

INTERNAL DISPLACEMENT AND INTERNATIONAL LAW IN EASTERN BURMA

Thailand Burma Border Consortium



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**INTERNAL DISPLACEMENT
AND INTERNATIONAL LAW
IN EASTERN BURMA**

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KORD, River crossing, Kyaukgyi, June 2008

EXECUTIVE SUMMARY

“Whenever SPDC approach our village, we have to run away. Even if they do not reach us, they fire mortar shells at us. They steal our food and possessions, kill our animals, burn our houses and plant landmines. All we can do is run.”

(Karen woman, CIDKP focus group,
Thandaung township, June 2008)

EXECUTIVE SUMMARY

Twenty years after the Burmese junta gunned down pro-democracy protesters, violations of human rights and humanitarian law in eastern Burma are more widespread and systematic than ever. Ten years after the Guiding Principles on Internal Displacement were submitted, the international response in eastern Burma remains largely ineffective in dealing with a predatory governing regime.

The Thailand Burma Border Consortium (TBBC) has been collaborating with ethnic community-based organisations to document the characteristics of internal displacement in eastern Burma since 2002. During this period there has been increasing debate about whether violations of human rights and humanitarian law in eastern Burma constitute an international crime. So aside from updating information about the scale and distribution of internal displacement, this year's survey compiles abuses reported during 2008 in relation to the legal framework for crimes against humanity.

Conflict-induced displacement remains most concentrated in the northern Karen areas, where armed skirmishes between the Burmese Army and the Karen National Union continued in the first six months of 2008. While the wet season was previously a time of respite from Burmese Army patrols, intensified troop deployments during the past couple of years mean that the occupation is now sustained all year. This has led to the displacement of 27,000 villagers in the four affected townships during the past year. The prevalence of military attacks targeting civilians has slightly decreased since the junta's offensive in 2006. However, the harassment of villagers perceived as sympathetic to the armed opposition is unrelenting.

The four townships surrounding Laikha in southern Shan State are also of particular concern. Armed skirmishes and Burmese Army deployments have escalated in this area since a former battalion commander with the Shan State Army - South surrendered in 2006. The Burmese Army is attempting to assert its supremacy in the area by breaking communication links between the armed opposition to the south and ceasefire groups to the north. Over 13,000 civilians are estimated to have been displaced from their homes in this area during the past twelve months.

TBBC has previously reported that more than 3,200 settlements were destroyed, forcibly relocated or otherwise abandoned in eastern Burma between 1996 and 2007. Such field reports have been corroborated by high resolution commercial satellite imagery of villages before and after the displacement occurred. During the past year, community organisations have documented the forced displacement of a further 142 villages and hiding sites.

However, displacement is more commonly caused by coercive factors at the household level. The imposition of forced labour, extortion, land confiscation, agricultural production quotas, and restrictions on access to fields and markets has a devastating effect on household incomes and a destabilising impact on populations. During the past year, the prevalence of these factors has been exacerbated by hydro-electric projects in Shan and Karen States, mining projects in Shan and Karenni States and Pegu Division, the gas pipeline in Mon State as well as commercial agriculture and road construction in general.

While the total number of internally displaced persons in eastern Burma is likely to be well over half a million people, at least 451,000 people have been estimated in the rural areas alone. The population includes approximately 224,000 people currently in the temporary settlements of ceasefire areas administered by ethnic nationalities. However, the most vulnerable group is an estimated 101,000 civilians who are hiding in areas most affected by military skirmishes, followed by approximately 126,000 villagers who have been forcibly evicted by the Burmese Army into designated relocation sites.

An estimated 66,000 people were forced to leave their homes as a result of, or in order to avoid, the effects of armed conflict and human rights abuses during the past year alone. Despite concessions made in the Irrawaddy Delta after Cyclone Nargis, the junta's restrictions on humanitarian access continue to obstruct aid workers elsewhere in Burma, particularly in conflict-affected areas. The large scale of displacement and the obstruction of relief efforts are indicative of ongoing violations of human rights and humanitarian law in eastern Burma.

International law recognises crimes against humanity as acts committed as part of a widespread or systematic attack against any civilian population. Attacks on civilians refer not only to military assaults but also to the multiple commission of acts such as murder, enslavement, forcible transfer of population, torture and rape when related to a State policy. This definition reflects customary international law binding on all states, including Burma. The evidence cited in this report appears to strengthen Amnesty International's recent assessment that the violations in eastern Burma meet the legal threshold to constitute crimes against humanity.

Skeptics argue that raising allegations about crimes against humanity will merely frustrate the promotion of political dialogue. However, just as the provision of humanitarian assistance should not be dependent upon political reform, humanitarian protection and the administration of justice should not be sacrificed to expedite political dialogue. The reality is that the authorities have consistently refused to enter into a serious discussion of these abuses with a view to putting a stop to them. The threat of prosecution may actually increase the leverage of the diplomatic community and provide an incentive for the governing regime to end the climate of impunity.

Given the impunity with which violations have been committed, and the Burmese junta's failure to implement recommendations formulated by relevant United Nations' bodies, the responsibility to protect shifts to the international community. The challenge remaining for the international community is to operationalise this responsibility in Burma and hold the junta to account.

“The General Assembly.... strongly calls upon the Government of Myanmar.... to take urgent measures to put an end to the military operations targeting civilians in the ethnic areas, and the associated violations of human rights and humanitarian law against persons belonging to ethnic nationalities, to end the systematic forced displacement of large numbers of persons and other causes of refugee flows to neighbouring countries, (and) to provide the necessary protection and assistance to internally displaced persons, in cooperation with the international community ...”

(United Nations General Assembly, Resolution 61/232, Situation of Human Rights in Myanmar, 13 March 2007, para 3(b) and (d))

“The recommendations formulated by the General Assembly, the Security Council, the Human Rights Council, the Commission on Human Rights, the Secretary-General and his Special Adviser, the thematic special procedures mandate-holders, as well as those advocated by the Special Rapporteur and relevant human rights treaty bodies have regrettably not been implemented.”

(Paulo Sergio Pinheiro, Report of the Special Rapporteur on the Situation of human rights in Myanmar, 7 March 2008, A/HRC/7/18, para 89)



CHAPTER 1

INTRODUCTION

“

The government should have sympathy and respect for citizens and look for ways to develop the nation. But this junta is corrupt and tortures their people.

”

(Karen man, KORD focus group,
Paan township, June 2008)

1.1 THE FAILING STATE OF BURMA

“When we went for the referendum, we had to vote ‘yes’. If we had voted ‘no’, they would have punished us. They watched us closely, so all of us voted yes”.
(Karen woman, CIDKP focus group, Kyaukgyi Township, June 2008)

The State Peace and Development Council (SPDC) reasserted its power during the past year, in spite of massive public protests against fuel price hikes and economic mismanagement during September 2007. Yet while the regime appears strong, it has led the nation-state of Burma¹ into a precarious plight. Indeed, a recent survey of 177 nations using 12 social, economic, political and military indicators identified Burma amongst the dozen states most vulnerable to violent internal conflict and societal deterioration.²

The junta has ignored commitments made to the UN Secretary General’s Special Adviser, continued to arrest peaceful demonstrators and forged ahead with its own road map to ‘disciplined democracy’. This process is based around a draft constitution that was finally completed in February 2008 after 14 years of a flawed process, a public referendum that was orchestrated in May 2008 and parliamentary elections proposed for 2010. However, rather than transition to democratic rule, both the referendum and the draft constitution were designed to “enshrine and forever entrench more of the same abusive rule that Burma has already endured for nearly half a century”.³

The referendum process was widely criticized for failing to meet international standards for free and fair elections. Indeed, the junta’s contempt for public sentiment was highlighted when the referendum was rolled out as planned for most of the country regardless of the devastation and loss inflicted by Cyclone Nargis just days earlier. After what the European Union described as an “overall climate of intimidation”,⁴ the SPDC claimed that over 98% of eligible voters participated in the referendum and over 92% approved the draft constitution.

International pressure for a genuine process of national reconciliation peaked after the junta’s brutal crackdown on dissent during September 2007. The condemnation included Presidential Statements from the UN Security Council (including China and Russia)⁵, a resolution from the UN Human Rights Council⁶, stronger targeted sanctions from the USA, European Union and Australia, and an expression of

¹ The Union of Burma was officially renamed the Union of Myanmar by military decree after a coup in 1988. A number of states and divisions were also renamed, including Karen State (aka Kayin), Karenni state (aka Kayah) and Pegu Division (aka Bago). This report uses historical and colloquial titles.

² Fund for Peace and Foreign Policy, 2008, *The Failed State Index*, Carnegie Endowment for International Peace, http://www.foreignpolicy.com/story/cms.php?story_id=4350&page=0

³ Human Rights Watch, May 2008, “Vote to Nowhere: The May 2008 Constitutional Referendum in Burma”, p7, http://hrw.org/doc/?t=asia_pub&c=burma

⁴ Deutsche Presse-Agentur, 29 May 2008, “EU ‘strongly deplores’ Suu Kyi arrest extension”

⁵ UN Security Council, 11 October 2007, Presidential Statement, S/PRST/2007/37, and 2 May 2008, Presidential Statement, S/PRST/2008/13, www.un.org/Docs/sc/unsc_pres_statements08.htm

⁶ UN Human Rights Council, 2 October 2007, Resolution S-5/1,

“revulsion” from the Association of South East Asian Nations (ASEAN)⁷. However, the sudden acceleration of the road map and the humanitarian imperative to respond to suffering caused by Cyclone Nargis has reinvigorated the junta and undermined diplomatic initiatives.

The Good Offices Role of the UN Secretary General continues to lobby for the release of all political prisoners, substantive time bound dialogue towards national reconciliation, a climate conducive to free and fair elections, a national economic forum, and a permanent presence in Rangoon. However, the Secretary General’s Special Adviser has admitted that “no tangible results are coming out of the process”⁸ while the National League for Democracy called the mediation mission in August 2008 “a waste of time”.⁹ Instead of working towards national reconciliation, the junta has further marginalised the opposition by extending Aung San Suu Kyi’s house arrest for another year.

In this context of entrenched military rule over a fragile state, the pressure on opposition political parties to cut their losses and participate in the upcoming parliamentary elections is increasing. While no one is under any illusions that the elections will be free or fair, it is also difficult to predict when the junta will collapse or be overthrown. It is tempting to believe that incremental change will lead to something more substantive, especially for ethnic nationalities at the state level. An Interim Kachin Committee has already been formed by 3 ceasefire groups with a view to forming a political party, even though surrendering arms will be a condition of participation in the elections. Unfortunately, the reality is that “you can not have a political transition if you keep almost 2,000 political prisoners and you continue the crackdown”.¹⁰

1.2 INTERNAL DISPLACEMENT IN BURMA

*“The coal mining company set up their camp and water pumping station on our land. Now we’re not allowed to go there anymore”.
(Shan woman, SRDC focus group, Kehsi Township, June 2008)*

Internal displacement on a large scale has been a reality in Burma since squatters were forcibly evicted from Rangoon and relocated into satellite towns in the 1950s. However, only since the introduction of the UN Guiding Principles on Internal Displacement in 1998, has there been a common framework for responding to internally displaced persons.¹¹ This framework has proven invaluable in promoting awareness about displacement and in mobilising assistance.

⁷ AFP, 28 September 2007, “ASEAN expresses ‘revulsion’ over Myanmar crackdown”

⁸ Irrawaddy, 22 September 2008, “Taking a Deep Breathe – Ibrahim Gambari”, www.irrawaddy.org

⁹ British Broadcasting Commission News, 25 August 2008, “UN Burma Envoy ‘wasted his time’”

¹⁰ Paulo Sergio Pinheiro, cited in David Brunnstorm, Reuters, April 14, 2008, “UN rights expert calls Myanmar vote plan ‘surreal’”

¹¹ The UN Guiding Principles on Internal Displacement, 1998, E/CN.4/1998/53/Add.2, recognises internally displaced persons as “persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.”

Nonetheless, the scale of internal displacement in Burma remains unknown due to the political sensitivities of the junta. It has not been possible to assess internal displacement in areas under the junta's control since the UN estimated that 1.5 million people were evicted from urban centers and resettled into sub-standard housing in satellite towns between 1988 and 1990.¹² An often quoted estimate is that there are at least one million internally displaced persons inside Burma and several hundred thousand Burmese refugees in neighbouring countries. However, estimates of internally displaced populations alone have reached as high as 3 million people.¹³

In conflict affected areas, the Guiding Principles provide the context for humanitarian practitioners to advocate that it is not only proximity to actual fighting but also the broader effects of war that are causes of displacement. Similarly, it has become accepted that displacement might result not only from violence and abuse that has already taken place but also due to the avoidance of threats which are yet to occur. This facilitated understanding of the involuntary nature of displacement in Burma regardless of whether people are forced to flee conflict, violence or abuse, or alternatively obliged to leave by government orders or fear.

The impacts of war, and specifically counter-insurgency strategies, on human rights and displacement in eastern Burma have been widely documented.¹⁴ Through decades of low-intensity conflict, the SPDC and its predecessors have based their counter insurgency strategy on targeting the civilian population. The "Four Cuts" policy aims to undermine the armed opposition's access to recruits, information, supplies and finances by forcibly relocating villagers from contested areas into government controlled areas. The policy has aimed to turn "black" opposition controlled areas into "brown" contested areas and ultimately into "white" areas controlled by Rangoon.

Villagers who do not comply with forced relocation orders are considered sympathetic to the armed opposition. The subsequent targeting of these civilians by military patrols induces further displacement and is a violation of international humanitarian law which the State of Burma has formally ratified.¹⁵

The Guiding Principles' reference to large scale development projects also resonate with the situation in Burma, where state-sponsored development initiatives have often undermined livelihoods and been closely related to militarisation. By focusing on infrastructure development and commercial agriculture, the junta's Border Areas Development programme has done little to alleviate poverty in conflict affected areas.¹⁶ Communities perceived as opposing the State generally bear a disproportionate share of the costs, including forced eviction, and are denied a fair share of the benefits.

¹² UN Centre for Human Settlements (UN Habitat), 1991, Human Settlements Sector Review : Union of Myanmar, p10

¹³ Internal Displacement Monitoring Centre, 14 February 2008, *Myanmar (Burma) : No end in sight for internal Displacement crisis*, www.internal-displacement.org

¹⁴ Ibid, and Paulo Sergio Pinheiro, 7 March 2008, *Report of the Special Rapporteur on the Situation of Human Rights in Myanmar*, A/HRC/7/18, http://ap.ohchr.org/documents/dpage_e.aspx?m=89

¹⁵ Geneva Conventions I-IV, 1949, Common Article 3, <http://www2.ohchr.org/english/law/>

¹⁶ International Crisis Group, 2004, Myanmar: Aid to the Border Areas, Yangon / Brussels,

International recognition that “internal displacement may be caused by a combination of coercive and economic factors”¹⁷ has also been important. In Burma, this relates to impoverishment and forced migration caused by the confiscation of land, asset stripping, forced procurement policies, agricultural production quotas, forced labour, arbitrary taxation, extortion and restrictions on access to fields and markets. The compulsory and unavoidable nature of these factors is distinct from the voluntary, profit-oriented, ‘pull-factors’ more commonly associated with economic migration.¹⁸

However, the protection dividend of increased awareness has been very limited with the national authorities remaining unwilling to fulfil their obligations in regards to internally displaced persons. Indeed, the SPDC categorically “rejects the assertion of the presence of a large number of internally displaced persons.”¹⁹ Despite concessions made in the Irrawaddy Delta after Cyclone Nargis, the junta’s restrictions on humanitarian access continue to obstruct aid workers elsewhere in Burma, particularly in conflict-affected areas.

Policy level dialogue about protection concerns remains elusive, despite regular UN resolutions urging the junta to end violations of human rights and humanitarian law.²⁰ Diplomatic frustration has also been reflected in the ICRC’s extraordinary public denunciation of the junta for being unwilling to enter into serious dialogue about how to stop these abuses and prevent them from reoccurring.²¹ In such a context, it is not surprising that the Guiding Principles and its related institutional framework for promoting a collaborative response has been largely ineffective in dealing with the Burmese junta.

1.3 HUMANITARIAN LAW AND SOVEREIGNTY

“I want to know if political change in Burma is possible? Can powerful nations influence our situation? If so, please help us.”

