacks. For some, systematic violations and a lack of strong national, regional and international response could even motivate some villagers to take up arms against the SAC. Saw Ah---, a village elder from Bh--- village, Bh--- village tract, Moo Township, Kler Lwee Htoo District, explained: "*We are civilians, we do not want to fight. We want to live peacefully. […] Based on the current situation, if we do not want fighting [if we do not fight], the power and regime of this group [the junta] will remain firm, and we cannot know for how many decades, centuries or generations civilians will continue to face these kinds of things [human rights violations]. Therefore, I think, if we want to live peacefully, we will have to fight [against the junta]. Actually, we want to live peacefully, we do not want to fight. This time we have to fight for ourselves, in order to be able to live in peace; if we cannot live in peace, at least our children will be able to live in peace. Therefore, even though we do not want to fight, we have to fight*." In like manner, Naw K---, a villager from A--- village, Paw Township, Doo Tha Htoo District explained: "*If everyone is armed [against each other] these hatreds will never end [there will never be peace]. They [the SAC] should not harm the civilians because the civilians are innocent. If a civilian has done something wrong, that person should be punished for what they have done. But now they [the SAC] are arresting and shooting civilians who are innocent. If the country's situation becomes worse, we will fight as well*."

Other respondents stipulate that all ethnic minorities must be present at the negotiating table in order to create a peaceful, federal country after the junta's fall. Saw J---, a villager from L--- village, Noh Pah Htaw village tract, Waw Ray Township, Dooplaya District, stated: "*You cannot change it [the Constitution] unless ethnic groups agree with it. All ethnic groups should be represented in the Constitution. […] Our leaders [KNU] had planned to change the country, but it is impossible to change it alone. We have to work together to build a federal country. All ethnic groups must be included to build a federal country*."

Villagers' recommendations underline the urgent need for concrete, targeted measures to end the junta's attacks and abuses throughout Burma. Without the right intervention by international and regional stakeholders, the circle of violence will continue to escalate in Karen State, including the SAC's deliberate attacks against civilians.

Discussion and conclusions

Amid the increasing conflict between SAC forces and the armed opposition, the Burma Army has repeatedly attacked villagers in Karen State. The logic underlying these attacks, where SAC soldiers target civilians instead of armed groups, is often poorly understood by outside observers. Without grasping the historical and contextual dynamics of Burma Army policies, foreign analysts miss crucial dynamics at play in ethnic states.

Patterns of SAC retaliatory attacks against villagers

This report draws from villagers' testimonies and field reports to highlight seven patterns underlying SAC deliberate attacks launched against villagers in Karen State. First, the SAC targets civilians in a retaliatory manner for their perceived opposition to the 2021 coup. This suspicion emanates from (anti-coup) "insurgent activities" conducted by villagers in Karen State, or from their ethnicity, different from the Bamar ethnic majority. Second, Burma Army long-standing military tactics aimed at cutting suspected links between civilians and EAGs motivate deliberate SAC attacks against civilians. Third, on numerous occasions, attacks against civilians occur after skirmishes between SAC and local resistance forces in the area. Fourth, SAC retaliatory strategies further motivate attacks against villagers to spread terror in the region and keep alleged anti-coup villagers in check. Fifth, villagers are similarly targeted, or threatened, in an attempt to deter EAGs from conducting attacks against SAC soldiers. Sixth, under-supplied SAC soldiers also confiscate villagers' goods and loot their properties for their own interest. Lastly, villagers who refuse to comply with SAC orders are also regularly targeted in overt retaliation. Generally, a scapegoating dynamic pervades all these factors, as civilians in Karen State are systematically regarded as foes, or linked to them, and then collectively punished. These patterns bring to light the security situation in Karen State, where villagers are not collaterally impacted by a two-party conflict, but deliberately targeted by the junta.

Legal implications of SAC retaliation against villagers

This report also shows that this logic of scapegoating and collective punishment against villagers pervades the Burma military, leading to repeated violations of international law. Understanding this pattern of abuse is crucial for any legal proceedings aimed at bringing accountability to Southeast Burma, or for any other justice processes working to untangle the conflict's underlying dynamics.

Fundamentally, the amalgam the SAC makes between civilians and armed groups is deeply problematic and goes against the prohibition of *discrimination of persons*, enshrined in Article 2 of the Universal Declaration of Human Rights (UDHR). Discrimination is one of the most fundamental issues human rights law fights against, as it directly impacts human dignity by undermining equality.[82] SAC attacks also constitute a violation of specific human rights, in particular the right to liberty and security of person.

The SAC's policy of targeting civilians instead of armed groups in Southeast Burma is violating the principle of distinction between civilians and combatants (as well as between civilian and military objects),[83] a seminal rule in international humanitarian law. By conflating villagers with members of armed resistance forces, the SAC ensures it will embed grave breaches of international humanitarian law in its conduct of hostilities, violating numerous treaty and customary rules: the SAC should avoid indiscriminate attacks, and yet, it is actively conducting them.[84]

The SAC commits a number of war crimes in retaliating against civilians. The military violates the integrity of the body and health of civilians,[85] by conducting attacks that risk their lives. The SAC directs unlawful attacks against peaceful civilians, and against civilian property and protected buildings.[86] Additionally, by attacking and punishing villagers indiscriminately and as a whole, the SAC's operations may amount to the war crime of *collective punishment*.[87] Furthermore, by targeting a specific group in its attacks, the SAC also commits the crime against humanity of *persecution*,[88] as the Burma Army perpetrates abuses against a specific ethnic group, or against a group of civilians residing in an ethnic minority area, perceived as holding anti-coup sentiments.

