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KHRG Karen Human Rights Group

Documenting the voices of villagers in rural Burma

Southeast Myanmar Field Report: COVID-19, armed conflict, landmines and sexual violence, January to June 2020

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Introduction

This Field Report analyses information collected by KHRG field researchers and covers the period between January and June 2020.

Although Myanmar reported its first case of Coronavirus disease 2019 (COVID-19)[1] on March 23rd 2020, official lockdown measures (on the part of the Myanmar government) did not get put into place until mid-April. Limited by local travel restrictions, KHRG began collecting information in early May 2020 primarily by conducting telephone interviews with villagers and local leaders. Thus far, there have been few reported cases of COVID-19 in KHRG's operation area, suggesting that there was some degree of effectiveness to the measures undertaken in curbing the spread of the virus to these rural areas.

From the information collected, a few trends have emerged. Prevention measures and access to information have varied considerably across the seven districts. This variation is tied to issues of control and the complex political dynamics between the Myanmar government and Ethnic Armed Organisations (EAOs) in Southeast Myanmar. Because tensions between the different political actors is placing villagers at greater risk, independent international organisations may need to play a stronger role in service delivery in order to ensure that all villagers are getting the information and resources they need to protect themselves. Facilitating health worker and NGO access to areas is also imperative. The already unstable livelihood situation of most villagers puts them at extreme risk the longer the health crisis continues, and is likely to increase local tensions and/or push individuals to adopt dangerous livelihood solutions and strategies if further support is not provided.

The Tatmadaw[2] maintained a strong presence all across Southeast Myanmar over the reporting period, and kept supplying troops, weapons and ammunition to its army camps. It also continued its contentious road construction activities in Mu Traw (Hpapun) District despite the opposition of the local population and the KNU, resulting in several skirmishes with the Karen National Liberation Army (KNLA).[3] The fighting affected the freedom of movement of civilians and caused internal displacement in some areas. The Tatmadaw also fired hundreds of mortar shells at villages and livelihood areas, opened fire on civilians and set fire to community forests, leading to the destruction of agricultural land on which civilians rely for their livelihood. Beyond the skirmishes tied to the dismantling of COVID-19 screening checkpoints, it is not clear how COVID-19 has impacted wider issues of militarisation during this period.

The KNLA and the Tatmadaw continued to plant landmines in Mu Traw District in violation of the Nationwide Ceasefire Agreement NCA.[4] KHRG documented four landmine incidents involving civilians between January and June 2020, resulting in one death and three people injured. In most of the cases, the victims knew that the area was contaminated, but they had to risk

[1] Coronavirus disease 2019 (COVID-19) is an infectious disease caused by severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2). It was first identified in December 2019 in China, and has resulted in an on-going pandemic. For more information, see WHO, "*Coronavirus disease (COVID-19) pandemic*".

[2] Tatmadaw refers to the Myanmar military.

[3] The Karen National Liberation Army (KNLA) is the armed wing of the Karen National Union.

[4] On October 15th 2015, after a negotiation process marred with controversy over the notable non-inclusion of several ethnic armed groups, a Nationwide Ceasefire Agreement (NCA) was signed between the Burma/ Myanmar government and eight of the fifteen ethnic armed groups originally invited to the negotiation table, including the Karen National Union. It was followed by the adoption of a Code of Conduct by the signatories in November 2015. In February 2018, two additional armed ethnic groups signed the NCA under pressure from the Burma/Myanmar government.

travelling through it to carry out livelihood activities. Given the absence of political will by both the Myanmar government and the relevant armed actors to adopt a moratorium on the use of landmines and to engage in large-scale demining activities, landmine contamination will continue to pose an unacceptable threat to the civilians of Southeast Myanmar in the years to come.

KHRG also received information about four instances of sexual violence during the reporting period; three against children and one against a woman with an intellectual disability. Most of these cases were dealt with by the local village authorities, who in each case privileged informal settlements over criminal charges. Such procedures are common in the rural areas of Southeast Myanmar, and remain one of the main barriers preventing the survivors from accessing justice and reparation. In the case that was processed according to the law by the Myanmar Police Force, the investigation lacked transparency and put an unfair financial burden on the survivor and her relatives. As they could not afford to cover the travel costs for themselves and their witnesses, they were barred from taking an active role in the proceedings.

Lastly, KHRG documented several abuses by armed actors across the region during the reporting period. These included killings, property damage and land confiscation by the Myanmar security forces; as well as the recruitment of child soldiers and arbitrary taxation by members of the Karen National Union (KNU)[5] and the KNLA. In parallel, natural disasters have translated into livelihood difficulties for communities reliant on small-scale farming in Mergui-Tavoy (Tanintharyi Region), Mu Traw and Doo Tha Htoo (Thaton) districts.[6]

[5] The Karen National Union (KNU) is the main Karen political organisation. It was established in 1947 and has been in conflict with the Burma/Myanmar government since 1949. The KNU wields power across large areas of Southeast Myanmar 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.

[6] For clarity, the Burmese terms used for these districts are provided in brackets but do not correspond with the Myanmar government administrative divisions.

Part I. Major developments

A. COVID-19

The information contained in this section of the field report summarises information being published concurrently in a separate report specifically on COVID-19 issues. Because the full impact of the pandemic is impossible to assess at this point in time, KHRG will continue to publish updates on the COVID-19 situation.

During this early period of the COVID-19 outbreak, KHRG interviews focused heavily on access to information, awareness training, prevention measures, the availability of support, and the availability of resources for putting standard prevention measures in place. Of interest to KHRG were also any COVID-19 impacts, whether created by the virus itself or resulting from prevention measures set up to curtail its spread.

The prevention measures put in place have had negative impacts on villagers' livelihoods since many are no longer able to travel for work or access their lands. Prevention measures have also led to conflicts between EAOs, including the dismantling of several screening checkpoints, as well as conflicts between neighbouring villages due to differences in enforcement. Because both the Myanmar government and the KNU, along with other stakeholders, have been involved in COVID-19 response, on-going political tensions have led to differences in access to information, resources, and support that have impacted villagers in various ways.

i. Access to information

Interviews with villagers and local leaders show that access to information has varied considerably both between and within districts. Informational material and awareness training have been prepared and disseminated by a variety of stakeholders, including the Myanmar government, the KNU, the World Health Organisation (WHO), the Karen Department of Health and Welfare (KDHW), the Karen Ethnic Health Organization Consortium (KEHOC), as well as NGOs and religious organisations. Both the Myanmar government and the KNU have provided trainings to district and township leaders who were then to pass on that information to village tract leaders and village heads. Funding issues, however, have had an impact on how far across an area this training extends.

In Doo Tha Htoo (Thaton) District, the Bilin Township KNU leader stated that, at the time of the interview in May, they had only completed five village tracts (there are 17 village tracts in Bilin Township, and a total of 55 in the district). When unable to provide direct training, they often will simply drive by villages and make announcements over the loudspeaker. Such methods, however, have met with some criticism. For instance, in Kyoh Wine Baw Naw Nee village, Kyoh Wine village tract, Bilin Township, Doo Tha Htoo District, providing information by loudspeaker led to confusion about what villagers are supposed to do. Moreover, it was announced that villagers would be shot dead if they tried to leave the village. Alternatively, direct training in the village allows villagers to ask questions and get clarification. However, some villages have barred entry to all external visitors, making it difficult for local authorities to offer direct training. Concerns about social distancing have also led some villages to decide against direct training because it generally takes the form of a large workshop.

The WHO, KDHW and KEHOC have also been active in distributing and posting informational leaflets, posters and vinyls. Villagers in most areas mentioned seeing fliers posted to trees along the roads. Most of these materials do contain some visuals, but perhaps not enough to

fully convey essential information in instances of low literacy. Despite the variety of actors involved, some villages have received no formal information regarding COVID-19, and thus have been fully reliant on the internet, social media, and word-of-mouth.

As a result of these variations in access to information, different understandings of COVID-19 were reported in KHRG interviews. In some villages, people believe coronavirus to be no different from the common flu. In many areas, because no cases have been reported, villagers have had a hard time comprehending the gravity of the virus. KHRG researchers noted that many villagers and local leaders would like more information in order to better understand the situation. Several local leaders also mentioned that it was difficult to get villagers to adhere to prevention measures because of their poor understanding of the virus and the health risks.

ii. Prevention

As with access to information, instructions about prevention have varied between and within districts. Moreover, adoption of standard prevention measures (i.e., hand washing, face masks, coughing/sneezing into one's arm, social distancing) has for the most part been in direct correlation with access to formal awareness training and support. In areas with little or no formal awareness training, prevention measures have tended to be developed by the villagers themselves. For instance, in Kaw Leh village, Kaw Leh village tract, Tha Htoo (Thaton) Township, Doo Tha Htoo District villagers discussed amongst themselves how best to handle the situation and decided to encourage hand washing and perform Buddhist exorcisms in the four corners and middle of the village. In Mu Traw (Hpapun) District, where most areas have received little to no formal information or support from the Myanmar government or any other organisation beyond the posting of information on trees, many villagers have stated that they are simply following their normal religious practices, whether Christian, Buddhist, or animist.