(Karen man, KORD focus group, Paan Township, June 2008)

International law is premised around sovereign states being obligated to respect the independence and territorial integrity of other nations, while also being responsible for fulfilling the human rights of their own citizens. International human rights law essentially identifies the obligations that national authorities have towards their citizens. While states are allowed to derogate from some obligations in times of public emergency, the rights to protection from murder, torture and slavery are, amongst others, non-negotiable.²²

¹⁷ UN OCHA & Brookings Institution, 1999, *Handbook for Applying the Guiding Principles on Internal Displacement*, New York, p5

¹⁸ Andrew Bosson, May 2007, *Forced Migration / Internal Displacement in Burma: With an Emphasis on Government Controlled Areas*, Internal Displacement Monitoring Centre.

¹⁹ U Nyunt Maung Shein. Myanmar Permanent Representative to Geneva, UN Human Rights Council, 27 September 2007.

²⁰ UN Human Rights Council, 28 March 2008, Resolution 7/31, The Situation of human rights in Myanmar

²¹ ICRC, 29 June 2007, Press Release: Myanmar – ICRC denounces major and repeated violations of international humanitarian law, Yangon / Geneva

²² International Covenant on Civil and Political Rights, Article 4, UN General Assembly Resolution 2200A (XX1), 1966, <http://www2.ohchr.org/english/law/>

International humanitarian law, which consists of the Geneva Conventions, governs the conduct of parties to armed conflict in regards to protecting civilians from harm. A fundamental principle of humanitarian law is that persons taking no active part in hostilities shall in all circumstances be treated humanely. Parties to armed conflicts are not permitted to target civilians for attack.²³

However, the national authorities are sometimes the primary perpetrators of violence and abuse. In such cases, the international community has been reluctant to interfere in the so-called “domestic affairs” of sovereign nations. These perceptions led to woefully inadequate international responses to the genocide in Rwanda in 1994, ethnic cleansing in the Balkans in 1995 and crimes against humanity in Kosovo during 1999, amongst other humanitarian crises.

The International Criminal Court (ICC) was founded to address the impunity with which such serious violations of international humanitarian and human rights law could be committed. The Court’s jurisdiction was specifically limited “to the most serious crimes of concern to the international community”²⁴, namely genocide, crimes against humanity and war crimes. While the 1948 Genocide Convention had previously challenged the principle of non-interference conceptually, the ICC strengthened the potential to enforce the concept of ‘universal jurisdiction’.²⁵

International law recognises crimes against humanity as acts “committed as part of a widespread or systematic attack directed against any civilian population”.²⁶ Attacks on civilians refer not only to military assaults but also to the “multiple commission of acts” including murder, enslavement, forcible transfer of population, torture and rape when related to State policy. This definition reflects customary international law binding on all states, including Burma.

Parallel to the establishment of the ICC, a Canadian government sponsored commission also challenged perceptions about intervention in sovereign affairs. Rather than considering whether the international community has a right to intervene in mass atrocities, the discussion focussed on humanity’s responsibility to protect people at grave risk. “Sovereignty, in the modern age, involves not just control but responsibility.”²⁷ This conceptual change has been formally embraced by the heads of state and government when they recognised that:

“The international community, through the United Nations... (is) prepared to take collective action ... should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity.”²⁸

²³ Geneva Conventions (I-IV) 12 August 1949, Common Article 3, <http://www2.ohchr.org/english/law/>

²⁴ Rome Statute of the International Criminal Court, 1998, Article 5, <http://www2.ohchr.org/english/law/>

²⁵ Amnesty International, 1 September 2001, “Universal Jurisdiction: The duty of states to enact and enforce legislation”, Chapter 5, IOR53/008/2001

²⁶ Rome Statute of the International Criminal Court, 1998, Article 7.1

²⁷ Gareth Evans, “The Responsibility to Protect: Unfinished Business”, G8 Summit 2006: Issues and Instruments, www.crisisgroup.org

²⁸ UNGA, 2005 World Summit Outcome Document, UN doc. A/Res/60/1, 24 October 2005, para 138

This was reaffirmed by the UN Security Council when it noted “that the deliberate targeting of civilians ... and the commission of systematic, flagrant and widespread violations of human rights and humanitarian law in situations of armed conflict, may constitute a threat to international peace and security”.²⁹ So it is now accepted in principle that if national authorities are unable or unwilling to protect potential or actual victims of massive atrocities, then the responsibility shifts to the international community to use diplomatic, humanitarian and enforcement action. This is a landmark change which has the potential to bring our common humanity to the forefront of the global security agenda.

1.4 METHODOLOGY

“Even though we are not safe here, I don’t want to leave and stay in a refugee camp. I just want to live in my village”.

(Karenni Male, KSWDC focus group, Pasaung Township, June 2008)

The Thailand Burma Border Consortium (TBBC) has been collaborating with ethnic community-based organisations to document the characteristics of internal displacement in eastern Burma since 2002.³⁰ Much of eastern Burma remains inaccessible to international observers and there are significant risks associated with collecting information from conflict-affected areas. Without the participating ethnic community-based organizations’ commitment and courage, none of these reports would have been realised.

In the past few years, there has been increasing debate about whether violations of human rights and humanitarian law in eastern Burma constitute an international crime. So aside from updating information about the scale and distribution of internal displacement, this year’s survey compiles abuses reported during 2008 in relation to the legal framework for crimes against humanity.

Quantitative surveys of the scale and distribution of internal displacement and the impacts of militarisation and development have been based on interviews with key informants in 38 townships between June and July 2008.³¹ Population estimates were compiled for people who:

- have fled from SPDC patrols and hide in the most militarily contested areas
- were forcibly evicted and obliged to move into SPDC relocation sites
- reside in ethnic administered ceasefire areas after having fled from human rights abuses and the effects of war, having been forcibly relocated by non-state actors, or having returned from refugee camps in Thailand.

²⁹ UN Security Council, Resolution 1674, Adopted on 28 April 2006

³⁰ Previous surveys can be accessed from www.tbbsc.org/idps/idps.htm

³¹ The survey guidelines are reproduced in Appendix 5.

As in previous years, it has not been possible to estimate the number of people obliged to leave their homes but remaining in a state of internal displacement in urban or mixed administration areas. Given the complexities in distinguishing between different location types as well as between displaced and resident populations, population figures are best estimates only.

Focus group discussions were conducted in 12 townships with audio recordings subsequently transcribed and translated. The human rights reports quoted in the chapter on crimes against humanity have been collected from regular field reports compiled by local humanitarian and human rights groups.



CHAPTER 2 INTERNAL DISPLACEMENT IN EASTERN BURMA

“ Our main need is security.
We want the Burmese soldiers out
of our area, and take the landmines
they planted out too. When we return,
we don't want the Burmese soldiers
harassing us again. ”

(Karen man, CIDKP focus group,
Palaw township, June 2008)

2.1 CONFLICT-INDUCED DISPLACEMENT

"They threatened punishment if we went to the forest or supported the rebels. And if there is any fighting nearby, they will burn our village".

(Karenni Man, KSWDC focus group, Shadaw Township, June 2008)

This year's survey has identified 249 SPDC infantry and light infantry battalions based in eastern Burma. These battalions are under the authority of the SPDC's Coastal Command based in Mergui, South Eastern Command in Moulmein, Southern Command in Taungoo, Eastern Command in Taunggyi and Triangle Area Command in Keng Tung. While a slight decrease on face value compared to last year's information, this still represents about 30% of the Burmese Army's battalions nationwide.³² However, an unknown number of additional battalions have also been deployed on temporary missions to supplement roving patrols in eastern Burma.

Conflict-induced displacement is most concentrated in the northern Karen areas, where 491 armed skirmishes between the Burmese Army and the Karen armed opposition were reported in the first six months of 2008.³³ While the wet season was previously a time of respite from Burmese Army patrols, intensified troop deployments during the past couple of years mean that the occupation is now sustained all year. This militarisation has led to the displacement of 27,000 villagers in the four affected townships during the past year, primarily relating to the destruction of food crops, forced relocation of villages and fear of military patrols. The prevalence of military attacks targeting civilians has slightly decreased since the offensives of 2006, but the harassment of villagers perceived as sympathetic to the rebels is unrelenting.

The four townships surrounding Laikha in southern Shan State are also of particular concern. Armed skirmishes and Burmese Army deployments have escalated in this area since a former SSA-S battalion commander surrendered in 2006. The Burmese Army is attempting to assert its supremacy in the area by breaking communication links between the armed opposition to the south and ceasefire groups to the north. Over 13,000 civilians are estimated to have been displaced from their homes in this area during the past twelve months.

Villagers have been caught in a similar flux on the Shan and Karenni State border following the surrender of the Shan Nationalities' Peoples Liberation Organisation (SNPLO), in two stages over the past year.³⁴ As the armed opposition and Burmese army compete for authority and resources in what was previously a PaO ceasefire area, approximately 3,000 villagers have been displaced.

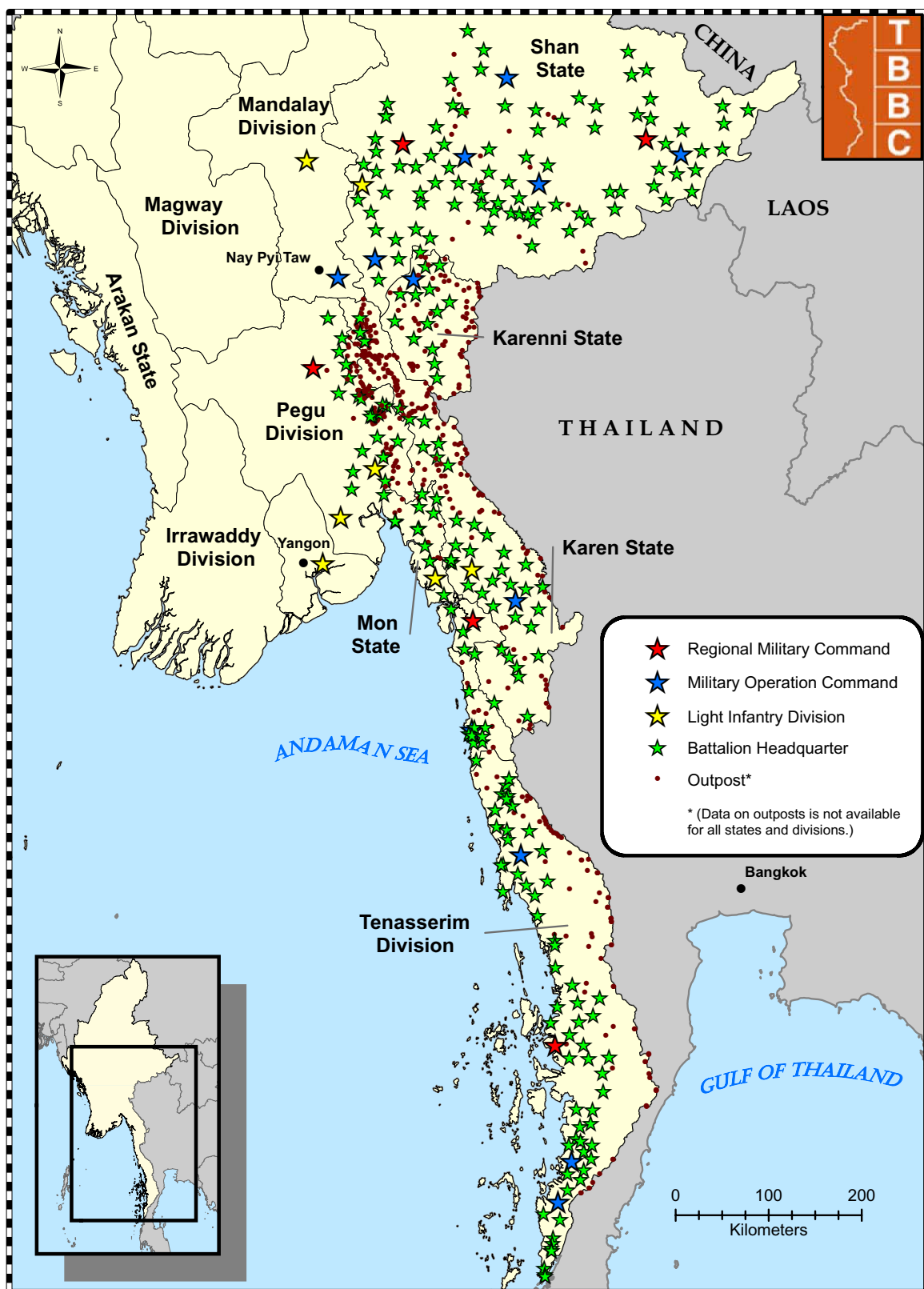
Reports of conflict-induced displacement from other states and divisions generally relate to the deprivations associated with militarisation. The Burmese Army's self reliance policy of only providing part rations effectively obliges front-line troops to extort food stocks and undermine the livelihoods of local villagers. Similarly, restrictions on movement and the imposition of forced labour prolongs displacement for those forcibly evicted into government relocation sites.

³² Network for Democracy and Development, May 2007, *Civil and Military Administrative Echelon of State Peace and Development Council in Burma*

³³ Karen National Union, 6 September 2008, Summary Report on Military Activities in KNLA Areas for Period from January 1, 2008 to June 30, 2008

³⁴ Shan Herald Agency for News, 12 August 2008, "Former Ceasefire Group to Form Political Party for 2010 Election" www.shanland.org

Militarisation in Eastern Burma, 2008



2.2 DEVELOPMENT-INDUCED DISPLACEMENT

We cleared some forests to cultivate physic nuts, but still the regime confiscated our fields. Then our village also had to cultivate pine trees beside the road. Because of these projects, we can't support ourselves anymore. (Shan woman, SRDC focus group, Mong Kung Township, June 2008)

Burma has the fastest growing oil and gas industry in South-East Asia, with investors from at least 27 companies and 13 countries.³⁵ The greatest threat of corporate irresponsibility is the Shwe Gas project's plans to build a pipeline from offshore of Arakan State over 2,000 kilometers to China. This will pump a projected US\$ 12-17 billion into the junta's coffers. Given the history of natural gas production in Burma under the junta's management, "a project of this magnitude at this time will undoubtedly lead to serious human rights abuses".³⁶

At the moment, the junta's largest source of revenue is from the Yadana natural gas project in eastern Burma which started exploration in 1992. Evidence of the investors' complicity in human rights violations resulted in an out-of-court settlement in 2005. However, interviews recently conducted in 14 villages close to the pipeline illustrate that forced labour, land confiscation, extortion and violence continue to destabilise the local population in 2008.³⁷ Similar abuses along the adjacent Kanbaw-Myaingkalay gas pipeline in Mon State have also contributed to displacement during the past year.

Other extractive industries, though smaller in size, are also destabilising local populations in eastern Burma. Land has been confiscated for a new coal mining project in southern Shan State during the past year. Landmines planted around new mining projects in contested areas of Karenni State have forced nearby villagers to abandon their homes and fields. Similarly, in the contested areas of Pegu Division, land has been confiscated for gold mining projects and migrants from central Burma are being employed instead of local villagers.

