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Karen Human Rights Group

Documenting the voices of villagers in rural Burma

News Bulletin

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News Bulletin: Killing, physical abuse, arbitrary detention and land confiscation by the KNU/KNLA-PC in Hpa-an and Dooplaya districts, October 2018 to November 2019

This News Bulletin describes human rights abuses committed by the KNU/KNLA-PC in Ta Kreh and T'Nay Hsah townships, Hpa-an District and Kyonedoe Township, Dooplaya District between October 2018 and November 2019. All of them amount to violations of the Nationwide Ceasefire Agreement and associated Code of Conduct.

- On April 29th 2019, a villager sustained serious injuries after being beaten by two drunken KNU/KNLA-PC soldiers in O--- village, P--- village tract, Ta Kreh [Paingkyon] Township, Hpa-an District. The perpetrator did not compensate the victim despite being ordered to do so by the village authorities and his commanding officer.
 - On October 28th 2018, KNU/KNLA-PC soldiers arbitrarily detained and tortured a villager whom they accused of stealing gold in Q--- village, R---- village tract, Kyonedoe Township, Dooplaya District. Later on, a KNU/KNLA-PC officer beat this villager's wife, leaving her seriously injured. She succumbed to her injuries on November 1st 2018, but no criminal charges were pressed against the perpetrator.
 - On September 1st 2019, the KNU/KNLA-PC arbitrarily arrested and detained around 10 villagers whom they accused of murder in T--- village tract, Paingkyon Township, Hpa-an District. They faced dire detention conditions and were only released after paying money to the KNU/KNLA-PC.
 - In T'Nay Hsah Township, the KNU/KNLA-PC is currently confiscating lands to build a new town over a 4000-acre area in Htoh Kaw Koh village tract. This area includes around 400 acres of lands belonging to local people, some of which have already been confiscated without compensation.¹
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Introduction

On August 20th 2019, KIC News reported that soldiers from KNU/KNLA-PC Battalion #709 shot U² Theh Oo, the Whay Sha village tract leader. The incident occurred on August 18th 2019. The victim was later admitted to the hospital, but no action was taken against the perpetrators.³

¹ This News Bulletin was written by KHRG office staff and is based on information from community members from Hpa-an and Dooplaya districts who have been trained by KHRG to monitor local human rights conditions. The first case summarises information from two interviews received by KHRG in December 2019.

² U is a Burmese title used for elder men, used before their name.

The KNU/KNLA PC is an armed group based in the Htoh Kaw Koh village tract area, Hpa-an District. It split from the Karen National Union (KNU)⁴ and signed a ceasefire agreement with the Myanmar government in 2007, but refused to transform into a Border Guard Force (BGF)⁵ in 2010.

Although the KNU/KNLA-PC signed the Nationwide Ceasefire Agreement (NCA) in October 2015, KHRG documented several instances of human rights abuses against civilians in direct violation of its provisions. This report covers the cases KHRG received between October 2018 and November 2019, and includes instances of physical abuse, land confiscation and arbitrary detention.

A. Physical abuse resulting in serious injuries in Ta Kreh Township

On April 29th 2019 at 3:00 PM, two drunken KNU/KNLA-PC soldiers physically abused A---, a local villager in O--- village, P--- village tract, Ta Kreh [Paingkyon] Township, Hpa-an District. On that day, A--- entered a local shop to get water when Saw⁶ B---, a KNU/KNLA-PC Lieutenant from Operations Command #6 and his soldier Saw C--- shouted at him: *“Aren’t you going back to your house? I don’t want to see your face. Get lost from here and head to your home.”* According to local people, there was no previous issue between Saw A--- and these two soldiers.

As A--- did not comply, Saw C--- punched him in the head. The victim then tried to escape, but Lieutenant Saw B--- chased him and hit his head, chest, legs and whole body with a bamboo stick. A--- sustained serious head and body injuries, as well as open wounds on his legs. He was left unconscious for more than one hour and woke up at 4:15 PM at the incident location. He spent the whole night screaming in pain.

On the next day, on April 30th 2019, villagers took him to the Kruh Tuh (Kyonedoe) hospital for treatment. According to the family of the victim, a nurse stated: *“He [A---] sustained internal injuries, particularly in his lungs. He has to take medicine until the injuries are fully healed. He will not be able to carry out heavy work and [demanding] physical activities [until he recovers].”*

On April 30th 2019, the village guards arrested the two perpetrators and contacted their commanding officer and village authorities. Lieutenant Saw B--- was ordered by his commanding officer and the village authorities to give 1,000,000 kyats (USD 663.90)⁷ to the victim by May 4th 2019. According to the information KHRG received, he had not done so as of mid-November 2019.