In mixed-control areas, where both the Myanmar government and the KNU have released orders about what measures should be taken, there have been issues regarding who provides the information and whose directives should be followed. In Dooplaya District, for instance, the A--- village tract administrator stated that some village leaders were refusing to follow the guidelines provided by the Myanmar government, "claiming that they are under the KNU administration and it [government administration] is irrelevant to them".[7] Information and guidelines from independent organisations like WHO have circulated widely, and are likely a better way of offering consistency across and within districts given the complex political situation in Southeast Myanmar.

Provision and support for standard prevention-related materials (i.e., soap, wash basins, sanitizer, face masks, and thermometers) is also a key factor in the ability of villagers to protect themselves through recommended prevention protocols. While accessing soap and hand washing materials does not seem to have been an issue, face masks have not been widely available. In cases where villagers have received face masks, some quickly stopped using them because of the difficulty of breathing when wearing a mask. In Taw Oo (Toungoo) District, KNU district leaders received supplies from The Consortium of Dutch NGOs (CDN) to distribute to villagers and to help in the set-up of quarantine centers. In Hpa-an District, KDHW has been active in providing prevention and screening supplies specifically for the checkpoints (infrared thermometers, sanitizer, masks, gloves, chairs). Other districts also have screening checkpoints but it is unclear where the supplies came from (although Alight, formerly the American Refugee

[7] This information is taken from an unpublished report from Noh T'Kaw (Kyainseikgyi) Township received in June 2020.

Committee, has posted that they worked heavily with KDHW in establishing 49 screening checkpoints across all seven districts.[8]

a. Screening checkpoints

It is difficult to determine the total number of screening checkpoints that currently exist or that have been set up over the course of the reporting period. While some have been set up by key stakeholders like KDHW or through the Myanmar government, others have been set up more informally. Likewise, screening checkpoints have taken different configurations, with some run fully by civilian villagers, others run fully by health workers, and others by a combination of health workers, villagers, and soldiers.

A variety of militarisation-related issues have arisen in relation to screening checkpoints. There have been several reports of Tatmadaw soldiers ordering the shut-down of checkpoints because authorisation from the Myanmar government had not been obtained. This has been the case in Doo Tha Htoo, Kler Lwee Htoo (Nyaunglebin), and Mu Traw districts. Several screening checkpoints in Doo Tha Htoo District were forced to temporarily shut down. In each of these cases, authorisation had previously been obtained from the KNU. Nevertheless, the larger imperative of ensuring the health safety of villagers was clearly not enough to prevent the Tatmadaw from forcing at least a temporary shut-down until authorisation procedures with the Myanmar government had been completed. In Kler Lwee Htoo and Mu Traw Districts, these issues also led to the total destruction or forced dismantling of screening checkpoints by Tatmadaw soldiers, followed by armed conflict and skirmishes (see section B).

It has also been common for the Tatmadaw to forbid the presence of (non-Tatmadaw) soldiers at the checkpoints, with only civilians and health workers allowed to do the screening. Failure to do so has in some cases led the Tatmadaw to claim that the KNU was in violation of the NCA, and to shut-down the checkpoint. Villagers in many areas have, however, expressed the need for at least some soldiers at the checkpoints in order to enforce screening measures, particularly when soldiers or government officials pass through. Some also noted concerns about safety if only civilians are allowed to run the checkpoints. In T'Nay Hsah (Nabu) Township, Hpa-an District, rumours have circulated about people being harmed while working the checkpoints: "*We heard that they would be attacked or killed [cut by knife].*"[9]

b. Travel restrictions

Travel restrictions have been ordered by both the Myanmar government and the KNU, but have varied significantly across the seven districts. Interviews from Doo Tha Htoo District indicate that few restrictions have been placed on villagers' movements. However in other districts, travel restrictions have not only been heavily imposed, but regulated through the granting of permission letters. In Dooplaya District, the Democratic Karen Benevolent Army (DKBA)[10] has also been requiring villagers to pay for the permission letter. Moreover, it has refused to honor travel permission letters issued by village tract administrators from government-controlled areas.

[8] See "*Stopping the Spread of Coronavirus in Southeast Asia*", ALIGHT, 2020.
[9] This information is taken from an unpublished report from T'Nay Hsa Township received in May 2020.
[10] In 1994, the Democratic Karen Buddhist Army (DKBA) split from the KNLA over religious considerations. In 2010, the majority of DKBA troops transformed into BGFs, but one faction refused and changed its name to Democratic Karen Benevolent Army in 2012. The DKBA signed the NCA on October 15th 2015.

Villagers have been paying 1,000 kyats [USD 0.75][11] per letter, which allows for only one day of travel. Reports of these activities to township authorities in one area led to a reduction in the fee to 500 kyats [USD 0.38]. The DKBA claimed that the collected funds were being used to cover the costs of quarantines (it is not certain that the funds are actually being put to that use).

Travel restrictions have impacted villagers to varying degrees. Most affected are casual day labourers, those who depend on traveling to sell their goods, and those who have land in neighbouring areas. Taw Oo, Mu Traw, and Dooplaya districts have reported the most livelihood problems those far. In Mu Traw District, travel restrictions in some areas have however been eased because of the livelihood problems faced by villagers. In Dooplaya District, some villagers living near the border are facing even greater challenges because their land is actually in Thailand, or because they are traders and depend on being able to cross the border into Thailand to purchase goods. In June, some villagers were caught by Thai soldiers and were subjected to physical punishment.

Travel restrictions have also resulted in conflict because local leaders have not imposed restrictions consistently. These inconsistencies have meant that people in one village may be able to travel to their plantations to work, while those in neighbouring villages are prevented from doing the same. Moreover, travel restrictions have not only been imposed by the Myanmar government and the KNU. Villagers in a number of areas have imposed their own restrictions by barricading their village and/or barring all entry from the outside. Because their neighbours often depend on crossing through the other village for work, or selling their goods in that village, conflicts between villages have been frequent.

c. Quarantine

Quarantine facilities have been set up in most villages that KHRG researchers contacted. In fact, the KNU has required quarantine areas in all villages. No outside support has however been provided, which means that arranging shelter and food for quarantined villagers has been entirely at the expense of other villagers. Quarantine measures have been applied to those coming from abroad, primarily Thailand, and to those coming from other areas or districts, primarily Yangon, because of the number of COVID-19 cases there. Quarantine duration varies from area to area, with quarantines lasting between 14 and 28 days.

Quarantine measures have led to a few issues. In some cases, those who were quarantined got angry about being quarantined. In Bilin Township, Doo Tha Htoo District, some of the quarantined villagers said: "*Just shoot us. If you have concerns or worry that we come back here*."[12] In Taw Oo District, there was mention that a drunk police officer entered into the room of two young girls who had been quarantined. He was removed from the room after the girls began shouting.[13]

iii. Livelihood support

The Myanmar government provided food supplies (rice, oil, beans, onion, and salt) to villages under government control one time, shortly after the COVID-19 outbreak in Myanmar. These supplies were only provided to families who at that time were deemed in need. Determinations

[11] All conversion estimates for the kyat in this report are based on the September 7th 2020 official market rate of 1,332.80 kyats to USD 1.

[12] This information is taken from an unpublished report from Bilin Township received in May 2020.

[13] This information is taken from an unpublished report from Daw Hpa Hkoh Township received in August 2020

of need seemed to vary a bit, but were largely based on property or livestock ownership. Local authorities were responsible for compiling the lists of families in need, and then sending that to the government. One village tract administrator in Doo Tha Htoo District mentioned that the food provided by the government only lasted villagers nine days. In some cases, the food support led to tension within the village because only some families received support. Districts not under Myanmar government control did not receive this support at all. Mu Traw District received no support from the government or any other organisation.

In DKBA areas in Dooplaya District, there were different issues regarding the distribution of support. It was reported that the DKBA was distributing food to villagers, but at the same time collecting food and money from families and then redistributing it to other families. This led to confusion because villagers did not understand why they were being asked to give to the DKBA when the DKBA was supposed to be distributing supplies.

The majority of interviews collected during this reporting period took place in May. Even at that early date, livelihood challenges were emerging for villagers in many areas. These problems are most certainly worse now, yet there has been no mention of further government support to help villagers.

iv. Healthcare and Education

At the time of the lockdown, most schools had already ended classes for the year. As such, KHRG did not receive information during the current reporting period about the COVID-19 impact on education.

Some issues regarding access to healthcare were noted. In many areas, there are no clinics, which means that villagers often have to travel long distances to access healthcare. In some areas, the nearest clinic or hospital is actually across the border, in Thailand. Although provisions have been made so that people can still travel if needed for medical purposes, wider travel restrictions have meant that some local clinics have run out or are running out of medication and supplies. Villages in remote areas, and areas that have stricter travel restrictions may begin experiencing problems in addressing villagers' health issues, even if they have not reported problems thus far.