There continue to be human rights abuses and displacement associated with other energy production initiatives too. The Keng Tong and Ta Hsang hydro-electric projects in southern Shan State are progressing steadily and have already displaced an estimated 35,000 people. Despite the threat to livelihoods for hundreds of thousands of villagers downstream of the Salween River, villagers have not been informed or consulted about any of the proposed dam sites.³⁸

Since 2006, villagers throughout Burma have also had to endure the confiscation of land, imposition of procurement quotas and forced labour to cultivate *jatropha* (aka castor oil or physic nut) plantations for the production of bio-diesel. Livelihoods have been undermined to the extent that villagers have not only been internally displaced, but nearly 800 have also fled from southern Shan State to neighbouring Thailand.³⁹

³⁵ Human Rights Watch, 19 November 2007, Press Release: Burma Targeted Sanctions Needed on Petroleum Industry, www.hrw.org/campaigns/burma/drilling/

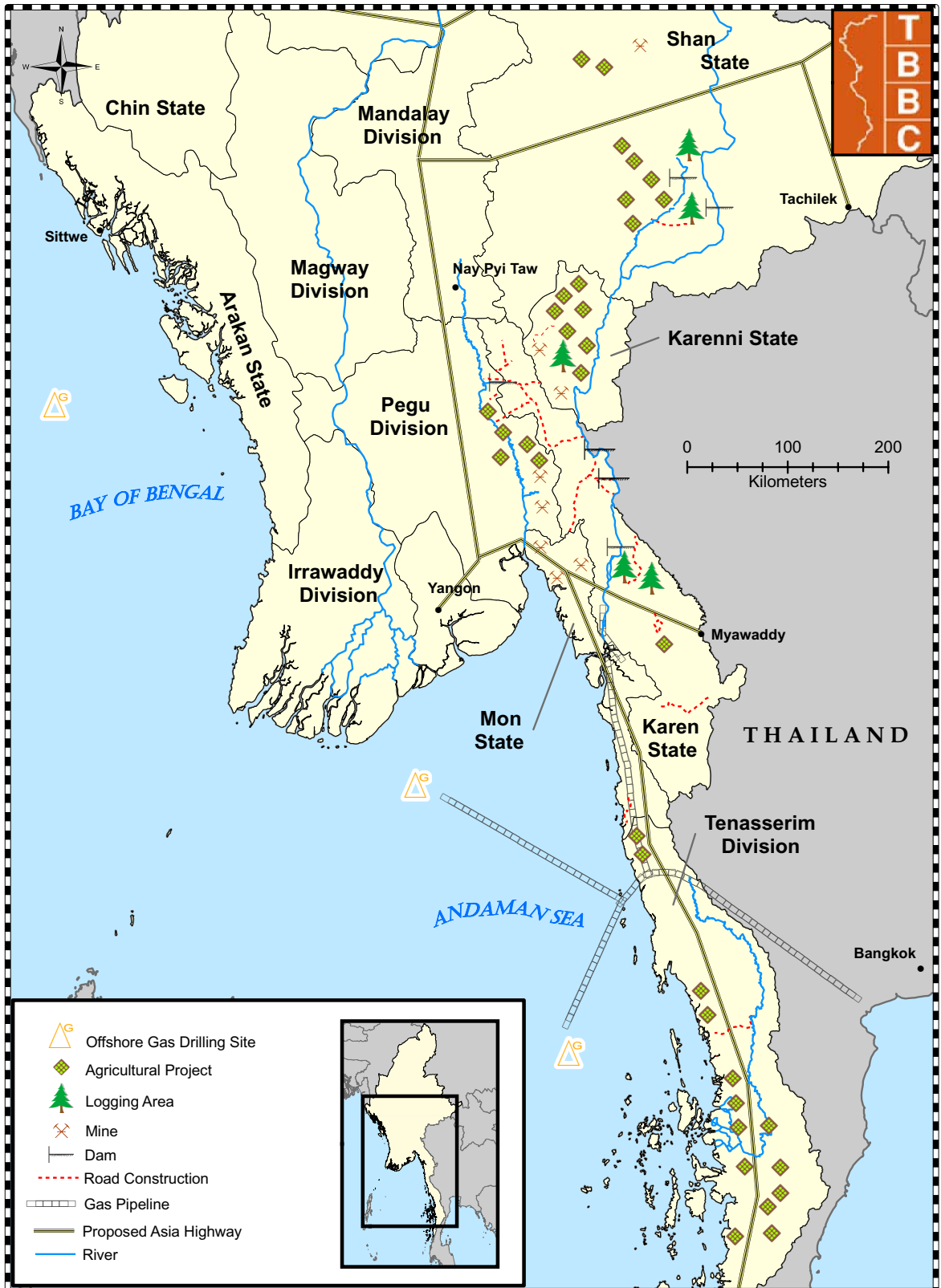
³⁶ Matthew Smith and Naing Htoo, 2008, "Energy Security: Security for Whom?" Yale Human Rights and Development Law Journal, Vol. 11, p 240

³⁷ *ibid*

³⁸ Mon Youth Progressive Organisation, 2007, "In the Balance: Salween Dams threaten downstream communities in Burma", www.salweenwatch.org

³⁹ Ethnic Community Development Forum, 2008, "Biofuel by Decree: Unmasking Burma's bio-energy fiasco",

Development Projects, 2008



2.3 DESTROYED, RELOCATED AND ABANDONED VILLAGES

"If the Burmese soldiers find us outside the village or in the forest, they detain, interrogate and torment us. They accuse us of being rebels and threaten to kill us on the spot just like they have been ordered to do."

(Shan man, SRDC focus group, Mong Nai Township, June 2008)

Field surveys conducted by local humanitarian and human rights groups have previously indicated that more than 3,200 villages were destroyed, forcibly relocated or otherwise abandoned in eastern Burma between 1996 and 2007.⁴⁰ Such field reports have recently been corroborated by high resolution commercial satellite imagery of villages before and after the displacement occurred.⁴¹

The cumulative displacement of entire villages in eastern Burma reflects an expansion of the Burmese Army's counter-insurgency strategy into new territories after a series of strategic gains. In the mid-1990s, the Karen National Union's headquarters fell, Khun Sa surrendered the Mong Tai Army and ceasefire agreements were negotiated in Mon and Karenni states. This enabled the Burmese Army to expand its presence into areas they had never been before. Villages in contested areas were ordered to relocate into towns or consolidated villages that would be easier to control. The Burmese Army often enforced these relocation orders by burning the former villages shortly afterwards.

By 2002 few rural villages had not already been subjected to forced relocation orders, although in many cases civilians had resisted these attempts to subjugate customary land ownership. The main form of civil disobedience has been to abandon villages, but hide in surrounding fields and forests as close as possible to ancestral lands rather than follow the relocation orders.

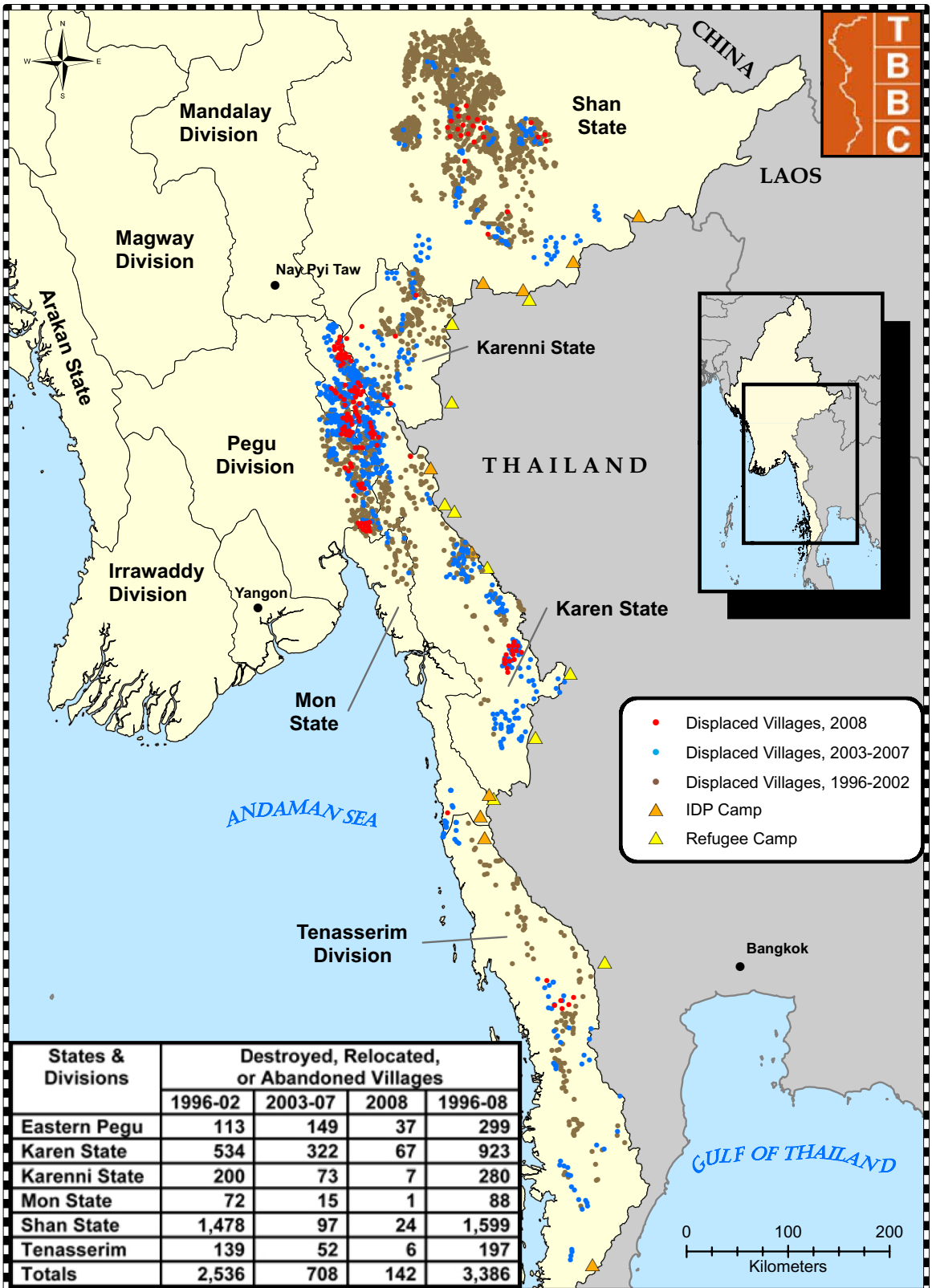
During the past year, community organisations have documented the forced relocation, destruction or abandonment of a further 142 villages and hiding sites. The majority of these villages and hiding sites were located in the contested areas of northern Karen State and eastern Pegu Division. However, forced relocations were also prominent in the politically sensitive townships surrounding Laikha in southern Shan State. These two areas have already been identified as the hot spots for conflict-induced displacement during the past twelve months.

While some of the villages forcibly displaced in earlier years have subsequently been repopulated, the sustainability of such return or resettlement is restricted by the lack of security and livelihood options. Indeed, fluctuating population estimates for relocation sites in Tenasserim Division over the past few years have been the result of villagers coming and going between the relocation sites and their former villages according to security conditions.

⁴⁰ TBBC, 2007, "Internal Displacement in Eastern Burma", www.tbtc.org/idps/idps.htm

⁴¹ Science and Human Rights Program, 2007, *High Resolution Satellite Imagery of the Conflict of Burma*, American Association for the Advancement of Science, Washington DC, www.aaas.org/news/releases/2007/media/0928burma_report.pdf See also, TBBC, 2006, "Internal Displacement in Eastern Burma", pp 33 & 56, www.tbtc.org/idps/idps.htm

Displaced Villages, 1996-2008



2.4 INTERNALLY DISPLACED POPULATION ESTIMATES

*“If landmines are not removed and SPDC troops don’t withdraw, we can’t return. All we want is peace and security to go back and live at our village.”
(Karen man, CIDKP focus group, Thandaung Township, June 2008)*

An estimated 66,000 people were forced to leave their homes as a result of, or in order to avoid, the effects of armed conflict and human rights abuses during the past year. This represents a slight decrease in the rate of displacement recorded in the past few years and reflects a reduction in direct military attacks on civilians. However, such large scale displacement is also indicative of ongoing and widespread violations of human rights and humanitarian law in eastern Burma.

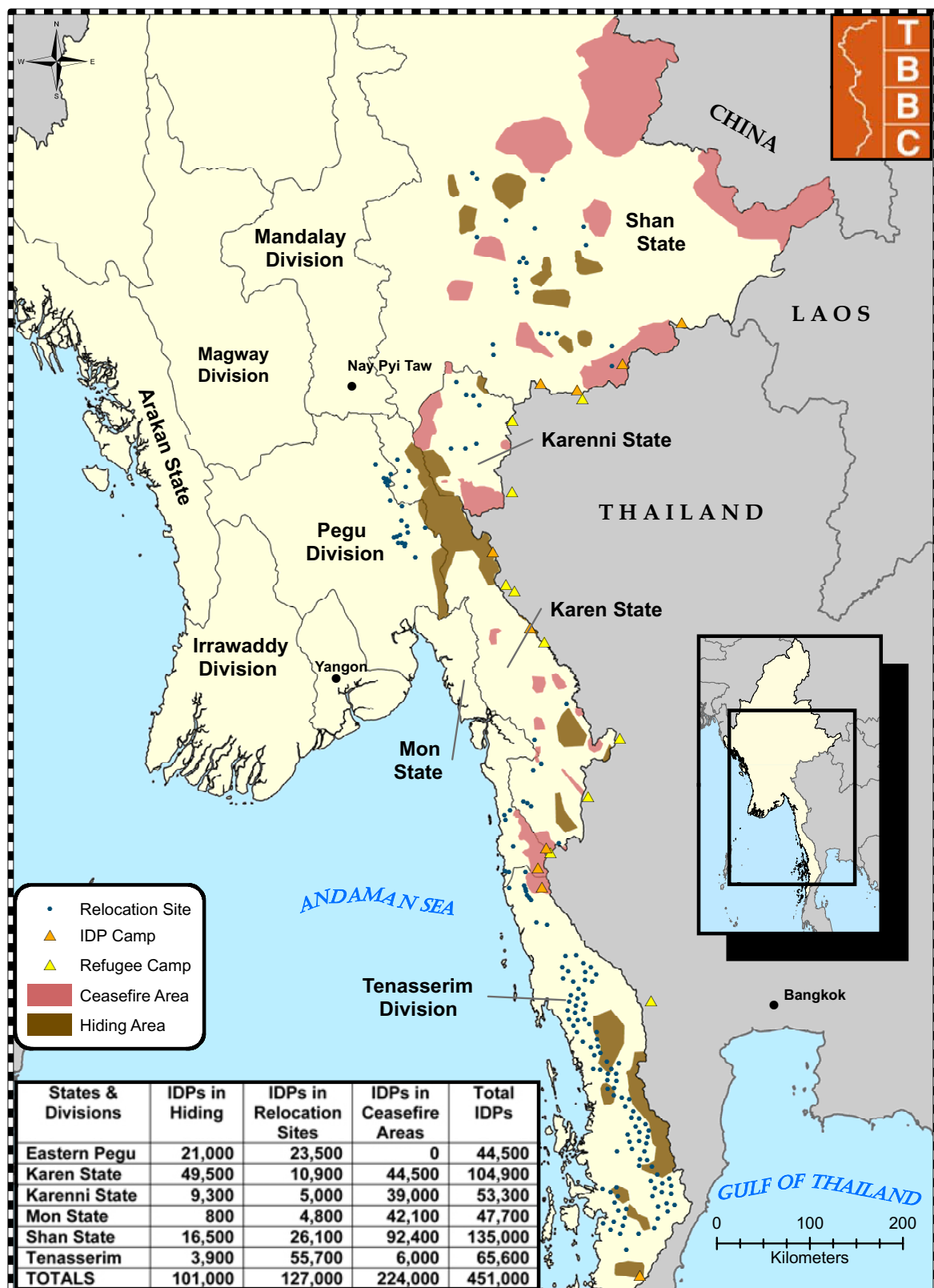
The highest rate of recent displacement was reported amongst villagers who were already hiding from Burmese Army patrols in the Papun hills of northern Karen state. However, the most significant change in demographics was documented in Kyaukgyi Township of eastern Pegu Division where communities previously in hiding or mixed administration areas are increasingly being consolidated into relocation sites. Considerable population movements into relocation sites were also recorded in Laikha, Namzang and Kunhing townships of Shan State.

Given the junta’s refusal to recognise internally displaced persons, it is extremely difficult to calculate population numbers. While estimates for this report have been derived from the rural areas of 38 townships most affected by forced migration, it has not been possible to survey urban areas or mixed administration areas. The main obstacle is distinguishing displaced persons from those who have successfully resettled and reintegrated into society. The estimates of internally displaced populations in this survey are thus conservative.

While the total number of internally displaced persons in eastern Burma is likely to be well over half a million people, at least 451,000 people have been estimated in the rural areas alone. The population is comprised of 224,000 people currently in the temporary settlements of ceasefire areas administered by ethnic nationalities, while 101,000 civilians are estimated to be hiding from the SPDC in areas most affected by military skirmishes and approximately 126,000 villagers have followed SPDC eviction orders and moved into designated relocation sites.

These estimates suggest a 10% reduction in the internally displaced population compared to last year, which is due to an estimated decrease of over 70,000 displaced persons in ceasefire areas. However, estimates for displaced persons in hiding sites and relocation sites have actually increased. These findings reflect the junta’s expanded influence in eastern Burma and the pressure on ceasefire groups to surrender their arms and territory. In effect, there is a ‘leakage’ of displaced persons out of ceasefire areas into mixed administration areas outside the reach of this survey. The decrease may also be related to population movements into urban communities, flight into refugee and migrant communities in Thailand, improved survey techniques, and sustainable return or resettlement.