This incident amounts to a clear violation of section 9(b) of the NCA and section 7(B) of the NCA Code of Conduct, which state that the Tatmadaw and the Ethnic Armed Organisations shall not subject civilians to violence or torture.

³ [*KIC News \(August 20, 2019\) , 'လျှပ်စစ်မီးတိစ္ဆာကြောင့် KNU/KNLA \(PC\) တပ်ဖွဲ့ဝင်က ကျေးရွာအုပ်ချုပ်ရေးမှူးအား သေနတ်ဖြင့်ပစ်ခတ်သဖြင့် ဆေးရုံတင်ထားရ’*](#)

⁴ The Karen National Union is the main Karen group opposing the government.

⁵ Border Guard Force (BGF) battalions of the Tatmadaw were established in 2010, and they are composed mostly of soldiers from former non-state armed groups, such as older constellations of the DKBA, which have formalised ceasefire agreements with the Burma/Myanmar government and agreed to transform into battalions within the Tatmadaw.

⁶ Saw is a S’gaw Karen male honorific title used before a person’s name.

⁷ All conversion estimates for the kyat in this report are based on the December 19th 2019 official market rates.



These photos were taken on April 30th 2019 in O--- village, P--- village tract, Paingkyon Township, Hpa-an District. The photo on the left shows the KNU/KNLA-PC ID card of Lieutenant Saw B---. The photo on the right shows the injuries suffered by the villager who was beaten by the KNU/KNLA-PC soldiers. [Photos: KHRG]

B. Physical abuse resulting in the death of a woman in Kyonedoe Township

On October 28th 2018, KNU/KNLA-PC soldiers tortured villagers in Q--- village, R--- village tract, Kyonedoe Township, Dooplaya District. Saw D---, a KNU/KNLA-PC soldier from Battalion #776, accused U E---, a neighbouring villager, of stealing 163.29 grams (၁၀ သာဓံ) of his gold. Saw F---, Battalion #776's Company Commander and some of his soldiers then arrested U E--- in his house along with his wife, daughter and younger brother. The soldiers took them to S--- village and promised that they would not get hurt along the way.

When they arrived at S--- village, Saw F--- and three KNU/KNLA-PC soldiers started torturing U E---, but not his family members. The soldiers kicked U E---'s mouth with their jungle boots, breaking one of his teeth, and punched him with bullets between their fingers. The Company Commander told him: *"You deserve to be shot and killed. I will compensate [your family] for your death after I kill you."* U E--- begged them to stop but they kept beating him.

Due to the abuses he suffered, U E--- admitted that he had stolen the gold – even though he had not – and said he would compensate for it, but the soldiers kept punching him. After the torture ended, Saw F--- told U E--- that he would hurt him even more if he reported the case. Then, the KNU/KNLA-PC released his family members but kept him in custody.

At a later stage, Saw F--- went to U E---'s house and tortured his 50-year-old wife, Naw⁸ G---. U E---'s daughter, Naw H---, witnessed her mother being tortured. To prevent Naw H--- from recording evidence, Saw F--- took her smartphone. He then hit Naw G--- with a metal stick, causing blood to come out of her mouth. Naw G--- sustained serious injuries all over her body, but was not taken to the hospital afterwards. Because of her untreated injuries, she died on November 1st 2018.

After U E--- was released and got back home, he felt distress when he learnt that his wife had died. He explained: *"When I was released after being brutally tortured and got back home, I did not know that my wife had died. My neighbours told me that my wife was not feeling well, so she went to get an injection at the clinic [his neighbours did not want to traumatise him further after*

⁸ Naw is a S'gaw Karen female honorific title used before a person's name.

what he had been through, so they did not tell him about the death of his wife at first]. Actually, she was not taken to the hospital after the abuse. She died a few days later.”

Due to the traumatic nature of the abuses he faced, U E--- could not remember everything in detail. He reported the abuses perpetrated against his family to the village head, but he was also too afraid of the KNU/KNLA-PC to take action. This case was ultimately handled on Saw F---’s own terms through a KNU/KNLA-PC dispute settlement mechanism, as U E--- explained: *“Our community is influenced by armed groups [KNU/KNLA-PC]. When cases are handled by the armed group, community members cannot step in anymore. They have their own administrative system. In that case, the village head could only accompany me as an observer, not a decision maker. Therefore, the case was handled in the [KNU/KNLA-PC] court according to the decision of that particular armed group.”*