This photo was taken on May 24th 2020 between Tone Bo Lay village and Tone Bo Gyi village, Wee Raw village tract, Doo Tha Htoo Township, Doo Tha Htoo

This photo was taken on May 20th 2020 in Koe Nee village, Moo Township, Kler Lwee Htoo District. It shows KNU medical staff from Moo Township and staff

District. It shows several informational vinyls that have been hung near a local road. The vinyls were created by KDHW, KEHOC, and WHO and outline a variety of COVID-19 prevention measures. *(Photo: KHRG)*

from CIDKP cooperating to provide awareness training to the local villagers regarding COVID-19. *(Photo: KHRG)*

This photo was taken on March 31st 2020 in Nga Mel section, Toungoo Town, Taw Oo District. It shows the COVID-19 prevention supplies provided to KNU's Taw Oo District chairman and district leaders by CDN. The supplies were then distributed to local villagers and also used to set up quarantine centers throughout Taw Oo District. *(Photo: KHRG)*

This photo was taken on May 17th 2020 in T'Hkaw Pwa village, T'Hkaw Pwa village tract, Moo Township, Kler Lwee Htoo District. It shows a sign posted by villagers at the entrance to their village as part of their COVID-19 prevention measures. The sign states: "No entrance allowed for sellers from outside." *(Photo: KHRG)*

B. Militarisation and skirmishes between armed actors

The Tatmadaw increased its activity, strengthened its army camps and set up more military posts in the northernmost KNU-defined districts over the reporting period. It also sent more soldiers and rations to its camps, and resumed contentious military road construction works despite opposition by the KNU and the local population. On January 6th 2020, a KNLA soldier saw a Tatmadaw drone taking pictures of civilian farms in Hkay Poo village tract, Lu Thaw Township, Mu Traw District.[14] This suggests that the military is also carrying out reconnaissance activities in KNU territory, despite the fact that they are prohibited under section 5(a) of the NCA. Tatmadaw patrols also trespassed into KNU-controlled areas on several occasions, resulting in fighting with the KNLA.

This happened most frequently in Mu Traw District, where an increase in Tatmadaw patrolling was reported in May 2020 by a KHRG researcher in Bu Tho Township. This situation, as well as frequent skirmishes between the KNLA and the Tatmadaw along the Hpapun-Ka Ma Maung road during that month, raised security concerns among civilians in multiple village tracts: Meh Klaw, Meh Nyoo, Meh Hkoo, Meh Mgeh, Day Wah, Kyaw Pah, Meh Pree and Htee Th'Daw Hta. Some local villagers are now afraid to go work on their farms located near the motorway. Others dug pits for their families to take cover should fighting break out near their village. Community

[14] This information is taken from an unpublished report from Lu Thaw Township received in July 2020.

members even went to sleep in the forest because they were afraid that Tatmadaw soldiers would arrest them and force them to serve as porters and navigators.[15]

The Tatmadaw also maintained an important activity in Taw Oo District, and kept sending ammunition, rations and troops to its frontline camps in the region. They also carried out military exercises on plantations owned by villagers. Between January and April, the Tatmadaw sent 132 trucks to their frontline camps, mostly from their main base in Toungoo Town. They requisitioned trucks from local villagers on several occasions to transport military supplies and food. On January 15th 2020, 25 Tatmadaw trucks transporting ammunition, rations and 117 horses, along with five trucks transporting rations and military supplies travelled from Toungoo to the Eastern Baw Ka Li military area. Despite the travel restrictions linked to the COVID-19 pandemic, the Tatmadaw also resumed its military road works across the region. On March 26th 2020, they sent one more backhoe and two trucks full of gas barrels from Toungoo to Baw Ka Li town, after which they were sent to the frontline.[16]

This photo was taken on March 7th 2020 in Pa Leh Wa place, Na Set Ta Maing village, Si Pin Ka Lay village tract, Daw Hpa Hkoh Township, Taw Oo District. It shows Tatmadaw trucks crossing the Day Lo Kloh River. *[Photo: KHRG]*

This photo was taken on May 30th 2020 in X--- village, Taw Pya Gyi village tract, Daw Hpa Hkoh (Thandaunggyi) Township, Taw Oo District. This photo shows a Tatmadaw convoy passing through the village. The truck on the right belongs to a villager who was forced to transport supplies for the military. *[Photo: KHRG]*

i. Degradation of the security situation in Mu Traw District

a) Background: Tatmadaw road construction activities

The Tatmadaw continued to carry out its controversial road construction activities in Taw Oo, Doo Tha Htoo, Kler Lwee Htoo and Mu Traw Districts despite opposition by the KNU and the local communities. This issue has been a major source of tensions between the Myanmar military and the KNLA since 2018, resulting in numerous rounds of skirmishes over the last two years. KHRG documented an increase in Tatmadaw presence and road construction activities in Mu Traw District from January to June 2020, leading to a dramatic degradation of the security situation in all the townships in the district.

[15] This information is taken from an unpublished report from Bu Tho Township received in May 2020.
[16] This information is taken from an unpublished report from Htaw Ta Htoo Township received in August 2020.

The Tatmadaw has presented the road construction activities as a development project that will benefit the local communities. However, the KNU sees this project as part of a Tatmadaw strategy to extend its control over Karen areas, and therefore opposes it. In the words of a senior Mu Traw KNLA officer: "*They [Tatmadaw] take advantage of the NCA by implementing development projects such as road construction […] Then, they can easily set up administrations, send more troops and [build] new towns to bring ethnic land under their control. We are against the road construction because it violates the rights of the local Karen civilians."*[17]

Local villagers also remain firmly opposed to these activities, as one civilian from Dwe Lo Township explained to KHRG: "*The road construction has affected our livelihoods, so we do not allow them [Tatmadaw] to carry it out. […] We have to oppose them to prevent their plan from happening*."[18] Road works have already damaged several plantations, and the presence of an increasing number of Tatmadaw soldiers in their army camps has deterred local villagers from travelling to their farms.

On January 9th 2020, over 200 villagers and IDPs from Ler Doh (Kyaukkyi) Township, Kler Lwee Htoo District held a demonstration in Ler Doh Town to protest against the military road constructions activities. They also called for a systematic and transparent implementation of the NCA to bring about sustainable peace. On the next day, seven KNLA representatives from Kler Lwee Htoo, Taw Oo and Mu Traw Districts met with representatives from the Tatmadaw Southern Command headquarters to talk about the road construction issues.[19]

On January 15th 2020, local villagers and IDPs organised similar protests in the Ei Tu Hta IDP camp, and in B---, C---Hta and C--- villages, Bu Tho Township, Mu Traw District.[20] Two demonstrations were also held in the Htee Law Thee Hta and Kwee Ta Mah areas, Dwe Lo Township; and another one took place in the Day Boo Noh area, Lu Thaw Township. The protesters reiterated their opposition to the road construction and called on the Tatmadaw to withdraw from the area. These demonstrations brought together over 3,150 people, and were organised by local village leaders and elders.[21]

[17] This information is taken from an unpublished report from Lu Thaw Township received in March 2020.
[18] This information is taken from an unpublished report from Dwe Lo Township received in February 2020.
[19] This information is taken from an unpublished report from Ler Doh Township received in February 2020.
[20] This information is taken from unpublished reports from Bu Tho and Dwe Lo townships received in March and February 2020.
[21] This information is taken from unpublished reports from Dwe Lo and Bu Tho townships received in February and March 2020.

The above photos were taken on January 15th 2020 in U--- village, Meh Nyoo village tract, Bu Tho Township, Mu Traw District.

The photo on the left was taken on the same day in the Day Boo Noh area, Pay Kay village tract, Lu Thaw Township, Mu Traw District.

They all show villagers protesting against the Tatmadaw road construction activities and calling for the military to withdraw from the area.

[Photos: KHRG]

b) Skirmishes between the KNLA and the Tatmadaw

According to a KHRG researcher, at least 207 skirmishes broke out between the Tatmadaw and the KNLA in Lu Taw Township, Mu Traw District over the reporting period.[22] They were mainly caused by Tatmadaw soldiers trespassing into KNU-controlled territory in the context of military road construction activities. On January 27th 2020, a Tatmadaw Lieutenant Colonel from LIB #708 died in the explosion of a KNLA anti-vehicle mine in the Khay Poo area, Lu Thaw Township, Mu Traw District.[23]

Fighting was often accompanied by the shelling of civilian areas by government troops. This put local villagers at high risk of collateral damage, resulting in several civilian casualties. According to the Mu Traw Community Development Committee, skirmishes also led to the displacement of 2,137 villagers in Mu Traw District in February 2020, including 417 children under 5 years of age.[24] IDPs were often unable to take enough food, clothes, medicine and household material with them, and therefore faced hardship and lack of access to healthcare services.[25]

[22] This information is taken from an unpublished report from Lu Thaw Township received in July 2020.
[23] See "*KNU Denies Targeting Myanmar Military Officer Killed in Mine Blast*", The Irrawaddy, January 2020.
[24] See "*Karen ceasefire frays under Tatmadaw road-building push*", Frontier Myanmar, February 2020.
[25] This information is taken from an unpublished report from Lu Thaw Township received in February 2020.