Internal Displacement in Eastern Burma, 2008



The most vulnerable displaced communities are those hiding in the most militarily contested areas in remote and mountainous forests and fields. This population has fled from their homes to avoid contact with SPDC military patrols due to fear of harassment under the pretext of counter insurgency activities. People in hiding may not move far from their homes, which is a key motivating factor for remaining despite the risks of being detected by SPDC or paramilitary patrols. Threats to lives include heavy artillery shelling of civilian settlements, landmines, summary execution and inhumane punishment if captured. If settlements are discovered uninhabited, houses are commonly burnt, while crops and food stocks are either destroyed or appropriated.

Over 60,000 villagers are currently hiding from the Burmese Army in northern Karen State and eastern Pegu Division. Direct military attacks on civilian settlements have continued during the past year, although the prevalence has decreased. However, the junta has consolidated its reach by building a network of new roads and establishing a series of permanent military bases in the area for the first time ever. Similarly in southern Karenni State, the junta has promoted mining concessions in contested areas and focussed on securing the perimeters of these projects with landmine pollution. Rather than depending on roving patrols to search for, and destroy, hiding sites, the junta is now also manipulating development projects to marginalise civilians perceived as sympathetic to the armed opposition.

Villagers in government relocation sites have generally been obliged to dismantle their houses and carry whatever property and food stocks were transportable to the designated relocation site within a few days notice. Limited access to suitable agricultural land often results from relocation sites being located close to towns or SPDC army bases, or due to population density and barren soil. Proximity to SPDC bases commonly leads to the imposition of forced labour, confiscation of land, as well as demands for payment of arbitrary taxes at irregular and short notice. Restrictions on movement are widespread, with travel passes generally being too time-bound to enable people to maintain their former fields.

The greatest concentration of displaced persons in relocation sites is in Tenasserim Division where over 55,000 people are estimated to be residing. This population has fluctuated over the past few years, which is indicative of villagers coming and going between the relocation sites and their former villages according to security constraints. However, for the second year in a row, population estimates for relocation sites doubled in eastern Pegu Division. This reflects a renewed campaign of forced evictions and restrictions on travel that is part of the junta's counter-insurgency efforts to break communication links between upland and lowland Karen communities.

The majority of internally displaced persons in eastern Burma have moved into ethnic administered ceasefire areas, where a precarious degree of autonomy has been granted (but not always respected) by the Burma Army. The ceasefire groups include former allies of the Communist Party of Burma,⁴² militias who split from the main

⁴² United Wa State Army (UWSA), Karenni National People's Liberation Front (KNPLF), and Shan Nationalities People's Liberation Organisation (SNPLO)

political party representing their ethnic group⁴³ and former members of the armed opposition's National Democratic Front.⁴⁴ The United Wa State Army (UWSA), Democratic Karen Buddhist Army (DKBA) and Karenni National People's Liberation Front (KNPLF) have all been complicit in forced relocations and the suppression of human rights. Conversely, the New Mon State Party (NMSP) offers a relative degree of protection for villagers fleeing from systematic human rights violations committed by the junta. However as long as the human rights dividends from ceasefire agreements remain negligible, resettlement into these areas will not be a solution for displacement.

Over 65,000 displaced persons are estimated to be currently residing in the Mon ceasefire areas. These communities remain vulnerable and displaced due to the limited access to agricultural land, SPDC restrictions on travel outside of ceasefire areas, and the inability of ethnic nationality authorities to support resettlement or compensate for lost livelihood assets. The Rangoon-based international community's attempts to access and assist these displaced communities remain largely ineffective. This was the case even before the International Committee for the Red Cross (ICRC) was forced to suspend operations from field offices in October 2006.

There are three main causes for the significant decrease in estimates of the scale of displacement in ceasefire areas during the past year. Firstly, the SPDC's expansion into ceasefire areas and harassment of villagers has effectively reduced the displaced population under the administration of KNPLF, SSA-N, DKBA and SNPLO in particular. This expansion has manifested in various ways including orders for villages to be relocated, confiscation of land and property, imposition of forced labour, and restrictions on trade and travel. Secondly, there has been the ongoing migration of villagers in the UWSA areas into the nearby towns of Mong Hsat and Mong Ton. Finally, in terms of methodology, previous estimates from Karenni and Shan states included people who were formerly displaced but had subsequently resettled in ceasefire areas, but this year's survey excluded such people.

⁴³ Democratic Karen Buddhist Army (DKBA), the Karen Peace Force (KPF), the Karenni Solidarity Organisation (KnSO), and the Karen National Union / Karen National Liberation Army Peace Council

⁴⁴ New Mon State Party (NMSP), Shan State Army North (SSA-N) and PaO National Organisation (PNO)



CHAPTER

3

SITUATION UPDATES FROM COMMUNITY BASED ORGANISATIONS

“

I can't solve these problems
and be free from these troubles.
The only way is to flee into
Thailand and search for a job
as a migrant worker.

”

(Shan man, SRDC focus group,
Mong Nai township, June 2008)

3.1 SOUTHERN SHAN STATE

"Porters have been used as mine sweepers and human shields during the day, and tied up with ropes at night. When a porter gets sick and can no longer carry supplies, they are left behind alone in the deep forest."

(Shan man, SRDC focus group, Mong Nai township, June 2008)

The people who live in the 12 townships of southern Shan State are suffering many different kinds of human rights abuses. From July 2007 to June 2008, this suffering increased as a result of the SPDC's development projects, including coal-mining and agricultural plantations, and the Burmese Army's military strategy to fight against the ethnic armed groups with the help of splinter groups. At least 24,000 people were forcibly displaced from their homes during the past year and over 135,000 people are currently estimated to be internally displaced in southern Shan State.

Human rights abuses have increased in Laikha, Nam Zarng and Mong Kung townships, where the former Shan State Army-South (SSA-S) Battalion 758 splinter group operates in collaboration with the SPDC. At least 24 villages have been displaced during the past year and the villagers have been forced to construct military camps. As well as the imposition of forced labour, the villagers are forced to be soldiers and to pay high taxes. The SPDC is continuing to force villagers to cultivate physic nut plantations to produce bio-diesel. Villagers are also being forced to grow soy beans, sunflower seeds, pine trees and summer paddy for the township authorities with no compensation.

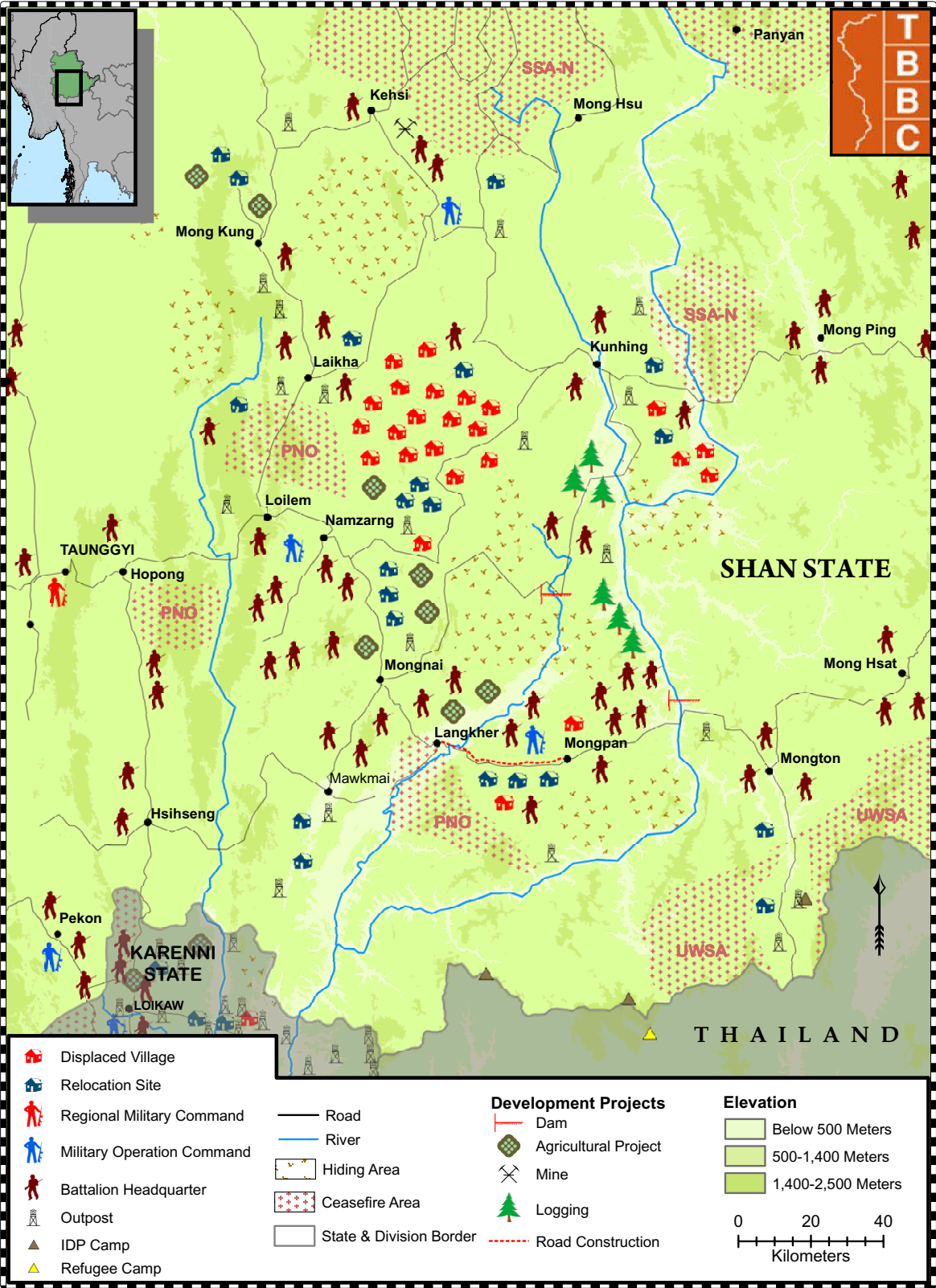
After September 2007, commodity prices in southern Shan State increased because of the hike in fuel prices from 2,200 to 4,200 kyat per gallon. Following the crackdown on the demonstrations at that time, thousands of monks from southern Shan State, who were living and studying in Yangon and other cities in Central Burma, returned to their homes. This strained the resources of local monasteries to feed and accommodate the returning monks. The SPDC also kept tight surveillance on the monasteries.

Following Cyclone Nargis, commodity prices again rose. One gallon of petrol rose from 4,200 to 8,200 kyat, cooking oil from 2,000 to 3,000 kyat and a small bag of salt from 100 to 800 kyat. Local authorities are also restricting the trade of rice between townships and from towns to the countryside.

While restricting aid from the international community, the regime has been forcing people in southern Shan State to donate to victims of Cyclone Nargis. For three months after the cyclone, even desperately poor families had to donate 1,000 kyat (US\$1) and 25 kg of rice, while wealthier families and farm owners had to pay 2,000 kyat (US\$2) and 100 kg of rice per month. Furthermore, in Mong Ton and Mong Hsat, which are partly controlled by the United Wa State Army, 28 tractors have been extorted from villagers supposedly to be distributed to Nargis victims. The price of each tractor is two million kyat (US\$2,000).

Further, a new coal mining project has been initiated during the past year in Mong Kong village tract of Ke Hsi Township. It appears to be under the supervision of Gen. Maung Aye, who has personally visited the site twice. So far, the SPDC troops have confiscated 152 acres of farmland for mining excavation, in addition to land for the project's base camp and water pumping facilities. Villagers have reported that Burmese Army troops intend to confiscate all the land around the coal mining area within a radius of five miles. The SPDC troops are forbidding villagers from entering the mining area, and have been extorting livestock from the surrounding villagers.

Southern Shan State



3.2 KARENNI STATE

“There was a skirmish somewhere in forest, Afterwards, the Burmese Army cleared the area and interrogated all the nearby farmers. I was there, and even though I did not see any rebels, they kept beating me.”

(Karenni man, KSWDC focus group, Shadaw Township, June 2008)

Although SPDC troop deployments have decreased in Karenni State over the past year, military patrols concentrated around strategic locations continue to pose a serious threat to livelihoods. Forced labour, government-sponsored development projects, and armed skirmishes between the SPDC and the Karenni National Progressive Party (KNPP) were the leading causes of human rights violations and displacement. Approximately 1,000 civilians were displaced during the past year alone, while over 53,000 people remain internally displaced in total.

After the Pa-o National Liberation Organization (PNLO) broke away from the Shan Nationalities People's Liberation Organization (SNPLO) in July 2007, it joined forces with the KNPP along the Shan-Karenni border. SPDC subsequently increased its patrols in that area to search for KNPP and PNLO troops. Consequently, this year more than one hundred villagers in the area have fled to avoid these patrols, while others have been forced to work as porters, guides, or messengers for the SPDC.

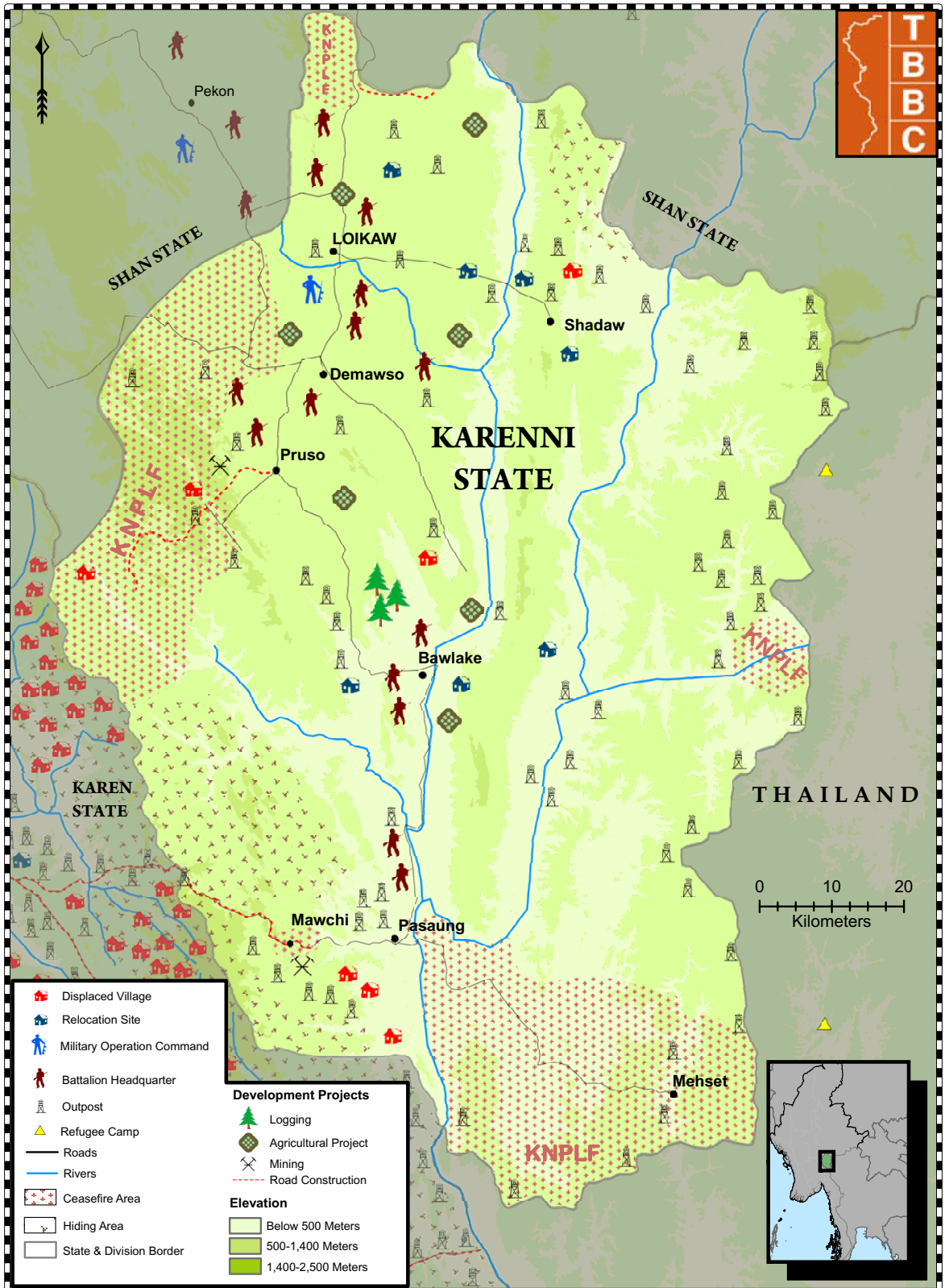
The SPDC also commonly retaliates against villagers on suspicion of being rebel sympathizers. For instance, after armed clashes between SPDC and KNPP troops in Pruso Township in July 2008, SPDC launched mortar shells into nearby Kapru Village, accusing residents of supporting and harbouring KNPP troops. As a result, about 200 villagers fled their homes and Kapru village is now abandoned.