These crimes emanating from the general policy of the SAC targeting civilians are followed by other violations of international law committed in the application of such policy, i.e. abuses committed by the Burma Army such as killings, arbitrary arrest, and torture. These abuses have been widely documented by local and international actors and recognised by the UN *Special Rapporteur on the situation of human right in Myanmar* as amounting to violations of international law, including war crimes and crimes against humanity.[89]

Policy implications of the findings

The junta's deliberate targeting of civilians calls for urgent, factual measures from regional and international actors to cease, once and for all, all approaches and actions (directly or indirectly) granting any legitimacy to the military junta, including ASEAN's Five-Point Consensus and UN's passive and non-binding attitude towards the conflict. In showing how the SAC is purposely targeting civilians in the country through specific

[82] Universal Declaration of Human Rights, art. 1
[83] Customary International Humanitarian Law, ICRC, rule 1 and 7
[84] Customary International Humanitarian Law, ICRC, rule 11
[85] Rome Statute, art. 8(2)(a)(iii), 8(2)(c)(i)
[86] Rome Statute, art. 8(2)(e)(i) & (v)
[87] Customary International Humanitarian Law, ICRC, rule 103
[88] See Rome Statute's art. 7(1)(h) of the International Criminal Court, codifying customary international criminal law.
[89] "Illegal and Illegitimate: Examining the Myanmar military's claim as the Government of Myanmar and the international response" Conference Room Paper, 31 January 2023, A/HRC/52/CRP.2

patterns fuelled by a scapegoating dynamic, this report offers a more comprehensive understanding of the conflict in Southeast Burma that should also inform legal prosecutions of junta leaders to include the war crime of *collective punishment* and the crime against humanity of *persecution*.

These findings must also be central to any international actions implemented to alleviate suffering in Karen State and protect villagers. As civilians are being deliberately targeted, increasing the humanitarian aid in the region is primordial to support the high number of villagers in need of protection and assistance. Moreover, this aid response must be designed and delivered in close collaboration with local CBO/CSOs (that have consistent access and trust from the community for local implementation of support programmes)[90], and in no case should the SAC hold decision-making power over aid distribution or have access to such funds. International protection measures should also focus on the sanctioning of junta leaders, and their affiliated companies, as well as imposing an embargo on arms and jet fuel supplies entering the country, that are permitting the slaughter of civilians in ethnic areas.

Given the complex nature of the situation on the ground, and taking into account both armed and non-armed resistance to the SAC regime, villagers' perspectives and recommendations must inform the drafting and implementation of any policies aimed at achieving meaningful peace in the country. Without taking into account such perspectives, top-down strategies to resolve the crisis in Burma run the risk of further deteriorating the situation on the ground and increasing militarisation.

[90] KHRG, "Denied and Deprived: Local communities confronting the humanitarian crisis and protection challenges in Southeast Burma", June 2022.

Photos: Front and back cover

Front cover photo:

This photo was taken on April 2021 in Day Pu Noh village, Pay Kay village tract, Lu Thaw Township, Mu Traw District. The photo shows a community school destroyed by SAC air strikes on March 28th 2021. *[Photo: KHRG]*

Back cover photo:

Left to right:

This photo was taken on April 7th 2022 in Kyauk Aaing village, Meh Keh village tract, Th'Yeh Chaung Township, Mergui-Tavoy District. It shows the villagers' house and property inside burned down by the SAC. *[Photo: KHRG]*

This picture shows the aftermath of an SAC shelling. A villager is standing in front of a field that was damaged by SAC's indiscriminate shelling in Min Zaw village, Khaw Hpoh P'Leh village tract, Belin Township, Doo Tha Htoo District. The SAC soldiers, stationed in Tha Khaw P'Leh military camp, shelled five rounds of 122mm mortar indiscriminately, resulting in the destruction of a farm field, a rubber field, and a water well. *[Photo: KHRG]*

Title of the report

The title of this report, "Why would they target us", was extracted, and slightly modified, from a quote by Naw Ae---, a female villager from Dooplaya District interviewed for this report. The original sentence reads: "*[…] They could not find the Kaw Thoo Lei [KNLA soldiers], so they target the civilians as their enemy. Why would they kill, attack or target us if they didn't consider us as an enemy?*"

Two years after the 2021 military coup, the security and human rights situation in Southeast Burma/Myanmar continues to worsen, as the State Administration Council (SAC) purposely attacks villagers in the region. This report sheds light on the patterns of deliberate and systematic targeting of civilians, as recounted by local villagers. The Burma Army's practice of scapegoating and collectively punishing civilians in ethnic regions, perceived as averse to the SAC regime, has devastating consequences for local communities.

By exposing key dynamics of the armed conflict in Karen State, this report discloses and condemns the grave violations of international law being committed by the Burma Army, urging the international community to take decisive action to protect the rights of civilians in Burma. Likewise, the report outlines villagers' own perspectives and strategies of resistance to the coup, and asserts that such efforts should be acknowledged and creatively supported. These findings should inform any international action seeking to accomplish justice and meaningful peace, and aim to avoid further militarisation in the country.

KHRG

Karen Human Rights Group (KHRG) was founded in 1992 and documents the situation of villagers and townspeople in rural Southeast Myanmar through their direct testimonies, supported by photographic and other evidence. KHRG operates independently and is not affiliated with any political or other organisation.