On February 2nd 2020, two villagers from A--- village, Lay Hpoh Hta village tract, Dwe Lo Township, Mu Traw District were severely injured after Tatmadaw soldiers from LIB #408 opened fire on a funeral procession at around 1 pm. The incident followed a round of fighting between LIB #408 and KNLA Battalion #102, Company #3 earlier that day. The two victims had to be hospitalised, but they did not receive any compensation.[26] According to one of them: "*I saw them shooting at us with my own eyes. […] I think that they don't like Karen people. That is why they shot the villagers*."[27] He also added that the Tatmadaw fired mortar shells at the village. On the same day, a local villager was also detained for three hours and tortured by two Tatmadaw soldiers.[28]

This photo was taken on January 23rd 2020 in A--- village, Lay Hpoh Hta village tract, Dwe Lo Township. It shows the injuries sustained by one of the villagers after the Tatmadaw fired at a funeral procession. *[Photo: KHRG]*

This photo was taken in April 2020 near Ku Day and Ta Pu Der villages, Hpla Hkoh village tract, Lu Thaw Township, Mu Traw District. It shows a hole made by a mortar shell fired by the Tatmadaw. *[Photo: KHRG]*

According to information received by KHRG, at least 569 mortar shells fired by the Tatmadaw landed on farmland owned by local civilians in Lu Thaw Township alone over the reporting period,[29] and a total of four villagers were injured because of the skirmishes and shelling.[30] On June 2nd 2020, a villager from Lay Hpoh Hta village tract, Dwe Lo Township, Mu Traw District and his daughter sustained injuries after the Tatmadaw LIB #405 fired a mortar shell into the village during a skirmish with the KNLA. The village head had to borrow 30,000 kyats [USD 22.51] to send them to the hospital, but the victims cannot afford to pay the money back. The Tatmadaw did not take any responsibility for the incident and did not provide any compensation.[31]

[26] KHRG (March 2020), "*Mu Traw District Incident Report: Tatmadaw soldiers shot two villagers in Dwe Lo Township, January 2020*".
[27] This information is taken from unpublished reports from Dwe Lo Township received in January, February and April 2020.
[28] KHRG (March 2020), "*Mu Traw District Incident Report: Physical violence against a villager by Tatmadaw soldiers in Dwe Lo Township, January 2020*".
[29] This information is taken from an unpublished report from Lu Thaw Township received in July 2020.
[30] This information is taken from unpublished reports from Lu Thaw and Dwe Lo townships received in February, April and July 2020.
[31] KHRG (July 2020), "*Mu Traw District Incident Report: A villager and his daughter injured by a Tatmadaw mortar shell in Dwe Lo Township, June 2020*".

The father recounted the incident to a KHRG researcher: "*I got injured in my house. You can see that the wood [wall or floor] got hit [by shrapnel] and there are lots of holes. It [shrapnel] also hit my mosquito net, as you can see*." He also expressed his concerns about the increased Tatmadaw presence in the area: "*[C]ivilians do not feel safe to travel. […] The Tatmadaw keeps sending more soldiers [and] rotating their troops, one by one […] They just asked some women there to bring water to their camp*."[32]

Another female villager from Lay Hpoh Hta village tract shared similar concerns: "*[...] We have to live in fear. […] I do not feel happy. I don't know what to do. […] I have a lot of worries. I don't have anything. This year, we didn't get much rice from our farm. If this [armed conflict] continues, I will not be able to work anymore*." She also told KHRG about her fear of the Myanmar military: "*Whenever I do something, I have to be afraid [of the Tatmadaw]. […] I have to be afraid that they will come and do something to us*."[33]

These photos were taken on June 12th 2020 in Lay Hpoh Hta village tract, Dwe Lo Township, Mu Traw District. They show the injuries sustained by a villager and his daughter after the Tatmadaw LIB #405 fired a mortar shell into their village during a skirmish with the KNLA. *[Photos: KHRG]*

c) Destruction of farmland and community forests by the Tatmadaw

The Tatmadaw set fire to numerous portions of forest in Lu Thaw Township, Mu Traw District over the reporting period, resulting in the destruction of farmlands, plantations and reserved forests on which local communities rely for their livelihoods. The objective of the soldiers was to clear some areas of vegetation to allow for the construction of their military road and to prevent armed attacks, but some of the fires got out of control.

On February 13th 2020, Tatmadaw LIB #124 soldiers from the K'Baw Too army camp burnt down portions of forest in the vicinity of Thaw Hkweh and Maw Law villages. The fire damaged about 20 local villagers' hill farms [approximately ten acres of land].[34] On March 20th 2020, burning undertaken by Tatmadaw soldiers based in the Khaw Poo village tract area damaged 13 hill farms owned by local villagers from Hee Hpoh Deh, Tay Muh Der village tract.[35]

[32] This information is taken from an unpublished report from Dwe Lo Township received in June 2020.
[33] This information is taken from an unpublished report from Dwe Lo Township received in February 2020.
[34] This information is taken from an unpublished report from Lu Thaw Township received in March 2020.
[35] This information is taken from an unpublished report from Lu Thaw Township received in July 2020.

On March 23rd, seven plots of lands belonging to villagers from Law Ghaw Der village, Yeh Muh Plaw village tract, as well as an unidentified number of plots of lands owned by Yah Ghoh Loh Kyoh and Blaw Hkoh villagers were also damaged in the Saw Muh Plaw and Ler Muh Plaw village tract areas. On March 26th, 55 more plots of land [approximately 165 acres] were damaged by the burning undertaken by Tatmadaw LIB #30 in the Ler Muh Plaw village tract area.[36]

On April 3rd, 5 plots of land owned by Htee Lee Kha villagers and one plot of land owned by a Htee Law Thee Hkee villager were damaged in Saw Myh Plaw village tract. In the same village tract, twenty-five households from the Plaw Ghaw area had to flee to Blaw Hkee to escape the fires later that day.[37] Between April 1st and 9th 2020, the Tatmadaw burning also damaged eight cardamom plantations and one dogfruit plantation in Hkay Poo village tract. The fire burned down over half of the T'May Hkee Kaw community forest, and one third of the Hkay Poo Kaw, Kaw Hter Der Kaw and Thay Thoo Hkee Kaw community forests.[38]

According to the KNU Department of Organising and Information (DOI), 5443.42 acres of land and 126 hill farms were damaged by the burning undertaken by the Tatmadaw in Lu Thaw Township from January to June 2020.[39] These incidents could amount to a violation of section 5(a) of the NCA, which forbids the signatories from engaging in the destruction of property. Deliberately setting fire to entire forests could also amount to a violation of section 9(p) of the NCA, under which the signatories must ensure the security of the civilians living in ceasefire areas.

ii. Destruction of Karen National Police Force [KNPF] COVID-19 screening checkpoints by the Tatmadaw

KHRG documented several instances of destruction of COVID-19 screening checkpoints operated by KNU staff over the reporting period. On May 6th 2020 at 11 am, around 40 Tatmadaw soldiers from Light Infantry Battalion (LIB) #410, Military Operations Command (MOC) #8 destroyed a KNPF[40] COVID-19 screening checkpoint in Khaw Klah village, Ma Htaw village tract, Dwe Lo Township, Mu Traw District. The Tatmadaw soldiers were led by Battalion Deputy Commander Aye Min Htun and Company Commander Poe Min Kyaw. This COVID-19 screening checkpoint was built in early April 2020.

Also on May 6th 2020, fully equipped Tatmadaw soldiers from LIB #405, MOC #8 burned down another KNPF COVID-19 screening checkpoint in Wa Thoh Hkoh village, Lay Hpoh Hta village tract, Dwe Lo Township. Later that day, fighting broke out after KNLA soldiers fired at Tatmadaw LIB #405 soldiers on the Na Set Ta Mei [21 mile] road, Htee Law Thee Hta village tract, Dwe Lo Township.

These two incidents led to an increase in tensions between the KNLA and the Tatmadaw, resulting in several skirmishes in Dwe Lo Township. On May 7th 2020, at around 3 pm, fighting broke out between the Tatmadaw LIB #410 and the KNLA Battalion #102, Company #1 near the Ku Seink Tatmadaw army camp. Fighting broke out again on May 8th 2020 in the Taung Thone

[36] This information is taken from an unpublished report from Lu Thaw Township received in March 2020.
[37] This information is taken from an unpublished report from Lu Thaw Township received in March 2020.
[38] This information is taken from an unpublished report from Lu Thaw Township received in July 2020.
[39] See "*Myanmar army activities in Mu Traw District, Brigade #5 area from April 1st 2020 to June 3rd 2020*", Thoolei News - KNU - Department of Organising and Information, June 2020.
[40] The Karen National Police Force is the law enforcement agency of the Karen National Union. It was established in 1991.

Lone area, and on May 11th in the Maw Loh Kloh area [Yay Pu in Burmese]. Skirmishes between the Tatmadaw LIB #405 and KNLA Battalion #102, Company #3 also occurred in Na Set Ta Mei on May 16th 2020 and in Khah Hkoh on May 18th at 8 am.

Due to the fighting between the Tatmadaw and the KNLA, the Tatmadaw Tactical Operations Command (TOC) based in Hpapun ordered a 6 pm-6 am curfew from May 8th onwards along the Hpapun-Ka Ma Maung road. All Tatmadaw battalions in the area, including Infantry Battalion (IB) #19, LIB #341, LIB #434, LIB #340 and TOC set up checkpoints in front of their bases along the road between Hpapun and Way Mon village. The KNLA also issued orders to forbid travel on the Hpapun-Ka Ma Maung road, except on Monday and Friday or in case of emergency.[41]

Another KNU COVID-19 screening checkpoint was also dismantled by Tatmadaw soldiers from LIB #20 at the Ka Lain – Chaung Wa intersection, Hsaw Htee (Shwegyin) Township, Kler Lwee Htoo District on June 2nd 2020. The incident happened shortly after the checkpoint was set up, while the KNU staff manning it had left for lunch. The soldiers were under the authority of Camp Commander Htay Maung and Intelligence Officer Yin Mon.[42]

The destruction of COVID-19 screening checkpoints by the Tatmadaw amounts to a violation of sections 5(a) and 5(b) of the NCA, both of which prevent signatories from carrying out armed attacks or actions that may be regarded as hostile. It also goes against section 9(i) of the NCA, which states that the signatories should avoid restricting public health resources.