Fighting also broke out between the SPDC and the KNPP near a power transmitter in Demawso Township in August 2008. Afterwards, the SPDC forced villagers who reside along the Lawpita hydropower transmission line corridor to build fences and guard the hydropower plant day and night on a rotating basis without compensation.

Karenni State is strongly influenced by business and military links between the Burmese Army and various ceasefire groups. The SPDC's practice of offering business opportunities, which in turn create tax revenue, has led to various human rights violations against civilians. For example, during the past year, the SPDC offered the Karenni National People's Liberation Front (KNPLF) tin and lead mine projects located to the south of Mawchi in Pasaung Township. Since the KNPLF has started this mine project last April, three villages have been displaced, over 50 acres of viable paddy fields have been confiscated, a new access road has been cut, and landmines have been planted around the perimeter.

The Burmese government's so-called Self Reliance Policy for frontline troops continues to undermine the ability of Karenni villagers to farm. Acting on orders from the Regional Operational Commander in Loikaw, local battalions confiscated villagers' agricultural fields in many areas and forced villagers to plant paddies for the battalions without compensation. For example, soldiers confiscated 20 acres in both Loikaw and Pruso Townships, while villagers in Bawlake Township lost 50 acres. Also, in August, 2008, another round of castor oil projects resumed in Loikaw Township when SPDC's Regional Operational Commander ordered every family to grow 5,400 plants on four acres of land without compensation.

Karenni State



3.3 NORTHERN KAREN AREAS

“Since the Burmese Army built the road, they’ve been transporting troops and supplies. When they see villagers, they shoot at us. People have had to abandon homes and move away. We don’t dare return to work in our fields. (Karen woman, CIDKP focus group, Papun Township, June 2008)

Northern Karen State and eastern Pegu Division are the most heavily militarised areas in eastern Burma. This population continues to suffer from the highest rate of displacement and the most shocking human rights violations. In the townships of Papun, Thandaung, Kyaukgyi and Shwegyin in Pegu Division over 27,000 people have been displaced over the past year, while more than 60,000 civilians remain in hiding from roving SPDC patrols.

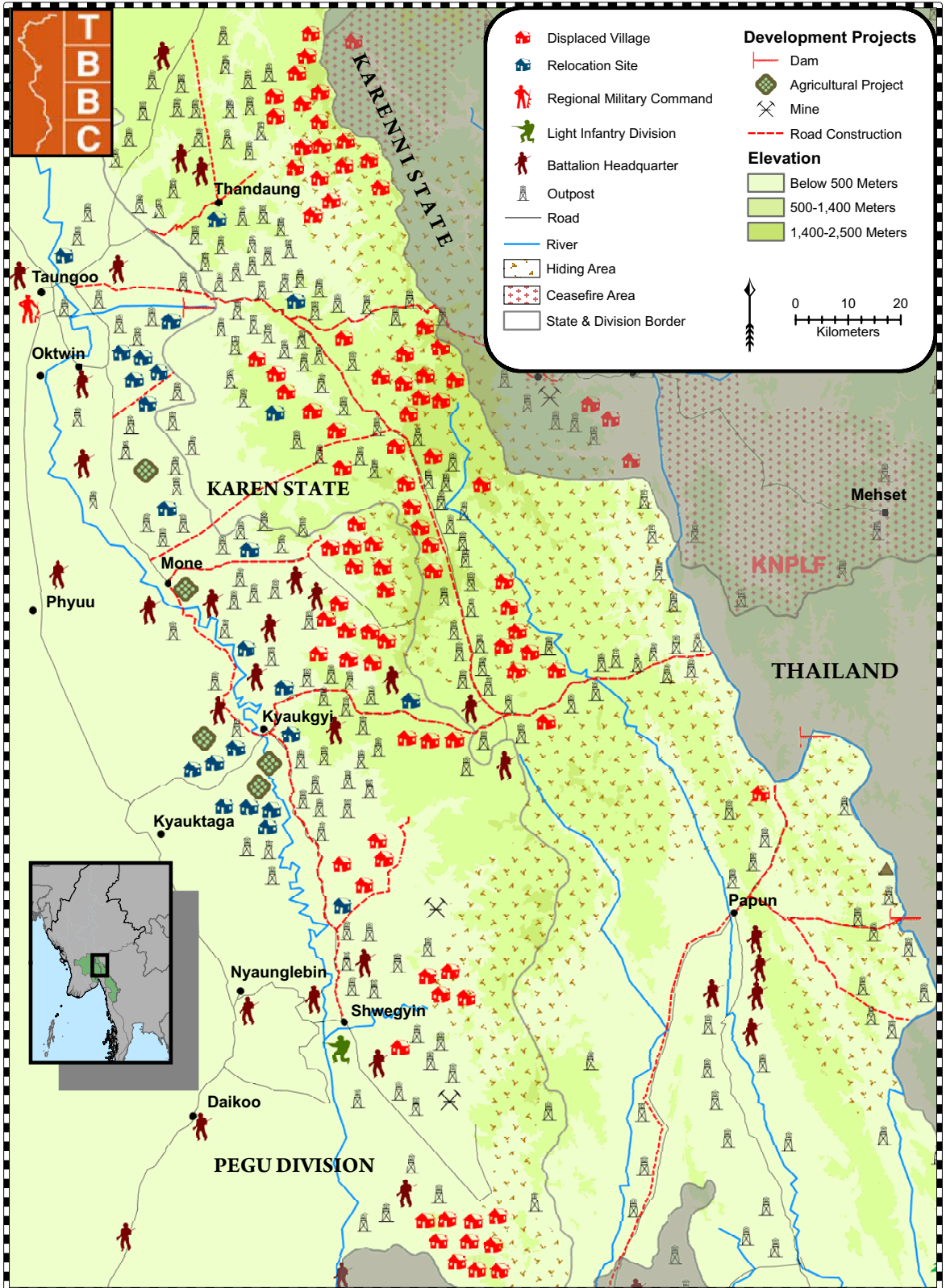
Over the past 12 months, the SPDC built more military outposts to better search for and destroy settlements and food supplies. Hundreds of hiding sites and paddy fields close to these new outposts have been abandoned. Villagers in these areas do not show themselves to SPDC troops because they are deemed sympathetic to the Karen National Union (KNU) and so are likely to be shot at if they do not flee. Upon discovering signs of settlement, the SPDC indiscriminately launches mortar shells into paddy fields or into the places where they suspect villagers could be hiding. For example, in late August 2008, two villagers, including a seven year old girl, were shot dead by LIB #256 while working in their paddy field west of Papun town. These kinds of shootings are widespread in hiding areas.

However the main cause of suffering related to this expansion of military bases was forced labour. During the past year, forced labour was regularly associated with the construction and maintenance of eight roads which now intersect the northern Karen areas. The new military outposts are located along these roads, and porters were regularly conscripted to transport military supplies to frontline camps.

Although the SPDC has de-facto control over the mixed administration and lowland areas, the armed resistance still has access. These opposing forces often leave ordinary villagers in a precarious situation, where they must face a life punctuated by travel restrictions, landmines, forced labour, extortion, and portering. For example, SPDC’s Light Infantry Division #101 has imposed broad travel restrictions in rural areas of Kyaukgyi Township, so that villagers are not allowed to access their plantations or to forage in the jungle. About 3,000 villagers have been affected by this order, especially daily wage earners. In some areas, villagers could access their work sites by buying a travel permit issued by local authorities, but at a cost of up to 1,000 kyat per day most cannot afford to apply. In an attempt to avoid such repressive policies, about 1,800 lowland people have moved up to the highland areas or have fled to the Thai-Burma border over the past year.

Another common way the SPDC undermines livelihoods in the mixed administration areas is by laying landmines to block villager’s access to “jungle markets,” where lowlanders and highlanders come to exchange rice and forest products. Last June, Light Infantry Battalion #257 discovered a secret market in Kyaukgyi Township while villagers were doing business. Most of the villagers lost their products as they fled the approaching SPDC soldiers.

Northern Karen Areas



3.4 CENTRAL KAREN STATE

"In order to stay in safety, we need to earn a living in between following whatever the DKBA and the SPDC order to us".
(Karen woman, CIDKP focus group, Paan Township, June 2008)

Central Karen State is predominately located in the plains and has been largely occupied by the Burmese Army since the Democratic Karen Buddhist Army (DKBA) splintered from the Karen National Union (KNU) in the mid 1990s. Like areas of central Burma, this has resulted in systematic violations of human rights and widespread poverty. However, if the Mon ceasefire areas are discounted, information about the scale of displacement is limited to approximately 40,000 people located along and adjacent to the Dawna Mountain Ranges.

Although nowhere near the intensity in northern Karen areas, conflict and associated human rights abuses have increased in Kawkaik and Myawaddy townships during the past year. SPDC patrols and restrictions on civilian movement at the end of 2007 were particularly disruptive, as harvests could not be reaped for the year ahead. Even after the patrols ceased, access to fields was restricted by the landmine pollution left behind. The harassment of villagers has continued in 2008, with one of the most brutal examples of torture being the partial scalping of a Law Pah Kee villager in June 2008.

Although armed skirmishes are still predominately between KNU and SPDC, relations between KNU and DKBA have also deteriorated significantly since 2005. With increasing pressure on DKBA to surrender their arms, the urgency of efforts to expand their area of influence has only increased, with 25 battles reported between the two Karen armies during the first half of 2008.⁴⁵ DKBA has generally punished local villagers after such skirmishes, as in June 2008 when 18 farm huts were burnt and 700,000 kyat extorted from a village in Kawkaik Township the day after two DKBA soldiers had been killed. During the same month in Kyain Seikkgyi Township, seven civilians were tortured in revenge for the desertion of 2 DKBA soldiers.

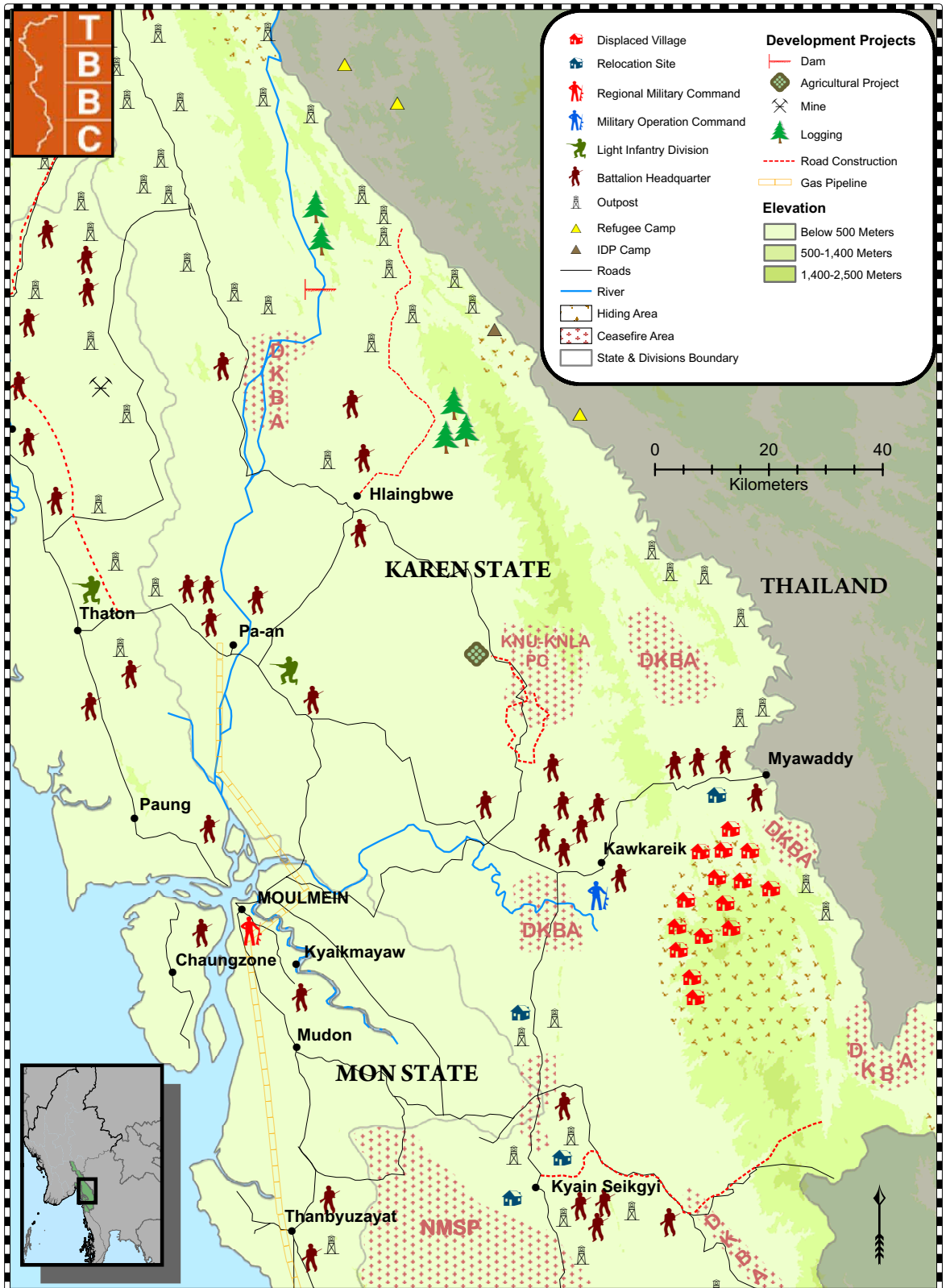
Tensions also remain between KNU and a more recent splinter group, although the KNU/KNLA Peace Council appears to be focused primarily on the business opportunities in logging, timber processing and rubber plantations.⁴⁶ However, the DKBA seems to be more complicit in the imposition of forced labour for such projects than the Peace Council. Throughout 2008 in Hlaing Bwe Township, the livelihoods of villagers have been undermined by orders from DKBA commanders to work on a rubber plantations in T'Moh village tract and logging around Klaw K' Tee.

Thai investors have big plans for central Karen State, with construction of the Asia Highway and Hutgyi dam at the top of their list. Surveys have continued on both projects during the year. However, KNU objects to the proposal to cut through forest for the Asia Highway, rather than use the existing Myawaddy to Paan route. Similarly, KNU has resisted increasing pressure to approve the dam project until a transparent social and environmental impact assessment has been conducted. Both of these projects have the potential to be large factors of displacement in the future.

⁴⁵ Karen National Union, 6 September 2008, Summary Report on Military Activities in KNLA Areas for period from January 1, 2008 to June 30, 2008 (Clashes with DKBA troops)

⁴⁶ Karen Human Rights Group, 29 July 2008, "Update on KNU/KNLA-PC", News Bulletin #2008-B6

Central Karen State



3.5 MON AREAS

If you don't carry your identity card while travelling, you will be interrogated and fined. Even if you have an identity card and don't carry anything suspicious, they can still arrest you and take your money.
(Mon man, MRDC focus group, Ye Township, June 2008)

Since the New Mon State Party (NMSP) negotiated a ceasefire with the national government in 1995, the Mon ceasefire areas have offered relative security. However, the Monland Restoration Party, a splinter group, continues armed struggle against the Burmese Army in the southern part of Mon State and the northern part of Tenasserim Division. This survey estimates that 70,000 civilians remain internally displaced in Mon areas, the vast majority of whom are in the NMSP ceasefire areas.

Villagers in southern Ye Township are caught between demands for assistance from the Mon splinter group and retaliation from the Burmese Army for allegedly being rebel sympathisers. After a skirmish during June 2008, a three month offensive was ordered against the splinter group. One of the first acts was to torture three village committee members during interrogation and not release them until a suitable bribe had been paid by the families. Due to the fear of similar punishment, and ongoing restrictions on movement, hundreds of people during the past year have fled to neighbouring villages or the NMSP ceasefire area.