Saw F--- claimed that Naw G--- died because she drank poison, so he did not give compensation for her death. Instead, he provided 3,000,000 kyats (USD 1,991.68) to support Naw H---’s education, as she was attending Standard 10. U E--- described how he felt forced to settle the case: *“The [KNU/KNLA-] PC Commander did not pay for the loss of my wife, but for my daughter’s education. He paid 3,000,000 kyats but 1% of the money was deducted [and given to the KNU/KNLA-PC officials who instructed the case], so I received 2,700,000 kyats (USD 1,792.52) as compensation. It is not fair that my wife died innocently without receiving any compensation. They claimed that my wife died because she drank poison, not because of the torture. Now, I have already signed the agreement [to settle this case] with the [KNU/KNLA-] PC because they forced me to do so. I was not satisfied, but I am afraid to confront them. They threatened me to stop referring the case to any authorities. Even if I do so, the authorities will not listen because the [KNU/KNLA-] PC has already paid bribes to them.”*

This incident amounts to a clear violation of section 9(b) of the NCA and section 7(B) of the NCA Code of Conduct, which state that the Tatmadaw and the Ethnic Armed Organisations shall not kill civilians or subject them to violence or torture; as well as to a violation of section 9(e) of the NCA and 7(E) of the NCA Code of Conduct, which forbid arbitrary arrest.



This photo was taken on March 9th 2019 in Q--- village, R--- village tract, Kyonedoe Township, Dooplaya District. It shows the body of Naw G---, who succumbed to severe injuries a few days after being beaten by a KNU/KNLA-PC officer. [Photo: KHRG]

C. Arbitrary detention and inhumane detention conditions in Paingkyon Township

Saw J---, a villager from T--- village, T--- village tract, Paingkyon (Ta Kreh) Township, Hpa-an District was accused of murder and arrested by the KNU/KNLA-PC on September 1st 2019. He was arbitrarily detained under harsh conditions until his wife paid for his release on November 20th 2019.

On August 29th 2019, Saw J--- was working on his field when he saw L---, a man from the nearby V--- village, W--- village tract, Ta Kreh Township carrying two new handmade fish traps. L--- was known in the village as a KNU/KNLA-PC fellow worker, as he would often volunteer to work for the armed group. Saw J--- reported what he saw to the village head because he thought L--- might have taken or stolen the fish traps from someone in the village. On August 30th 2019, Saw J--- found the fish traps beside a stream near his farm, so he brought them home.

On 31st August 2019, another farmer from T--- village saw L---'s body floating in the river and spread the news to everyone in the village. After that, Saw K---, KNU/KNLA-PC Battalion #773's second in command and his soldiers came to see the dead body. According to them, the deceased looked like he had been beaten because there were bruises on his body, and his eyeballs were empty. After taking the dead body out of the water, the soldiers buried it beside the river.

On September 1st 2019, Saw J--- was arrested by KNU/KNLA-PC Battalion #773 and detained at their V--- camp for four days. The local KNU/KNLA-PC soldiers also accused around 10 other villagers from V--- village of the murder and arrested them. Saw J--- was the only one accused in T-- village because he reported that he had seen the deceased two days before his body was found.

He was then taken to the X--- KNU/KNLA-PC detention camp to serve a three-month sentence without any trial. He was detained for 45 days without being able to take a shower or see his wife, and lacked access to enough drinking water and proper food. His detention conditions improved afterwards, as he was given proper food and the ability to shower. The other villagers who were arrested faced similar conditions.

Saw J--- has five children, and his youngest child was only seven months when he was arrested. He usually secures his family's livelihood by farming on a land he rents for 10 baskets of rice per year. While he was detained, it was very challenging for his wife to support the education of their two children who are in school. In addition, she could not work on the farm by herself because she had to take care of her youngest child. Therefore, she had to borrow money from other people to buy rice and food.

On November 20th 2019, Saw J--- was released after his wife paid 200,000 kyats (USD 132.78) to the KNU/KNLA-PC. The family went into debt when Saw J--- was detained, and is still facing economic difficulties. According to local witnesses, the other villagers who were detained also had to pay the same amount of money to be released. However, they spent less time in detention than Saw J---.

This incident clearly amounts to a violation of section 9(e) of the NCA and section 7(E) of the NCA Code of Conduct, which forbid arbitrary arrest; as well section 9(b) of the NCA and 7(B) of the NCA Code of Conduct, which forbid arbitrary detention and imprisonment. Extorting money from the families of detained civilians in exchange for their release also amounts to a violation of Section 7(D) of the NCA Code of Conduct, which states that "no money [...] shall be demanded from the civilians".

D. Land confiscation in T'Nay Hsah Township

Since 2007, the KNU/KNLA-PC has been confiscating lands belonging to local villagers in Htoh Kaw Koh village tract, T'Nay Hsah Township, Hpa-an District to build a new town called Naw Ta Ya. This town is projected to extend over a 4,000-acre area that includes over 400 acres of

lands and plantations belonging to local people. This project is being implemented by Commander Pu Aung Naing from Battalion #707 and Commander Ba Blut Moo from Battalion #708.