This photo was taken on May 7th 2020 in Khaw Klah Village, Dwe Lo Township, Hpapun District. It shows a KNPF COVID-19 screening checkpoint that was burned down by Tatmadaw soldiers. *[Photo: KHRG]*

This photo was taken on June 5th 2020 at the Ka Lain – Chaung Wa intersection, Hsaw Htee Township, Kler Lwee Htoo District. It shows the KNU screening checkpoint that was dismantled by Tatmadaw soldiers from LIB #20 on June 2nd 2020. *[Photo: KHRG]*

[41] KHRG (June 2020), "*Mu Traw District Short Update: Destruction of KNPF COVID-19 screening checkpoints by the Tatmadaw and skirmishes between the Tatmadaw and the KNLA in Dwe Lo Township, May 2020*".

[42] This information is taken from an unpublished report from Hsaw Htee Township, Kler Lwee Htoo District received in June 2020 from.

C. Landmine incidents

Landmine contamination remains widespread all across Southeast Myanmar, and continues to pose a threat to villagers and to disrupt their ability to secure their livelihoods. Both the KNLA and the Tatmadaw continue to plant new landmines despite being prohibited from doing so under sections 5(a) of the NCA and 8(A) of its corresponding Code of Conduct.

KHRG documented an instance of potential new landmine contamination in May 2020, involving Tatmadaw's IB #19 and LIBs #434, #341 and #340. These battalions are based along the Way Moat-Ta Kone Taing road, a portion of the Hpapun-Ka Ma Maung road located in Meh Klaw village tract, Bu Tho Township, Mu Traw District. On May 27th 2020, Captain Aung Pyit Pyo from LIB #434 ordered local villagers to prevent their livestock from going to an area east of the Tatmadaw bases between May 28th and May 30th. He also told them to stay clear of certain areas in the future. Local people suspected that the Tatmadaw planted landmines there, as it looked like some dirt roads had been purposely covered with leaves. Villagers from E--- village are now afraid to go to their farms because Tatmadaw soldiers are patrolling more frequently and presumably planting landmines in the area.

These photos were taken on July 5th 2020 next to the Poh Wah Loh field, Meh Klaw village tract, Bu Tho Township, Mu Traw District. The local villagers believe that, on May 30th 2020, the Tatmadaw LIB #434 planted landmines next to the rice fields and dirt roads used by cattle. *[Photos: KHRG]*

From January to June 2020, KHRG received information about four landmine incidents that resulted in one death and three people injured. Three of these incidents involved landmines that were planted by the KNLA, including some that were planted between January and June 2020 in violation of the NCA. In all three cases, the local population was told about the presence of landmines in certain areas, but it did not prevent the incidents from happening. Although the victims knew about the danger, they nonetheless had to risk passing through potentially contaminated areas to carry out essential livelihood activities. As armed actors are unlikely to mark the landmines they plant or to disclose information about their exact location, such practices will continue to put civilians at risk due to the indiscriminate nature of these weapons.

The lack of adequate compensation is another prominent feature of these cases. Although the victims generally received help to cover the medical fees, there seems to be an absence of long term support programmes for the victims and their relatives. Families who lost their main breadwinner in a landmine incident are left particularly vulnerable to hardship, and should therefore receive the necessary support to allow them to overcome their loss and prevent their

children from dropping out of school to work for their livelihoods. The same goes for most of the survivors, as they usually sustain serious injuries that have a long-term impact on their ability to secure their livelihoods.

i. First Incident

On January 12th 2020, Saw G---, a 45-year-old man from H--- village sustained injuries after stepping on a landmine in a forest in Htee Th'Daw Hta village tract, Bu Tho Township, Mu Traw District.[43] According to a KHRG researcher, it seems that this particular landmine was planted by the DKBA (Splinter group).[44]

Saw G--- and his family fled to the Myaing Gyi Ngu IDP camp[45] after fighting between the Tatmadaw and the KNLA broke out near his village in August 2018. When the situation got better, Saw G--- went back to H---village to work and secure his family's livelihood. He stepped on the landmine while he was cutting bamboo and hunting in the forest. His left big toe was blown off and his left ankle was broken by the blast. He also sustained burn injuries on his legs. After the incident, the village authorities sent him to the Myaing Gyi Ngu hospital.

As he was seriously injured, the Myaing Gyi Ngu authorities and a local Buddhist monk sent him to the Hpa-an general hospital for treatment. Saw G--- reported to KHRG that the Buddhist monk and Tatmadaw officials came to visit him at the Hpa-an general hospital. They provided him with food and covered the medical costs. Although Saw G--- and his family are now facing livelihood difficulties, he did not receive any other financial support.

ii. Second Incident

On February 19th 2020, Saw L--- stepped on a landmine in Lu Pleh [Hlaing Bwe] Township, Hpa-an District while he was hunting.[46] The victim is from J--- village (K--- area), Buh Aah Der village tract, Bu Tho Township. The landmine was planted in 2019 by KNLA soldiers under the authority of Commander Kay Lay. A KNLA representative told KHRG that they informed the villagers before planting these landmines. They planted them for defensive purposes and to prevent the implementation of the Hatgyi dam construction project.

Saw L--- knew about the presence of landmines in the area. He went there once, but did not reach the place where this landmine was planted. On February 19th, he ventured further into the area with a teacher from K---. After stepping on the landmine, he was immediately sent to a hospital in Chiang Mai, Thailand. He sustained injuries on his right foot, and several of his toes had to be amputated.

[43] This information is taken from an unpublished report from Bu Tho Township, Mu Traw District, received in March 2020.
[44] In 1994, the Democratic Karen Buddhist Army (DKBA) split from the KNLA over religious considerations. In 2010, the majority of DKBA troops transformed into BGFs, but one faction refused and changed its name to Democratic Karen Benevolent Army in 2012. In 2015, the DKBA Splinter Group split from this faction. It is active in Hpapun and Hpa-an districts. It has not signed the NCA.
[45] KHRG (May 2019), "*Dreaming of Home, Hoping for Peace: Protracted Displacement in Southeast Myanmar*".
[46] This information is taken from an unpublished report from Bu Tho Township, Mu Traw District, received in May 2020.

Saw L--- could not afford to pay the medical fees – over 100,000 baht [USD 3,186.74].[47] However, Commander Kay Lay paid for all the transportation fees and part of the medical fees. The remaining part of the treatment cost was paid by someone else, but the victim does not know that person's identity or organisation. While he was at the hospital, Commander Kay Lay gave some food and 1,000 baht [USD 31.87] to his family. No further compensation was provided by the KNLA. Saw L--- told a KHRG researcher that the injuries he sustained prevented him from working as much as he expected, resulting in challenges to secure his family's livelihood.

iii. Third incident

On May 24th 2020 at around 2 pm, Saw M---, a 57-year-old villager from N--- village stepped on a landmine in the Twit Thee Aer forest, Htee Th'Bluh Hta village tract, Dwe Lo Township, Mu Traw District.[48] This landmine was planted by the KNLA in March or April 2020. The area where the incident happened is under the control of KNLA Battalion #102, Company #3.

Local villagers from P--- were informed about these landmines. However, the victim thought that there were no landmines in this particular area as he had collected thatch there the day prior to the incident. Although the son of Saw M--- urged him not to go, he needed to because he did not have enough thatch to build his roof.

Saw M--- stepped on the landmine on his way back to the village and sustained injuries on his left leg. He was travelling with his wife, who promptly ran back to the village for help. Saw M--- was assisted by some local villagers and a medic, after which he was transferred to the Wah Ka Der KNU clinic. Due to the gravity of his injuries, his left leg had to be amputated.

There are six members in Saw M---'s family, including four kids – two of which are already married. The victim and his family are now facing livelihood difficulties because he cannot travel and work due to his missing leg. This incident is therefore likely to have a long-term impact on their ability to secure their livelihoods. The victim did not have to pay for his treatment, but he did not receive further compensation or support.

The KNLA later removed some of the landmines they planted near the local villages, but left others for defensive purposes. Some landmines were too difficult to remove, so they marked the contaminated areas and informed the villagers about their location.

iv. Fourth incident

On June 22nd 2020, Saw Q---, a 48-year-old villager from R---, Lu Thaw Township, Mu Traw District stepped on a landmine planted by the KNLA in a place called Maw Poo Per Hkoh, which is close to a Tatmadaw army camp.[49]

The KNLA Special Force planted several landmines in the area for defensive purposes due to increasing Tatmadaw activity. These landmines were also meant to protect local civilians and their livelihoods. The KNLA informed the local villagers about the presence of landmines in the area, and Saw Q--- reportedly knew about it as well.

[47] All conversion estimates for the baht in this report are based on the September 7th 2020 official market rate of 31.39 baht to USD 1.
[48] This information is taken from unpublished report received in May 2020.
[49] This information is taken from an unpublished report from Lu Thaw Township received in July 2020.

On the day of the incident, Saw Q--- had gone fishing in the Pweh Lo Kloh (Yuzalin) River with his 14-year-old son. He stepped on a landmine on his way back to the village, at around 1 pm. One of his feet was blown off in the explosion, prompting his son to run back to the village for help. The villagers took him to the clinic in Day Boo Noh village for treatment. He ultimately passed away at around 10 pm due to severe haemorrhaging.