In northern Yebyu Township, villagers have also been conscripted into local militia forces on a rotational basis. This is an obvious attempt to instigate fighting between the Mon splinter group and Mon villagers. Apart from not being compensated for their compulsory service, the conscripted militia are expected to cover all costs.

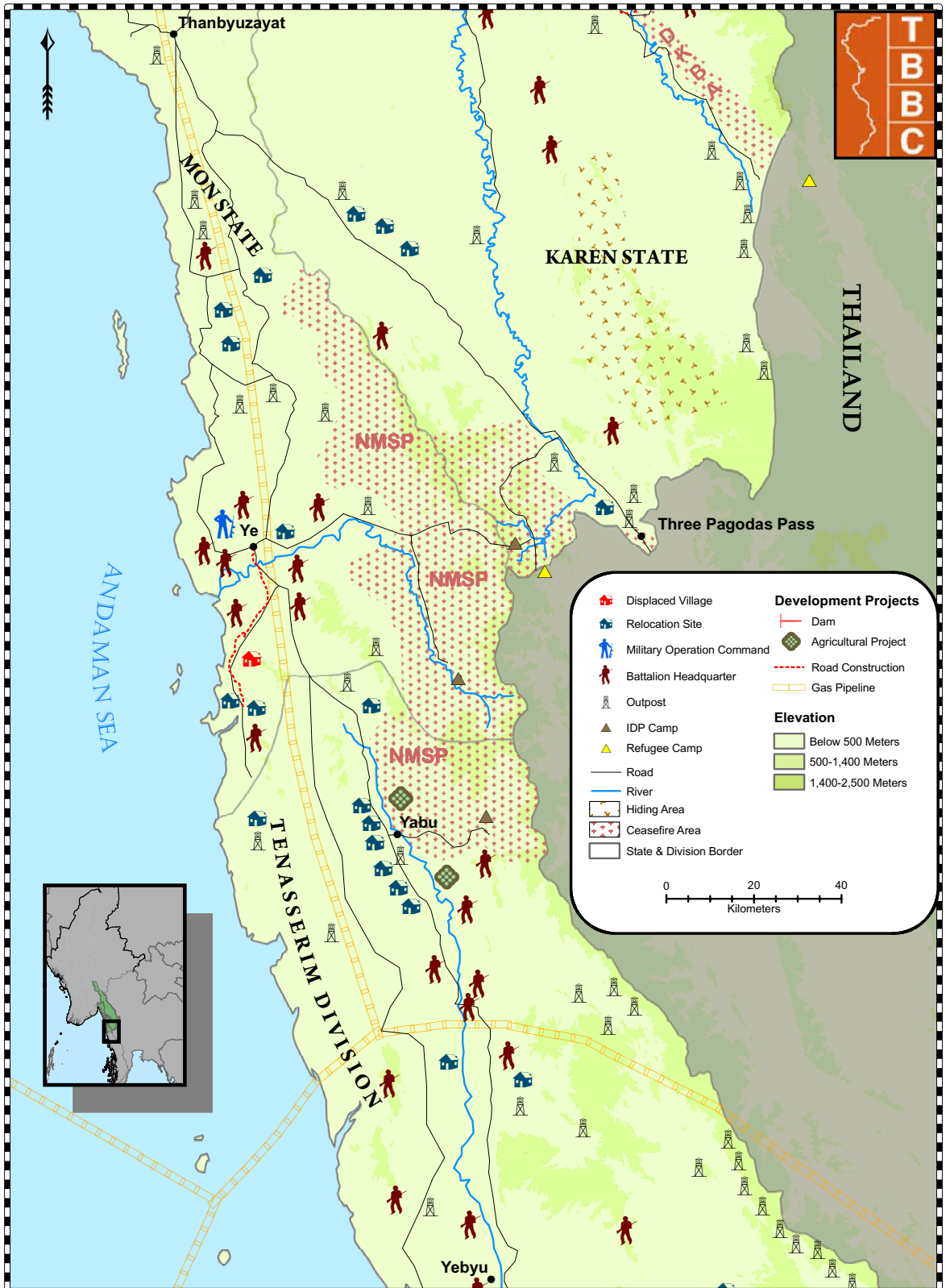
Militarisation in the Mon areas has left many Mon villagers landless, as SPDC soldiers confiscate farm land surrounding their compounds for their families. Farmers who had their rubber plantations confiscated by the SPDC in 2007 in Mudon and Thanbyuzayat townships were allowed to collect rubber sap from their plantations in 2008. However, they were forced to pay taxes on the harvested rubber and informed by the local Burmese Army that they no longer had any ownership rights to the land.

Cyclone Nargis hit the coastal areas of Thaton, Chaung-zone (Balu Island), Mudon, Thanbyuzayat and Ye Townships. However, the devastation was not as significant as in the Irrawaddy Delta. In Mon State, Ye Township's fishing communities were the hardest hit with about over 150 houses destroyed across 4 villages.

The authorities forced almost villagers throughout Mon State to grow castor oil plants near their homes and in the designated plantation sites outside of villages. In most cases, local villagers were forced to purchase the plants from local authorities and to grow them on their own land. However, the harvests will be taken back by the SPDC and will not belong to the villagers.

The Kanbauk-Myaingkalay domestic gas pipeline passes through Mudon, Thanbyuzayat, and Kyaikmayaw Townships. Worried about sabotage, the Burmese authorities have forced local villagers, including women and children, to guard the pipeline on a rotational basis. The authorities have ordered a security outpost to be built every 500 meters for this purpose.

Mon Areas



3.6 TENASSERIM DIVISION

"We have to live with the Burmese Army and we are under their watch. If they tell us not to go there, then we stay here. If they tell us to collect a travel pass, then we ask them to write it. If they tell us to work for them, we work".

(Karen man, CIDKP focus group, Tenasserim Township, June 2008)

The Coastal Military Command rules Tenasserim Division, with the Division's chairperson also being the Coastal Military Commander. However, military rule has left approximately 65,000 people in Tenasserim Division internally displaced in 2008. The vast majority of these people live on government controlled relocation sites, which have dominated the political landscape since the Burmese Army's offensive into Karen areas in 1997.

Due to their close proximity, the SPDC constantly subjects villagers in relocation sites to human rights abuses, especially forced labour. Villagers along the Tenasserim riverbank and elsewhere in Tenasserim and Tavoy townships are frequently forced to construct and to repair the military barracks and buildings and to donate food and other supplies to sustain the frontline troops. Villagers are also forced to carry military supplies to the frontline camps every dry season. In 2007, the Palaw Township authorities forced thousands of villagers in the Palawgone village tract to construct the Palawgone bridge and canal .

Due to the severe restrictions on access to fields and markets, there are few livelihood opportunities and the prices of consumer goods are high. The regime's economic mismanagement has led to widespread poverty. Thousands of villagers from relocation sites have migrated into Thailand to seek employment over the past couple of years.

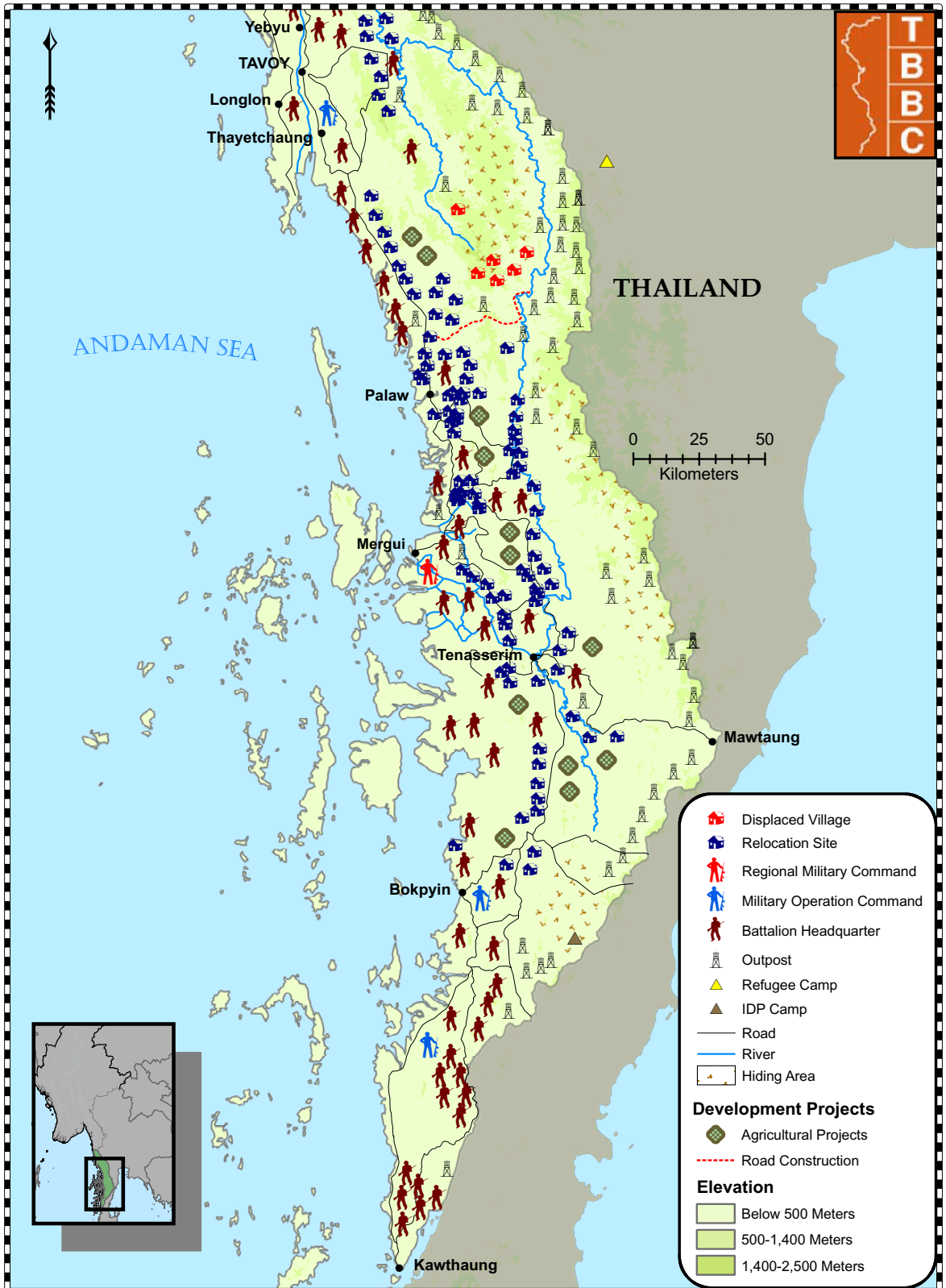
The continuous SPDC harassment of IDPs in hiding sites around Mount Kaserdoh has almost completely exhausted the coping strategies of villagers. Six more hiding sites were found and burnt by roving Burmese Army patrols in this area during the past year. These deliberate attacks on civilians have forced hundreds of civilians to flee to Thailand or assimilate into relocation sites, resulting in a slight decrease in the population for displaced persons in hiding sites.

Even in relocation sites and mixed administration areas, the Burmese Army punished villagers if KNU was active in the surrounding area. After KNLA ambushed a frontline outpost in Palaw Township late last year, the Burmese Army retaliated against two villagers from Yabu relocation site. The civilians were arrested as alleged rebel sympathisers, tortured and detained until a 200,000 kyat ransom was paid for their release by family and friends.

Land confiscation is a major problem with thousands of acres confiscated by the Burmese Army in Mergui (Myeik) and Kyunsu townships during the past year. These fields were appropriated for joint ventures between the military and foreign investors in palm oil and rubber plantations. Further, in 2008, the SPDC instructed every village to cultivate plantations of pepper, rubber, and castor oil (*jatropa*).

Villagers did not even have a choice in the referendum about a new constitution. Local military commanders ordered village leaders to ensure that everyone voted in favour, and in some cases instructed the leaders to vote on the villagers' behalf. So some villagers did not get to see their ballot, while others did not dare to oppose the local commander's will.

Tenasserim Division





CIDKP, Generations in hiding, Thandaung, 2007

CHAPTER 4 CRIMES AGAINST HUMANITY

“ We dare not make a noise. When a dog barks or a rooster crows, we are afraid the Burmese Army will fire mortar shells into our hiding place. ”

(Karen woman, CIDKP focus group,
Papun township, June 2008)

4.1 WIDESPREAD AND SYSTEMATIC ATTACKS ON CIVILIANS

*“Some of these violations have been occurring for many years; nevertheless ... violations have not only continued but have increased over the period of four years beginning on 18 September 1988 when the SLORC took over as the military government”.*⁴⁷

*“These violations have been so numerous and consistent over the past years as to suggest that they are not simply isolated acts of individual behaviour by middle or lower rank officers but are the result of policy at the highest level entailing political and legal responsibility.”*⁴⁸

*“Serious human rights violations have been widespread and systematic, suggesting that they are not simply isolated acts of individual misconduct by middle- or low-ranking officers, but rather the result of a system under which individuals and groups have been allowed to break the law and violate human rights without being called to account.”*⁴⁹

Twenty years after the junta gunned down pro-democracy protesters, violations of human rights and humanitarian law in eastern Burma are more widespread and systematic than ever. This report compiles some of the abuses reported during 2008 in relation to the legal framework for crimes against humanity.⁵⁰ The evidence cited in this report appears to strengthen Amnesty International’s recent assessment that the violations in eastern Burma meet the legal threshold to constitute crimes against humanity.⁵¹

Indeed, there may also be grounds for investigating the committal of other international crimes of concern as well. War crimes consist of grave breaches of the Geneva Conventions, including many of the violations documented in this report and the extensive destruction and appropriation of property.⁵² Genocide relates to the intent to destroy, in whole or in part, a national, ethnic or religious group by acts including deliberately inflicting conditions of life calculated to bring about its physical destruction.⁵³ However, this survey has focused on the application of crimes against humanity because war crimes can be considered as isolated cases and the intent to commit genocide requires an additional burden of proof.

Skeptics argue that raising allegations about crimes against humanity will merely back the junta into a corner and further frustrate the promotion of political dialogue.

⁴⁷ Yozo Yokota, 1993, “Report on the Situation of Human Rights in Myanmar”, prepared by the Special Rapporteur of the Commission on Human Rights, E/CN.4/1993/37, p 229

⁴⁸ Rajsoomer Lallah, 1998, “Interim Report on the Situation of Human rights in Myanmar”, prepared by the Special Rapporteur of the Commission on Human Rights, UN General Assembly, A/53/364, p 59

⁴⁹ Paulo Sergio Pinheiro, 2008, “Report of the Special Rapporteur on the Situation of human rights in Myanmar”, A/HRC/7/18, p59, http://ap.ohchr.org/documents/dpage_e.aspx?m=89

⁵⁰ Guy Horton, April 2005, “Dying Alive: A Legal Assessment of Human Rights Violations in Burma”, Images Asia, Thailand, <http://www.ibiblio.org/obl/docs3/Horton-2005.pdf>

⁵¹ Amnesty International, 5 June 2008, Crimes Against Humanity in Eastern Burma, ASA 16/011/2008, <http://www.amnesty.org/en/library/info/ASA16/011/2008/en>

⁵² Rome Statute of the International Criminal Court, 1998, Article 8, <http://www2.ohchr.org/english/law/>

⁵³ Rome Statute of the International Criminal Court, 1998, Article 6, <http://www2.ohchr.org/english/law/>

However, just as the provision of humanitarian assistance should not be dependent upon political reform, humanitarian protection and the administration of justice should not be sacrificed to expedite political dialogue. The reality is that “the authorities have consistently refused to enter into a serious discussion of these abuses with a view to putting a stop to them”.⁵⁴ As has been noted in relation to the issuance of an arrest warrant for the Sudanese President for international crimes committed in Darfur, the threat of prosecution may actually increase the leverage of the diplomatic community and provide an incentive for the governing regime to end the climate of impunity.⁵⁵

A fundamental principle of international humanitarian law is that it is never permitted to target civilians, other non-combatants, or civilian property for attack. This has been codified in the Geneva Conventions, which the Burmese junta ratified in 1992. In relation to crimes against humanity, attacks on civilians do not only refer to military assaults but also to the “multiple commission of acts” including murder, enslavement, forcible transfer of population, torture and rape.⁵⁶ Nonetheless, directing military attacks on civilians are the most grave and blatant violation of international law. The following reports indicate that the Burmese junta has continued to disregard its obligations by targeting military attacks against civilians across northern Karen areas during 2008.