None of the victims received compensation. Most of them have Karen National Union land titles, and some even have Myanmar government land titles, so they tried to claim back their lands from the local KNU/KNLA-PC leaders, with no result. Although these land owners are not satisfied with the current situation, they stay silent because they fear the KNU/KNLA-PC and do not know how to refer the case further. The KNU/KNLA-PC has already built schools, houses for their families and other buildings on those confiscated lands. On some of these, they also cultivate rubber for income purposes.



These photos were taken on February 17th 2019 in Htoh Kaw Koh village, Htoh Kaw Koh village tract, T’Nay Hsah (Nabu) Township, Hpa-an District. They show buildings that were erected on lands confiscated by the KNU/KNLA-PC. [Photos: KHRG]

Naw I---, one of the land confiscation victims, first tried to protect her lands from being confiscated by fencing them, without success. She shared her experience with KHRG: *“We tried [to get our land back] but we were not successful. The confiscators told us that the Township administrator had measured [the land] roughly, so no one recognised our land grant. I reported the case to [Commander Pu] Aung Naing but he told me: ‘You cannot report the case here, but at the KNU/KNLA-PC headquarters level’. Then, I gave up because I did not know how to proceed further. I do not know where the headquarters is located. I am so sad but there is nothing more I can do to get my land back.”*

Local villagers oppose this project because it will negatively impact their ability to secure their livelihoods through agriculture and to forage for food in the nearby forest. The subsequent loss of income will also undermine their ability to access healthcare services. Some villagers already feel that their freedom of movement has been restricted, because of the impossibility to access their confiscated lands and the fear resulting from the presence of KNU/KNLA-PC soldiers in the area. On February 16th 2019, villagers from two village tracts, Htoh Kaw Koh and Waw Lay, gathered together to send a complaint letter to the Htoh Kaw Koh village tract administrator.

Despite their opposition, the KNU/KNLA-PC confiscated more lands in early August 2019 and marked them with notices saying: *“School compound (playground), do not trespass”*. The land owners were neither notified prior to this nor paid compensation. They felt ignored and have lost the hope of getting back their land. Some trees on these lands were also cut down and processed with a wood processing machine.

These incidents amount to clear violations of section 9(f) of the NCA and section 7(B) of the NCA Code of Conduct, which state that the Tatmadaw and the Ethnic Armed Organisations shall not confiscate lands from civilians.



These photos were taken on August 13th 2019 in S--- village, Htoh Kaw Koh village tract, T'Nay Hsah Township, Hpa-an District. The left photo shows the KNU land title of a villager whose land was confiscated by the KNU/KNLA-PC. The photo on the right shows a notice posted on a tree by the KNU/KNLA-PC in the confiscated land. [Photos: KHRG]

Conclusion

These four cases demonstrate that, despite the signing of the Nationwide Ceasefire Agreement, members of the KNU/KNLA-PC continue to subject civilians to human rights abuses in their operation area. The victims usually dare not report their case due to the fear of reprisals, and those who do are either confronted with the inaction of local authorities or biased dispute settlement mechanisms controlled by the KNU/KNLA-PC. In some occasions, perpetrators also actively threatened the victims to prevent them from reporting their experiences and seeking justice. This lack of proper judicial and disciplinary oversight over the actions of KNU/KNLA-PC members creates a climate in which impunity thrives. This enables them to engage in human rights abuses with little or no consequences.

The KNU/KNLA-PC leadership should therefore, as a matter of urgency, take the necessary steps to ensure that all their activities comply with the provisions of the NCA and associated Code of Conduct. They should also establish dedicated mechanisms to take disciplinary action against the individuals responsible for violating the NCA, including by bringing them to justice in case of serious human rights abuses.

Further background reading on human rights abuses committed by the KNU/KNLA-PC in Southeast Myanmar can be found in the following KHRG reports:

- ["Hpa-an Situation Update: Land confiscation by the KNU/KNLA-PC in T'Nay Hsah Township and resettled refugees facing difficulties in Lu Pleh Township, February 7th to May 18th 2019"](#), (November 2019)
- ["Hpapun Incident Report: Land confiscation by armed actors impede refugee return in Bu Tho Township, February 2018"](#), (December 2018)
- ["Hpa-an Incident Report: KNU/KNLA Peace Council Officers confiscate land in Nabu Township, March 2018"](#), (November 2018)

About KHRG

Founded in 1992, the Karen Human Rights Group is an independent local organisation committed to improving the human rights situation in Southeast Myanmar. KHRG trains local people to document and gather evidence of human rights abuses, and publishes this information to project the voices, experiences and perspectives of local communities. More examples of our work can be seen online at www.khrgh.org.