Saw Q--- is survived by a 30-year-old wife and eight children (three girls and five boys), including a new-born baby. The victim's wife has been facing health issues since her last delivery and needs to tend to her children. As she cannot work, her oldest child, the 14-year-old who was with his father when the incident happened, had to abandon his studies to provide for the family.

D. Sexual violence

KHRG documented four cases of sexual violence during the reporting period. These included three cases of sexual violence against children and one case of sexual violence against a woman with an intellectual disability.

Three of these cases were handled by the local village authorities. No charges were pressed against the perpetrators, who merely had to pay compensation ranging from 100,000 kyats [USD 75.04] to 150,000 baht [USD 4,780.12] to the victims. Such procedures are a common way of handling sexual violence cases in the rural areas of Southeast Myanmar. This reliance on traditional, overwhelmingly male-led local mechanisms remains one of the main barriers preventing the survivors from accessing justice and reparations. Local justice providers often tend to adopt a dispute settlement approach to preserve the reputation of the village or community cohesion. Some even actively discourage the victims and their families from reporting the case to the judicial authorities.

Whenever cases of sexual violence happen to be processed according to the law, criminal proceedings often lack transparency and fail to take a victim-centred approach, especially when perpetrators are members of the security forces.

i. Sexual violence against children

Children in Southeast Myanmar are particularly vulnerable to sexual violence, especially at the hands of perpetrators living in close proximity. KHRG documented the rape of a 7-year-old boy by a teenage community member over the reporting period. The incident was ultimately resolved by the village authorities after the survivor's family agreed to a 100,000 kyats [USD 75.04] compensation. Pursuant to a promise made to the survivor's parents, further details about that particular case will not be disclosed in this report. However, it seems that the lack of legal awareness and pressure from the village leaders to settle the case at the local level were the main factors that prevented the parents from reporting the case to law enforcement.

The two cases analysed in this report involve perpetrators in a situation of power, namely a foreign supervisor of higher social status and a BGF soldier. The first one illustrates how lenient village authorities can be towards perpetrators backed by wealthy individuals, even going as far as to threaten survivors and their families to force them to accept compensation. The second one shows that law enforcement proceedings often result in financial burdens for survivors and their families. This can lead them to stop taking part in the proceedings and act as a deterrent to reporting sexual violence cases in poor, remote communities.

a. Lack of justice in a case of attempted child rape, February 2020

This case occurred in T'Nay Hsah (Nabu) Township, Hpa-an District on February 24th 2020. A Chinese chef aged between 40 and 50 attempted to rape a 17-year-old Karen girl working at the same restaurant in W--- village. On that day, the chef sent the girl upstairs to do some cleaning. He then followed her and tried to rape her. She managed to escape and report the incident to the restaurant manager but to no avail, as a relative of the survivor explained: "*They [the restaurant manager] did not want this incident to be reported and they wanted to settle it with money. They would have given money to immediately put an end to the case. They did not allow anyone to report it*."

The girl reported the case to her aunt, who then contacted the section leader. The case was ultimately referred to the village authorities. They arrested the perpetrator later that day and detained him overnight at the local BGF jail. Later, the village authorities organised a meeting to handle the case. Even though the survivor wanted the perpetrator to be banished from the area, the village authorities settled the case with a compensation of 150,000 baht [USD 4,780.12].

The same relative explained that neither the victim nor her family were involved in the decision: "*He [the perpetrator] said he would give 200,000 baht [USD 6,369.43] in the beginning. However, she only got 150,000 baht in the end. We do not know how the leaders processed this case. They did not tell us anything either. We first agreed on 200,000 baht, but later it became 150,000 baht. They did not ask about our concerns or whether we agreed to that or not. We could not do anything even if we didn't agree to that*."

The local leaders dissuaded the victim's family from reporting the case to the Myanmar judicial authorities by telling them that proceedings would be complicated and costly. They also threatened to arrest and sue her to try and intimidate her family into accepting the compensation: "*[H]e [one of the local leaders] said: 'If you do not accept the money, 150,000 baht, and if the Chinese man doesn't admit his mistake, you will be sued and arrested instead.' […] He told me that, in the past, there was a woman who was raped by another Chinese man, but they could not find any evidence. The Chinese man denied that he had raped her and in the end people killed her, like her life was worth nothing*."

Although her family is not satisfied with the way this case was handled, they do not dare to challenge the local authorities or report the case further out of fear of reprisals: "*They [local leaders] talked to the Chinese people in a nice way. They did not shout or scold the Chinese people and the Chinese people did not even care or were not afraid of them. They even smiled and acted comfortably because they can give money. Karen people cannot give money. If Karen people do something wrong, we don't know how the leaders will act toward us. […] We will have to suffer if they beat us or arrest us when we talk back to them. Therefore, we cannot do anything*."

The survivor was ultimately sent back to her village in Doo Tha Htoo District for her safety. She feels ashamed of what happened, and did not want to go back there because she feared people in the village might gossip about her. Such fears are common among survivors of sexual violence, who often face social stigma due to a prevalent culture of victim blaming. This leaves them particularly vulnerable to secondary victimisation and marginalisation, especially given the absence of survivor support services in the rural areas of Southeast Myanmar.

b. Child rape by a BGF soldier in Mu Traw District, June 2020

This child rape case happened on June 10th 2020 at the E--- Monastery in A--- village, A--- village tract, Dwe Lo Township, Mu Traw District.[50] The survivor is a 13-year-old *thilashin*[51] named Naw B--- from C--- village, Htee Th'Bluh Hta village tract, Dwe Lo Township. The perpetrator is Meh Gyi, a 23-year-old BGF soldier from A--- village. He is based in a camp beside the Baw Kyoh Hta bridge, and his commanding officer is Platoon Commander Bo Meh See. Meh Gyi is part of BGF Battalion #1013, Company #1.

On the day of the incident, at around 6 pm, Naw B--- was alone in the temple when Meh Gyi forcibly dragged her outside. An older thilashin witnessed the scene and reported it to the abbot, who promptly asked two local villagers to go and find Naw B---. They started searching the monastery and calling out her name, prompting Meh Gyi to run away. By the time they found her, Meh Gyi had already raped the young thilashin, leaving her injured. He was reportedly on drugs at the time of the incident.

BGF Platoon Commander Bo Meh See gave 50,000 kyats [USD 37.52] to send Naw B--- to the hospital in Hpapun. No compensation was provided to cover the survivor's medical fees and food costs; however these costs were paid for by the perpetrator's mother. Naw B--- was admitted to the hospital later that day and discharged on June 16th. According to her mother, she sustained brutal genital injuries as a result of the rape.

Meh Gyi was arrested by BGF soldiers on June 11th and handed over to the Myanmar Police Force (MPF). He is now being held in custody at the Hpapun central police station. The MPF then came to the village two times to investigate the crime scene and hear witnesses. However, a senior monk involved in the proceedings told KHRG that the investigation is moving slowly. He already had to go to the police station five times with the victim's mother, but they were told to bring more witnesses. As he can no longer afford the transportation costs, neither for himself, the survivor's mother or the other witnesses, they stopped going to the police station to participate in the investigation.

ii. <u>Sexual violence against a woman with an intellectual disability</u>

This incident happened on March 19th in Ko P'Hee village, Lay Poo village tract, Ta Kreh (Paingkyon) Township, Hpa-an District.[52] Shwe Yin Kyaw, a Bamar[53] villager from Theh Khway Lei, a nearby village, attempted to rape Naw Y---, a local 25-year-old local woman with an intellectual disability while she was on her way back from her farm. She managed to escape, after which she reported the incident to her family. The mother reported the case to the Karen National Police Force. They arrested and detained the perpetrator later that day. Shwe Yin Kyaw is a 40-year-old man who had recently moved to Theh Khway Lei with his wife and children. He knew the uncle of the survivor, and had also seen her before.

On March 21st, the case was referred to the Theh Khway Lei village authorities. Shwe Kin Kyaw admitted to the attempted rape, and Naw Y--- asked for 1,000,000 kyats [USD 750.44] as

[50] KHRG (July 2020), "*Mu Traw District Incident Report: Child rape by a BGF soldier in Dwe Lo Township, June 2020*".
[51] 'Thilashins' are female lay renunciants in Burmese Buddhism. They observe the Ten Precepts of Buddhism and can be recognised by their pink robes.
[52] This information is taken from unpublished reports from Ta Kreh and T'Nay Hsah townships received in May 2020.
[53] The majority ethnic group in Myanmar, also known as ethnic Burmese or Burman.

compensation. However, he said that he had no money and offered to be subjected to imprisonment or death penalty instead. For the sake of his young children and pregnant wife, the local authorities and the survivor agreed to reduce the compensation to 600,000 kyats [USD 450.27]. Half was paid by Shwe Kin Kyaw's current employer, who is also the uncle of the survivor. The other half was paid by another villager the perpetrator used to work for. The village authorities also banished him from Paingkyon Township, and promised to take action against him if he ever comes back. Shwe Kin Kyaw's subsequently left the village with his family.

Naw Y---'s family is not satisfied with the way the case was handled by the local authorities. However, they do not want to take the case to court because they think that the people who paid the compensation will have to take responsibility for the perpetrator's actions again. In addition, the local authorities explained that taking the case to court would be pointless, as the perpetrator cannot afford to pay compensation. They even added that the survivor would lose the compensation she already received, as court proceedings are costly and lengthy.