- On 4 March 2008, Burmese Army patrols from MooRaDawPauLayKho camp burnt down GerYuDer village in Papun Township, Karen State. Over 250 families from 8 surrounding villages fled out of fear for their safety as a result.⁵⁷
- On 6 March 2008, Burmese Army patrols from PawDayKho in Papun Township of Karen State launched 8 heavy artillery mortar shells into hiding sites in the HteeMookKhi and TaeBoPlaw area. Due to these attacks, over 200 families consisting of around 1,500 people fled from their temporary shelters. This year’s harvest was severely affected, as villagers had been preparing their fields for the wet season rice crops but had to temporarily abandon their fields after the attack.⁵⁸ Despite the previous attacks, TaeBoPlaw villagers hid in the surrounding forests to avoid Burmese Army patrols but remained in close proximity. However on 8 August 2008, Burmese Army patrols from HteeMookKhi camp attacked a settlement again. Three heavy artillery mortar shells were launched indiscriminately into the hiding site, although all the villagers were able to flee prior to the arrival of foot soldiers.⁵⁹

⁵⁴ International Committee of the Red Cross, 29 June 2007, Press Release, “Myanmar: ICRC denounces major and repeated violations of international humanitarian law”

⁵⁵ International Crisis Group, 14 July 2008, Press release, “New ICC Prosecution: Opportunities and Risks for Peace in Sudan”, www.crisisgroup.org

⁵⁶ Rome Statute of the International Criminal Court, 1998, Article 7.1 and 7.2(a)

⁵⁷ Committee for Internally Displaced Karen People, 10 March 2008, email correspondence

⁵⁸ Committee for Internally Displaced Karen People, 10 March 2008, email correspondence

⁵⁹ Committee for Internally Displaced Karen People, 3 September 2008, email correspondence

- “On March 26th 2008, SPDC Light Infantry Battalion (LIB) #36 operating under Military Operations Command (MOC) #10 attacked Maw Thay Der IDP hiding site where they fired on displaced villagers, killing one in the process. The individual killed was 28-year-old Saw Ah Baw Tha. The other displaced villagers living at Maw Thay Der were able to escape but were unable to bring all of their belongings with them. Soldiers from LIB #36 took with them upon departure some of the property the villagers had left and destroyed whatever they did not steal.”⁶⁰
- “From May 14th to May 18th 2008, SPDC Light Infantry Battalion (LIB) #507 entered Saw Muh Plaw village tract (in Papun Township, Karen State) and attacked civilian hiding sites in the areas around Theh Hsa Kee and Theh Kee. On May 16th 2008, soldiers shot and killed Saw Gkaw Ghay, a twenty-seven year-old villager from Saw Muh Plaw village. During the same period, another SPDC unit based out of Wa Gklay Dtoo launched five shells into an IDP hiding site at Theh Kee while villagers were sewing paddy seeds in a local hill field. Items destroyed by the attack included: 30 baskets of rice belonging to Saw Maw Dtoh Dteh, 10 big tins of paddy seeds belonging to Saw Saw Thay Ber and 6 big tins of paddy seeds belonging to the mother of Wah Hseh Moo.”⁶¹
- On 10 June 2008, the Burmese Army’s Light Infantry Battalion 240 launched heavy artillery mortar shells into TayMuDer village in Papun Township of Karen State. Villagers fled into the surrounding forests as Burmese troops moved into the village. A church was destroyed, 3 farm huts storing 120 baskets of paddy were burnt down and a sugar cane grinder was destroyed. After staying in the abandoned village for one night, the soldiers continued on their roving patrol the next day.⁶²

4.2 EXTRAJUDICIAL KILLINGS

States are not allowed to derogate from their obligations to protect the right to life, even in times of national emergency or war. When committed as part of widespread or systematic attacks against a civilian population, extrajudicial killings are considered crimes against humanity.⁶³ However, reports from Shan, Karenni and Karen communities during 2008 signify that the Burmese Army continues to use murder as a means of instilling fear into communities across eastern Burma.

- “On 4 January 2008, a patrol of about 15 SPDC troops from IB#287 came to Murng Lerm village in Murng Nawng village tract, Kae-See (aka Kehsi) township, and forcibly took away 3 male villagers, all of them aged about

⁶⁰ Karen Human Rights Group, 1 July 2008, “Attacks, forced labour and restrictions in Toungoo district”, 2008-F7, pp2-3, www.khrg.org

⁶¹ Karen Human Rights Group, 22 August 2008, “Mortar attacks, landmines and the destruction of schools in Papun district”, 2008-F12, p2, www.khrg.org

⁶² Committee for Internally Displaced Karen People, 25 June 2008, email correspondence

⁶³ Rome Statute of the International Criminal Court, 1998, Article 7.1(a)

over 40, to the east of the village. At a place about 3-4 kilometers from the village, the SPDC troops interrogated the 3 villagers about the situation of the Shan soldiers in the area. The troops said they had heard that Shan soldiers had often passed through the area near their village and asked the villagers if they had seen them recently. During the interrogation, the SPDC troops beat up the villagers because they denied having seen any Shan soldiers that had passed near their village. Eventually, out of anger the troops shot dead one of the villagers before they released the other 2. ... Although the military authorities said that they would look into the matter and immediately take action against the perpetrators, no such thing happened up until the time this report was received in February 2008.”⁶⁴

- “A villager from Hsorapheku, Koson village tract, Phekon Township in southern Shan State arrived at the Karenni army camp in Shadaw Township on July 9th and reported that he is the sole survivor of a massacre of his family by Burmese local officials. ... Shar Reh claims that seven members of his family were killed by the Burmese township chairman Nyar Reh and the USDA secretary Noe Reh, as they were suspected of campaigning for a no vote in the referendum. Shar Reh explained that a leaflet urging people to vote against the SPDC’s draft-constitution was found outside their house and they were held responsible. Shar Reh narrowly escaped the massacre, but his widowed mother Pray Myar, brothers Phebu, Oo Reh, Ree Reh, Thoe Reh, Taw Reh and his sister Mei Myar were all killed. The bodies of his family were then thrown into a deep cave near the village.”⁶⁵
- On 9 March 2008, SPDC troops from Light Infantry Battalion #547, led by YanNaung, and DKBA battalion #907, led by HsaMuSay, captured, tortured and killed a woman from K’ToeTa village in Kawkareik Township of Karen State. The deceased woman’s name was Naw MaNyain and she was 42 years old.⁶⁶
- “On the morning of 20 March 2008, a patrol of about 50 SPDC troops from Murng-Nai-based Infantry Battalion #248 came and surrounded Nawng Phurk village in Haai Seng village tract, Lai-Kha township, and arrested 3 male villagers. ... The villagers were forced to carry military things and go with the patrol, with their hands tied to the yokes that were used to carry things on their shoulders, until they reached Nam Wo village in Nawng Hee village tract, Nam-Zarng Township, in the evening where the SPDC troops stopped to rest during the night. The 3 porters and some of the SPDC troops were put up in the downstairs of the village Buddhist monastery for the night. Early next morning, at around 4 o’clock, one of the porters, Lung Aw, was shot dead by the SPDC troops in the monastery. The SPDC troops said they shot at Lung Aw because he tried to run away. A bullet pierced through his chest from behind and Lung Aw died instantly on the spot. The SPDC troops

⁶⁴ Shan Human Rights Foundation, April 2008, Monthly Report, “Lahu Villagers beaten up, shot dead, in Kae-See”, <http://www.shanland.org/articles/humanrights/monthlyreport/>

⁶⁵ Karenni Information Centre, 10 July 2008, “Seven family members killed by Burmese officials”, www.karennihomeland.org

⁶⁶ Karen Office of Relief and Development, 27 May 2008, private correspondence

took the body away to be disposed of, but no one knew where it was (dumped)."⁶⁷

- On 16 August 2008, Burmese Army troops from Light Infantry Battalion #362 led by military officer Thein Tun arrested and detained Saw TaKawhKaw, aged 50 years from MawPahDer village in Thandaung Township of Karen State. He was subsequently killed and his corpse was found by local villagers on 20 August 2008. None of the villagers knew the reason that Saw TaKawhKaw was arrested and killed.⁶⁸

4.3 ENSLAVEMENT

Freedom from slavery is a fundamental human right, and forced labour is a modern form of slavery. The government of Myanmar ratified the Forced Labour Convention in 1955, and is obligated to suppress forced labour.⁶⁹ However, the International Labour Organisation (ILO) has recognised that the Burmese junta's imposition of forced labour on the civilian population is pervasive.⁷⁰ It also commented that "a state which supports, instigates, accepts or tolerates forced labour ... is guilty of an international crime that is also, if committed in a widespread or systematic manner, a crime against humanity."⁷¹ Ten years on from the ILO's repudiation of the Burmese junta, and reports from across eastern Burma in 2008 reflect how enslavement⁷² is as oppressive as ever.

- On 4 February 2008, Brigadier Commander Kyaw Thin Myit from the SPDC's Military Operation Command #20 ordered villagers in Buthawplaw relocation site in Tenasserim Township of Tenasserim Division to carry supplies for outposts on the Thailand border. The villagers have been ordered to carry 100 sacks of rice (at 50kg per sack) from WayTonRay army camp to MaePyaPoeKee. It will take at least one week to carry each sack this far. The commander said that villagers will be paid 1,000 kyat (US\$1) for the transport of each sack.⁷³
- "In February 2008, SPDC military authorities of No. 3 Regional Training School, based in Kaeng Tawng area, issued an order requiring farmers in Kaeng Tawng to cultivate 60 acres of dry season rice for them. The existing rice fields of about 15 local farmers that could be fed with irrigation water all year round were chosen for the purpose. Mini-tractors of the local farmers were used to plough the fields on a daily basis until all the 60 acres were

⁶⁷ Shan Human Rights Foundation, September 2008, Monthly Report, "Civilian porters shot dead, accused of being Shan soldiers and imprisoned, in Lai-kha",

⁶⁸ Committee for Internally Displaced Karen People, 3 September 2008, email correspondence

⁶⁹ International Labour Organisation, 1930, "Forced Labour Convention (No. 29)", Art.1, <http://www2.ohchr.org/english/law/>

⁷⁰ International Labour Organisation, 1998, "Forced labour in Myanmar (Burma), Commission of Inquiry", Official Bulletin, Vol. LXXXI, Series B, special supplement, 1998, para. 528

⁷¹ Ibid, para. 538.

⁷² Rome Statute of the International Criminal Court, 1998, Article 7.1(c)

⁷³ Committee for Internally Displaced Karen People, 14 February 2008, email correspondence

ready for planting. (4 villages were ordered to provide 24 tractors)... Villagers from the same 4 villages, who had not provided tractors for the ploughing, were then forced to take responsibility planting rice in the fields every day until it was completed. All the local farmers were also required to look after the rice fields until the time was due and harvested the rice for the military, before they could start cultivating their own rainy season rice crop. The farmers whose fields had been used for the dry season crop complained that they had to start their rainy season crop more than half a month later than usual and that would badly affect the yields of the coming harvest, because the military dry season crop started late and finished late.”⁷⁴

- On 20 April 2008, the Burmese Army from BawKaHta ordered villagers in PaDehKaw and MaPi village tracts in Kyaukgyi Township of Pegu Division to build a new military camp at MaYanTaung. PaDehKaw village tract had to provide 1,700 bamboo stalks and 700 wooden poles, while MaPi villagers had to provide 300 bamboo stalks and 200 wooden poles. The villagers were ordered to work every day at the military camp until construction was completed.⁷⁵
- “When LIB #343, led by battalion commander Myo Min Aung, entered the village, he demanded I go to Gk’Hee Gkyo Camp. I told them that I dared not go because I was tired, having just returned from [portering for the SPDC in] another village. He kept demanding that I go [to Gk’Hee Gkyo Camp] along with the SPDC. [After arriving at Gk’Hee Gkyo camp] we were told to move a second time and [the SPDC] demanded five villagers to porter for them. I told them that we dared not go because there are a lot of landmines on the way. He pleaded with me to go and I couldn’t do anything and I thought, ‘I will lead them one last time’. I told them we could conscript only four villagers [to porter] and they accepted and we went. On the way, I heard a bomb explode and I looked and saw that one villager had stepped on a landmine. I told them to send the villager to Papun hospital for medical treatment, but they said it wasn’t easy and that they would send him first to the camp and then send him back to Papun. It was on June 9th 2008, Tuesday at 9:50 am. When we arrived at the camp, they gave him treatment and on the same day, at 7:00 pm, the villager died.”⁷⁶
- “Villagers from Nohko, Nohko Sanpya, Daw Sawdu, Sawkeedaw, Daw Loshe, Daw Se and Kayah Nyikhu have once again been forced by Loikaw Township authorities to grow the castor oil plant. ‘In July they ordered each family to grow 5,400 castor oil trees. Furthermore, every weekend each family has to report how many trees they have been planted to the township office’, said a local.”⁷⁷

⁷⁴ Shan Human Rights Foundation, August 2008, Monthly Report, “Farmers forced to cultivate dry season rice for military in Murng Nai”, <http://www.shanland.org/articles/humanrights/monthlyreport/>

⁷⁵ Committee for Internally Displaced Karen People, 7 May 2008, email correspondence

⁷⁶ 40 year old Karen woman, cited in Karen Human Rights Group, 22 August 2008, “Mortar Attacks, landmines and the destruction of schools in Papun district”, KHRG 2008-F12, p4

⁷⁷ Karenni Information Centre, 15 September 2008, “Villagers forced to grow castor oil trees again”, www.karennihomeland.org

- On 1 August 2008, HtayWin from SPDC Military Operation Command #10 ordered every household in KawThayDer village tract in Thandaung Township of Karen State to provide building materials for KlerLah (Bawgaligyi) army camp. Each house was order to cut and deliver 3 stalks of bamboo (of 5-7 meters in length) to the army camp at KawThayDer. Civilian owners of pick-up trucks in KawThayDer and KlerLah were then ordered to transport the bamboo to KlerLah. A week later, the pick-up truck owners were ordered onto a roster to transport rocks for road repairs twice a week. Civilians from Bawgaligyi were also ordered onto a roster for road work twice a week, with 80 labourers demanded for every day. At the same time as forcing truck owners to transport the rocks for the Burmese Army, the transport of betel leaves, durian, mangos and other farm products was prohibited. This has caused local villagers to lose hundreds of thousands of kyat.⁷⁸

4.4 FORCIBLE TRANSFER OF POPULATION

Access to adequate housing is a fundamental human right. Even in times of war, customary international law prohibits the forced displacement of civilians unless it is to ensure their safety or for imperative military reasons.⁷⁹ All states have obligations to protect civilians from arbitrary displacement and to ensure their protection and assistance during displacement as well as during return or resettlement.⁸⁰ In relation to crimes against humanity, the forcible transfer of a population is recognized as “forced displacement of the persons concerned by expulsion or other coercive acts” on a widespread or systematic scale.⁸¹

As described in Section 2.3 of this report, TBBC has documented the forced displacement of over 3,300 civilian settlements in eastern Burma since 1996. This includes a further 142 villages and hiding sites during the past twelve months. Some of these field reports have been corroborated by high resolution commercial satellite imagery, so the weight of evidence is already compelling. As the following accounts of forced displacement in 2008 indicate, forced displacement continues to undermine human security and consolidate military control during 2008.