Naw Y--- is now afraid to travel alone and too ashamed of what happened to interact with her friends and neighbours the way she used to. Her family is also concerned for her security and always arranges for someone to accompany her whenever she goes to the farm.

Part II. Overview of the human rights and security situation in Southeast Myanmar

A. Abuses by government security forces and staff

Government security forces and government staff continued to subject villagers to human rights abuses over the reporting period. From January to June 2020, KHRG documented two instances of killing and one instance of property damage by Tatmadaw soldiers. The Myanmar military also prevented villagers from displaying the Karen flag in front of their local school in Mergui-Tavoy District, and interrupted a KNU event to raise awareness about the NCA in Kler Lwee Htoo District. In addition, the BGF and the Myanmar Department of Agricultural Land Management and Statistics confiscated land belonging to a local villager in Hpa-an District.

i. Killings by Tatmadaw soldiers in Mu Traw District

On March 5th 2020, Tatmadaw soldiers from LIB #338 opened fire on two KNU forest rangers who were travelling by motorbike.[54] One of them, Saw Maw Aye Than, sustained one gunshot wound in the abdomen and three more on his left leg. Due to the gravity of his injuries, he died while being transported to the KNU Mu Traw District office. On the day of the incident, the Tatmadaw soldiers were standing about 200 yards [183 metres] outside their camp. They fired around 20 rounds at the two rangers. The Tatmadaw alleged that its troops acted in self-defence after being shot at by the two rangers, but the KNU rejected that explanation.[55]

On March 31st 2020, Tatmadaw soldiers from IB #30 opened fire on two groups of villagers in Saw Muh Plaw village tract, Lu Thaw Township. The soldiers were on watch duty along the road to protect supply convoys. Local villagers are usually escorted by KNLA soldiers when travelling in the area to ensure their security. At 6:10 am, the IB #30 soldiers opened fire on a first group of villagers, but they all escaped unharmed. At around 6:50 pm, the soldiers fired at another group, killing Saw Theh Mee, a local community leader. KNLA soldiers and villagers were initially afraid to retrieve his body because Tatmadaw soldiers were still operating in the area. On April 6th 2020, KNLA soldiers saw that his body was missing, and assumed that the Tatmadaw had buried it. Saw Theh Mee leaves behind a wife and five children.

Both incidents amount to a violation of sections 5(a) of the Nationwide Ceasefire Agreement (NCA) and 8(A) of its corresponding Code of Conduct, which state that signatories shall not carry out armed attacks in ceasefire areas. The second incident also amounts to a clear violation of sections 9(b) of the NCA and 7(B) of the Code of Conduct, which forbid the signatories from killing civilians in ceasefire areas.

ii. Destruction of property by the Tatmadaw in Mu Traw District

On January 19th 2020, Tatmadaw's IB #19 and LIB #340, #341 and #434 destroyed some of their old ammunition, landmines and gunpowder on a farm owned by a local villager in U---, Meh Klaw village tract, Bu Tho Township, Mu Traw District.[56] These troops are under the authority of Operations Commander Aung Khaing Cho.

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[54] KHRG (April 2020), "*Mu Traw District: Tatmadaw soldiers killed a Karen community leader and a KNU forest ranger in March 2020*".

[55] See "သစ်တောဌာန လုပ်သားတစ်ဦး တပ်မတော်၏ပစ်သတ်ခြင်းခံခဲ့ရဟု KNU ပြော", Karen Information Center, March 2020.

[56] This information is taken from an unpublished report from Dwe Lo Township received in February 2020.

The soldiers did not refill the holes they dug to explode their ammunitions. He is now worried that animals such as cows and buffaloes might die or get injured because of the holes, or that ponds might form on his land during the rainy season. This incident amounts to a violation of section 5(a) of the NCA, which forbids the signatories from engaging in the destruction of property.

iii. The Tatmadaw prevents villagers from displaying the Karen flag in front of their local school in Mergui-Tavoy District

On January 2nd 2020, Tatmadaw soldiers from LIB #265 prevented local villagers and school staff from displaying the Karen flag in front of their local Myanmar government school in T--- village, Ta Naw Th'Ree [Tanintharyi] Township, Mergui-Tavoy District. The soldiers also dismantled the flag pole and the commemorative base the villagers had prepared without the permission from the local community.[57]

The Tatmadaw argued that the school did not receive permission from the relevant authorities to display the Karen flag. They also made clear that they did not want this to happen: "They [the Tatmadaw soldiers] replied [to the headmaster and villagers]: "*There should not be a Karen flag in the government school. Would you raise the English [American/British] flag just because English is being taught in school?*" They continued: "*We cannot allow it because there is a Tatmadaw troop living in the village [and they will not want to have a Karen flag where they live]. Therefore, we cannot permit you to do this*."

These photos were taken in January 2020 in L--- village, Ta Naw Th'Ree Township, Mergui-Tavoy District. They show the flag pole and its commemorative base that were dismantled by the Tatmadaw soldiers in front of the local school. *[Photos: Local Villager]*

A local village administrator expressed his anger at the situation: "*[…] [T]hey should not have taken down the Karen flag in such a way. They could have just talked to the community members and asked them to take the flag down. Instead, they came at night and dismantled the base and the pole of the flag*." A local female teacher also told KHRG that she was determined to display the flag despite the opposition of the Tatmadaw: "*I felt really sad about it but I am eager to try it again. I will try to raise our Karen flag in the school. If it doesn't happen next time, I will try again. I will try again and again until it happens. The local villagers really got upset about this*."

[57] KHRG (June 2020), "*Mergui-Tavoy District Interviews: Tatmadaw soldiers prevented Karen villagers from displaying their ethnic flag in front of their local school in Ta Naw Th'Ree Township, January 2020*".

iv. The Tatmadaw prevents the KNU from raising awareness about the NCA in Kler Lwee Htoo District

On February 24th 2020, a committee of KNU leaders from Hsaw Htee (Shwegyin) Township went to Aaw P'Lah village, Aaw P'Lah village tract, Hsaw Htee Township, Kler Lwee Htoo District to raise awareness about the NCA and the current political situation.[58] However, soldiers from the Tatmadaw LIB #124 led by Battalion Commander Thar Win Htun entered the village and stopped the meeting, claiming that the Joint Ceasefire Monitoring Committee had not been informed about it. This raised security concerns among the villagers who were participating in the meeting and undermined their trust in the NCA. They also think that the Tatmadaw should not stop these kinds of events.

These photos were taken on Feburary 24th 2020 in Aaw P'Lah village, Aaw P'Lah village tract, Hsaw Htee Township, Kler Lwee Htoo District. The photo on the left shows villagers attending the NCA awareness meeting organised by the KNU leaders. The photo on the right shows the Tatmadaw LIB #124 soldiers who stopped the event. *[Photos: KHRG]*

v. Land confiscation by the BGF and the Myanmar government in Hpa-an District

In January 2020, the Myanmar Department of Agricultural Land Management and Statistics [DALMS], in cooperation with BGF soldiers from Cantonment Area #2, confiscated 700 acres of lands belonging to local villagers in V--- and W--- villages, Yaw Kuh village tract, T'Nay Hsah Township, Hpa-an District.[59] This land confiscation process was carried out under the authority of BGF Cantonment Area Commander Bo Kya Aye and BGF Commander Pu Hta Klah.

Part of this confiscated land was community grazing land. The rest was owned by local villagers, and some plots were used for agricultural purposes. The confiscated lands have now been cleared, levelled with bulldozers and delimited with poles. The local villagers do not know what the DALMS and BGF intend to do with the lands, but they are too afraid to confront them about this case. They reported the case to the KNU T'Nay Hsah Township authorities, who in turn referred it to the KNU District authorities.

Since BGFs are subdivisions of the Tatmadaw, their involvement in this case could amount to a violation of section 9(f) of the NCA and 7(F) of its corresponding Code of Conduct. Both these sections prohibit the signatories from confiscating lands from civilian populations.

[58] This information is taken from an unpublished report from Hsaw Htee Township received in June 2020.
[59] This information is taken from an unpublished report from T'Nay Hsah Township received in May 2020.

B. Abuses by KNU and KNLA members

KHRG documented that members of the KNU and KNLA were involved in instances of child recruitment and arbitrary taxation in Mu Traw and Hpa-an districts over the reporting period, in violation of KNU's own regulations.

i. Child recruitment by the KNLA in Mu Traw District

KHRG documented five instances of child recruitment by the KNLA in Bu Tho Township, Mu Traw District in February 2020. According to a KHRG researcher, Lt. Colonel Saw Htoo K'Saw, the Commander of KNLA Brigade 5's Battalion #102, asked the Meh Nyoo village tract administrator to facilitate the recruitment of young people from every village under his responsibility to serve in the KNLA. The village tract administrator referred this mission to the village tract DOI officer.[60]

The latter recruited at least five children aged 14 to 17 in Meh Nyoo village tract. It seems that he did not verify the age of the new recruits, and that the KNLA did not originally do so either. Three were incorporated into KNLA Battalion #102 and the other two were incorporated into the village tract guard. Those who were enrolled in school were not allowed to continue their studies, as the mother of one of them explained: "*They [KNLA] did not like that I wanted my son to continue his studies. They just forcibly took him away*."

KHRG reported these incidents to the KNLA Brigade 5 Commander, who ordered Battalion #102 to take action regarding this case. All three were allowed to go back to school, but their parents had to sign a commitment saying that their children would join the KNLA after they finish their studies. The two children who were incorporated into the village tract guard had already dropped out of school and were not discharged. They are expected to serve for three years.

Recruiting children is a clear violation of sections 9(n) of the NCA and 7(N) of its corresponding Code of Conduct. It also goes against the KNLA Military Law and Rules and is incompatible with the provisions of Geneva Call's Deed of Commitment for the Protection of Children from the Effects of Armed Conflict, which the KNU signed on July 21st 2013.[61]

ii. Arbitrary taxation by a KNU official in Hpa-an District

On June 13th 2020, the KNU Ta Kreh Township office chief, Saw Cha Nah, called a meeting with the local cattle owners who keep their cattle on hills.[62] He informed them that their cattle were causing damages to the local environment, and asked for a 1,000 kyats [USD 0.75] tax for each cow or buffalo. When the cattle owners asked him how he will use this money, Saw Cha Nah said he would buy betel nut and cigarettes for the local KNLA soldiers. Some villagers refused to pay and questioned whether he had received permission from the KNU authorities to raise such taxes. Others did not fully understand the situation and gave him the money he asked for, but their names were not recorded by the office chief.

[60] This information is taken from unpublished reports from Bu Tho and Dwe Lo townships received in June 2020.
[61] See "*The KNU/KNLA commits to the protection of children and the prohibition of conflict-related sexual and gender-based violence*", Geneva Call, July 2013.
[62] This information is taken from an unpublished report from Ta Kreh Township received in May 2020.

This incident amounts to a violation of section 7(D) of the NCA Code of Conduct, which states that no money shall be demanded from civilians. However, no action had been taken against Saw Cha Nah at the time of drafting.

C. Livelihoods

Aside from any livelihood impacts due to COVID-19, KHRG's documentation for the reporting period shows that villagers in several areas of Mu Traw and Mergui-Tavoy Districts are facing hardship because their farms were damaged by adverse weather, wildfire and/or animals. As most of the villagers in Southeast Myanmar rely heavily on agriculture, any disruption in the harvest cycle is likely to translate into livelihood difficulties, especially in the absence of help from the government or donor organisations.

Mu Traw District

During the 2019 harvest season, most of the civilians in Lu Thaw Township did not harvest enough rice as their paddies were damaged both by the burning undertaken by the Tatmadaw and problems of drought and mice. As a result, local villagers are now facing a lot of difficulties to get enough food for their families;[63] and some had no choice but to abandon their farms and work as day labourers. Many villagers in the Salween Peace Park area were unable to plant their paddy crops on their plain farms over the reporting period because of the drought; and the paddy crops on their hill farms also dried out. Without adequate assistance, they will likely face more livelihood difficulties and food shortages in the near future.[64]

Similar problems were reported in every village tract in Bu Tho Township. Because of drought and rodent invasions, plain farmers who usually harvest 300 baskets of paddy only got 90 baskets in 2019. Some hill farmers only managed to harvest as many baskets as they originally planted, and others could not harvest paddy at all. Local villagers reported that, since they must spend all the income they can earn to buy food, they will not be able to pay the KNU taxes in 2020. The KNU Tax Department should therefore consider exempting communities whose livelihoods were destroyed by natural disaster from paying taxes. Requiring them to pay will only result in further hardship for the villagers affected.[65]

Mergui-Tavoy District

In Ta Naw Th'Ree Township, heat waves also destroyed betel nut plantations and rice paddies. This resulted in livelihood difficulties for the populations affected, notably in the T'Keh, Kay, Moh Taw, Ma Noh Roh, A'Neh Hsay Koo and P'Wa areas. Most of these areas were also hit by wildfires, but the full extent of the damage remains unknown.[66]

Doo Tha Htoo District

In Bilin Township the local villagers are mostly engaged in agricultural activities and part-time jobs. In 2020, droughts damaged their crops and prevented them from harvesting enough paddy to secure their livelihoods. They did not get any support from the local authorities or the Myanmar government to overcome their livelihood challenges.[67]

[63] This information is taken from an unpublished report from Lu Thaw Township received in March 2020.
[64] This information is taken from an unpublished report from Lu Thaw Township received in July 2020.
[65] This information is taken from an unpublished report from Dwe Lo Township received in February 2020.
[66] This information is taken from an unpublished report from Ta Naw Th'Ree Township received in June 2020.
[67] This information is taken from an unpublished report from Bilin Township received in February 2020.

D. Anti-dam protest in Mu Traw District

On March 14th 2020, a total of 1,672 villagers from Hpa-an and Mu Traw districts came together to protest against the dam construction projects in the area. The event was organised by KNLA Brigade 5, Battalion #102, Company #3's Commander, Saw Hsa Yoh Moo in collaboration with the local people.

The demonstration took place on the Salween River's bank from 7 to 10 am near the proposed Hatgyi Dam site in Bu Tho Township.[68] It included Buddhist and Christian prayer sessions, and ended with the villagers sending a sign down the river on a raft. The attendees formulated four demands:

1. Let the Salween river flow freely.
2. We do not want the construction of the Kay Doh Hkoh dam.
3. We do not want dam constructions in Karen indigenous territories.
4. We do not want dam constructions in the territories of ethnic minorities.

These two pictures were taken on March 14th 2020 in Bu Tho Township, Mu Traw District. They show villagers from Mu Traw and Hpa-an Districts holding an anti-dam demonstration near the Salween River bank. *[Photos: KHRG]*

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.khrg.org.

[68] KHRG & KESAN (June 2018), "*Development or Destruction? The human rights impacts of hydropower development on villagers in Southeast Myanmar*".

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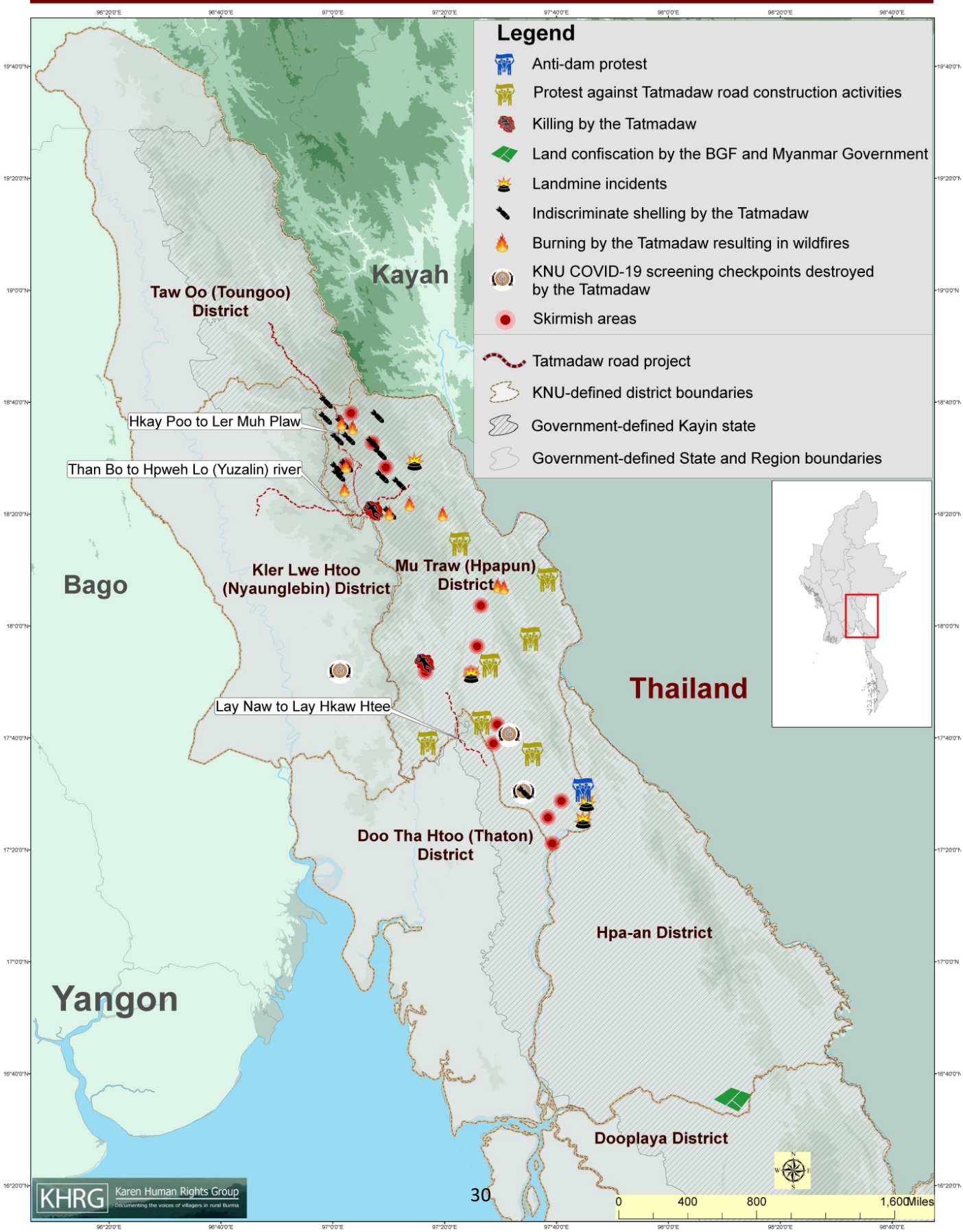

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