- On 7 January 2008, Burmese Army troops from Light Infantry Battalion #557, under the orders of Military Operation Command #13 and led by Commander Aung Myo Thaung, were patrolling in the Mount Kaserdoh area in Tavoy township of Tenasserim Division. The Burmese troops found a hiding site in HteePohLay and burnt down the entire settlement. While all the villagers had fled before the troops arrived, 150 baskets of paddy were destroyed as well as all the abandoned kitchen utensils and food stocks.⁸²
- “On April 19th 2008, columns #1 and 2 of SPDC Light Infantry Battalion (LIB) #706, operating under Military Operations Command (MOC) #4, entered Buh

⁷⁸ Committee for Internally Displaced Karen People, 12 September 2008, email correspondence

⁷⁹ Protocol II, Additional to the Geneva Conventions, Art. 17

⁸⁰ UN Guiding Principles on Internal Displacement, 1998, UN Doc. E/CN.4/1998/53/Add.2

⁸¹ Rome Statute of the International Criminal Court, 1998, Article 7.2(d)

⁸² Committee for Internally Displaced Karen People, 8 February 2008, email correspondence

Kee village (Thandaung Township, Karen State). Villagers there avoided the approaching patrol by fleeing to a hiding site in Tantabin Township, leaving behind their belongings, including rice, salt, clothes, blankets, and cooking equipment, most of which was then taken by the SPDC. SPDC soldiers had previously attacked Buh Kee village as recently as December 5th 2007, when they burnt down the homes of local residents.”⁸³

- “On May 10th 2008, Burma Army troops from MOC #21 attacked and burned down 11 homes as well as villagers’ personal belongings at Meh Lay Kee village, which is also located in the area of T’Gkaw Der village (Kyaukgyi Township, Pegu Division). As a result of the continued presence of the soldiers and ongoing attacks, the local displaced communities in hiding – including the previously displaced communities from T’Gkaw Der and Thaw Ngeh Der villages – were prevented from accessing their farm fields and thus engaging in their livelihoods work. As the period of May to June coincides with the start of the rainy season, the villagers had to rush to build new shelters at their displaced hiding site. Due to the hurried preparation, these structures were, at least initially, inadequate to keep out the rain.”⁸⁴
- “The villagers living in the Paunglaung valley were never consulted about the building of the Upper Paunglaung dam, and only learned of the construction when the dam-site was declared off limits and Burma Army troops sent in to guard the area in 2004. However, in early 2007, the village heads from Thabyegon village tract were taken by local Pinlaung Township officials to Hopon Township (40 miles from their current homes), and shown the place where they would have to move when their villages were flooded by the dam. No mention was made about compensation for their farms which would be flooded. ... By early 2008, some villages in the valley had begun moving out of their homes and relocating to other areas of Shan and Karenni states.”⁸⁵
- “In March 2007 SPDC troops began pushing through with the construction upgrade of a vehicle road that aims to connect SPDC camps leading from Papun town on to Gk’Hee Kyo and Kaw Bpoo (Kaw Boke in Burmese) and then to Dah Kway (near Kyauk Nyat) in order to send rations and other supplies to the construction sites of the proposed dams at Weh Gyi. On December 30th 2007, SPDC Military Operations Command (MOC) #16 Commander Kyaw Kyaw Soe had summoned the Gk— village heads and representatives to meet with him at T’Khaw Hta Army camp. Four men from the village followed the order and travelled to T’Khaw Hta. At this meeting, the village leaders were ordered to relocate their village to a small plain area close to the SPDC Army camp at Thee Muh Hta, starting initially with the relocation of ten households. The SPDC also told them at this time to send villagers to start building the necessary houses at the relocation site

⁸³ Karen Human Rights Group, 1 August 2008, “Attacks, killings and the food crisis in Toungoo district”, KHRG 2008-F9, p2, www.khrg.org

⁸⁴ Karen Human Rights Group, 5 August 2008, “Military expansion and exploitation in Nyaunglebin District”, 2008-F10, p2, www.khrg.org

⁸⁵ Kayan Women’s Union, 2008, “Drowning the Green Ghosts of Kayan Land: Impacts of the Upper Paunglaung dam in Burma”, p7, www.salweenwatch.org

immediately. Kyaw Kyaw Soe told the villagers that he had no choice but to relocate these households as he had already promised his division leaders that he would do so and was required to send a report and photographs following the relocation to prove it had been successfully completed.”⁸⁶

4.5 TORTURE

“The SPDC accuse us of supporting the KNU or rebels. Some villagers have been killed due on these grounds, and others severely tortured by the SPDC during their operations.”

(Karen man, KORD focus group, Pa-an township, June 2008)

Freedom from torture and other cruel, inhumane or degrading punishment is a fundamental human right that all states are obliged to protect even during times of war. The “intentional infliction of severe pain or suffering” constitutes a crime against humanity when it is committed as part of wider attacks on civilians.⁸⁷ Torture has been used in conjunction with arbitrary arrest and detention by the Burmese junta for decades. The following reports reflect how torture continues to be inflicted on villagers to extract information about the activities of armed opposition and in retaliation for allegedly being rebel sympathisers.

- “On 14 December 2007, a patrol of SPDC troops from Kae-See based IB 287 came to Naa Mon village in Wan Lao village tract, Kun-Hing Township, and ordered the villagers to provide them with 1-1/2 baskets of rice and 5 viss (1 viss = 1.6 kg) of chickens, and also a pistol and a walkie-talkie machine. When the villagers said, after providing the demanded rice and chickens, that they could not provide the demanded pistol and walkie-talkie because there was none in the village and they did not know where to find them, the SPDC troops arrested the 4 villagers who had brought rice and chickens to them. The SPDC troops interrogated the villagers and beat and tortured them, asking about Shan soldiers and the pistol and the walkie-talkie they believed to be somewhere in the village. The 4 villagers were beaten with sticks until there were bruises and sprains all over their bodies. ... The following day, 17 December 2007, the SPDC patrol continued to Paeng Khaan village where they arrested the village headman and interrogated him about Shan soldiers and also ordered him to provide a pistol and a walkie-talkie, as they had done with the other villagers previously. The headman also denied having any knowledge about Shan soldiers and the said pistol and walkie-talkie, so the SPDC troops beat and tortured him. At one point an SPDC soldier grabbed the headman’s hair, pulled him down towards him and struck him in the chest with his knee, causing the headman to fall down backward and lose consciousness.”⁸⁸

⁸⁶ Karen Human Rights Group, 7 March 2008, “Village level decision-making in responding to forced relocation: A case from Papun district”, KHRG 2008-F3, www.khrg.org

⁸⁷ Rome Statute of the International Criminal Court, 1998, Article 7.2(f)

⁸⁸ Shan Human Rights Foundation, July 2008, Monthly Report, “Arrest, torture, forced labour and extortion in Kunhing”, <http://www.shanland.org/articles/humanrights/monthlyreport/>

- On 31 May 2008, SPDC troops from Light Infantry Battalion #401 led by TunTunHtwe were on a joint patrol with DKBA Battalion #999 and arrested five villagers from LawPahKee in Kawkareik Township of Karen State. The villagers were all men, aged between 20 and 73 years. The villagers were going to their farms, but were suspected of being in contact with the rebels. All 5 villagers were subsequently tortured for information about the KNU, including the partial scalping of a 30 year old man.⁸⁹
- On 7 July 2008, Major Maung Maung and some of his troops from the SPDC Light Infantry battalion #55, were drinking alcohol at the TaWetHta village leader's house in HlaingBwe Township of Karen State. The soldiers got into a fight with each other, and Major Maung Maung lost his pistol in the commotion. The Major accused Saw XXX, a male aged 35 years, of stealing his gun and beat him repeatedly with his fists and the butt of a rifle until he lost consciousness. The major then threatened the other villagers by firing his rifle around 50 times. The village leader was then shot in the foot and beaten, until eventually the major forced the entire village to go sleep at his army camp.⁹⁰
- On 1 September 2008, Major Sai Kyaw from SPDC Light Infantry Battalion # 427 arrested a DawTaHe relocation site resident, who was alleged to have contacted rebel troops. The male villager, aged 30, was taken to Loilin Lay police station where he was assaulted and beaten with the butt of a rifle. When his wounds were still visible after a few days, the villager was given 10,000 kyat for treatment and warned not to report what had happened.⁹¹

4.6 RAPE

International human rights law is based on the principle that all human beings are born free and equal in dignity and rights. Violence against women is a form of discrimination and a violation of the fundamental human right to personal security. Committing rape or any other form of sexual violence as a weapon of war is prohibited by customary international law,⁹² is considered a war crime,⁹³ and can constitute a crime against humanity.⁹⁴

The UN General Assembly has already criticised "widespread rape and other forms of sexual violence persistently carried out by members of the armed forces" in eastern Burma.⁹⁵ Yet the junta's "failure to investigate, prosecute and punish those responsible for rape and sexual violence has contributed to an environment conducive to the perpetuation of those acts against women and girls in Myanmar".⁹⁶ Indeed, reports

⁸⁹ Committee for Internally Displaced Karen People, 11 June 2008, email correspondence

⁹⁰ Karen Office of Relief and Development, 22 September 2008, email correspondence

⁹¹ Karenni Information Centre, 11 September 2008, "Camp resident beaten up by Burmese troops"

⁹² Geneva Conventions I-IV, Common Article 3

⁹³ Rome Statute of the International Criminal Court, 1998, Article 8.2(e)(vi)

⁹⁴ Rome Statute of the International Criminal Court, 1998, Article 7.2(g)

⁹⁵ UN General Assembly, 2006, Resolution 61/232, p3(b)

⁹⁶ Paulo Sergio Pinheiro, 7 March 2008, "Report of the Special Rapporteur on the situation of human rights in Myanmar", A/HRC/7/18, p 87

from Shan State suggest that state-sanctioned sexual violence continues with impunity.

- “Around noon on 24 May 2008, Naang Mawn (not her real name), aged 21, who had gone to work in a farm outside her village was returning home to get her day meal in Nam Mawn village, in Nawng Saang village tract, Kun-Hing Township. A short while after she left her farm, Naang Mawn ran into a patrol of about 13 SPDC troops from IB246 at a place a short distance from her village. The SPDC troops stopped her and asked several questions as to who she was and where she was going, etc. After answering their questions the SPDC troops did not let Naang Mawn go, but took her to a remote spot not very far from her farm and gang-raped her. The troops let her go only after virtually all of them had raped her to their satisfaction. Naang Mawn managed to get back to her village, which was not very far, that evening and recounted her plight to her parents. However, Naang Mawn’s parents were too afraid to do anything about it, except console their own daughter.”⁹⁷
- “Naang Kham Wa (not her real name), aged 18, was a villager of Nawng Zum who made a living peddling petty goods in neighbouring villages and farms in Ta Kaw village tract. Each day, she left her village in the morning to peddle her goods carrying them in 2 baskets on her shoulder yoke and returned in the evening. On 13 January 2008, after selling all her goods, Naang Kham Wa returned with empty baskets and ran into a patrol of SPDC troops near a stream called Nam Ya on her way to her village. The soldiers stopped her and said they wanted to buy some cigarettes and cheroots from her.... Sgt. Tin Aye told his troops to stop complaining and called Naang Kham Wa to go and sit near him and after asking her some questions, he ordered all his troops to go and stand guard at some distance and raped her to his satisfaction. After raping her, Tin Aye then said to Naang Kham Wa that selling goods to opium farmers, which she said she had done during the day, was a criminal offence and she needed to pay a fine if she did not want to be arrested and robbed her of all the money she got from selling her goods, 40,000 kyat in all. After returning home with empty hands and empty baskets, NaangKhamWa related her plight to her parents and relatives, and they reported the incident to the village leaders and elders. But they said that the SPDC troops of LIB528 were very brutal and no one dared to do anything about it.”⁹⁸
- “On 4 December 2007, Naang Suay Lu (not her real name), aged 17, a villager of Naa Khaw village who earned a living selling petty goods at her house in the village, was returning from buying goods, which she carried in 2 baskets on a shoulder pole, when she saw 3 SPDC soldiers collecting wild vegetables in a field some distance from her village. Naang Suay Lu walked across the field and passed near the SPDC soldiers, thinking that they would not harm her because they were in an open field and could be seen from

⁹⁷ Shan Human Rights Foundation, September 2008, Monthly Report, “Gang Rape in Kunhing”, <http://www.shanland.org/articles/humanrights/monthlyreport/>

⁹⁸ Shan Human Rights Foundation, July 2008, Monthly Report, “A petty peddler raped, robbed of her money, in Murng Paeng”, <http://www.shanland.org/articles/humanrights/monthlyreport/>

afar, as it was a shortcut route to her village which she had been using every time she went to buy her goods. However, when Naang Suay Lu got near them, one of the SPDC troops jumped at her, grabbed her arms and pulled her down into a shallow dried-up irrigation ditch, and called out to the other SPDC soldiers to come and help him rape her. The SPDC soldiers pressed Naang Suay Lu against the bank of the ditch, pulled up her sarong and took turns raping her. The commander, a Sergeant named Myint thein, first raped her to his satisfaction and let another soldier take his turn until he also finished. As the third soldier was about to take his turn, an ox-cart suddenly appeared on the horizon and was coming towards them, and the commander gave an order to his troops and they all ran away, leaving Naang Suay Lu lying in the ditch. It was an ox-cart of a fellow villager of Naa Khaw village, Pho Maa, who was returning from gathering firewood. After learning what had happened, Pho Maa took Naang Suay Lu and her goods onto his ox-cart and to her parents' house in the village. Although Naang Suay Lu and her parents complained about the incident to their village leaders, with Pho Maa as a witness, the leaders were reluctant to file a complaint against the SPDC soldiers. They said it was very dangerous and it could bring great trouble to their village, and persuaded them to forget it as Naang Suay Lu lost none of her goods.”⁹⁹

4.7 OTHER INHUMANE ACTS

The jurisdiction for crimes against humanity includes a provision for “other inhumane acts of a similar character intentionally causing great suffering”.¹⁰⁰ The confiscation of civilian property, destruction of civilian food stocks and indiscriminate use of landmines are all grave violations of humanitarian law which constitute war crimes.¹⁰¹ Such violations are thus also applicable for investigation as crimes against humanity. These violations continue to be committed on a widespread and systematic basis in 2008, but just three examples are provided here.

- “There were 5 town quarters with over 1,200 houses in Pung Pa Khem town, of which only over 100 households were farmers who worked the rice paddies in the outskirts of the towns area. The area of these rice paddies collectively was about 1,576 acres, according to the authorities. On 3 January 2008, all the community leaders of the town quarters were summoned to a meeting by the troops of LIB519 and issued an order requiring farmers in the town to sell their unhusked rice at the rate of 4 baskets per acre of land they worked, and at the price of 2,000 kyat per basket. The market price at that time was, however, 5,000 kyat per basket or more, and the farmers were threatened with arrest and land confiscation by the order if they failed to sell the required quotas of rice by the end of January 2008.”¹⁰²

⁹⁹ Shan Human Rights Foundation, July 2008, Monthly Report, “A woman gang-raped in Murg Paeng”,

¹⁰⁰ Rome Statute of the International Criminal Court, 1998, Article 7.1(k)

¹⁰¹ Rome Statute of the International Criminal Court, 1998, Articles 8.2(a)(iv), 8.2(b)(xx) and 8.2(b)(xxv)

¹⁰² Shan Human Rights Foundation, July 2008, Monthly Report, “People forced to sell rice, threatened with arrest and land confiscation, in Murg-Ton”,

- “During the SPDC’s recent military operations in Saw Muh Bplaw village tract, soldiers also deployed landmines in the area surrounding the burnt down villages in order to prevent the return of those villagers who had fled their homes.... As a consequence of the SPDC’s landmine deployment in Saw Muh Bplaw village tract, Naw D—, a 16-year-old girl from Htee Baw Kee village stepped on a mine when she returned to her abandoned village on March 15th 2008 in order to collect her family’s hidden stores of rice. The landmine blew off the lower portion of her right leg leaving the remaining stump mangled. Medics at Day Pu Noh hospital were subsequently able to amputate the mangled portion and save what remained of the leg. The risk of such injuries by landmines continues for displaced villagers in many areas of Lu Thaw township.”¹⁰³
- “Between March 20th and April 17th 2008, SPDC soldiers from LIBs #361 and #370, under the command of Ko Ko Lat of MOC #10 destroyed approximately 50 acres of cardamom plantations belonging to the following 12 residents of Gkaw Soe Koh village (Thandaung Township, Karen State)... From March 25th until April 15th 2008, soldiers from SPDC LIBs #361, 364, 365, 366, 367 and 368, all also under command of the MOC #10 camp commander Ko Ko Lat, which were taking security for Kler La town destroyed 283 acres of cardamom plantations belonging to 64 local villagers. Between April 8th and April 20th 2008, SPDC soldiers from LIB #361 burnt down a total of 102 acres of cardamom plantations as well as farm field huts belonging to residents of Gkaw Thay Der village.”¹⁰⁴

¹⁰³ Karen Human Rights Group, 12 June 2008, “Burma Army attacks and civilian displacement in northern Papun district”, KHRG 2008-F6, pp3-4, www.khrgh.org

¹⁰⁴ Karen Human Rights Group, 1 July 2008, “Attacks, forced labour and restrictions in Toungoo district”, KHRG 2008-F7, p 5



CIDKP, Displaced village, Kawkareik, Apri 2008

APPENDICES

“

If the Burmese soldiers
keep staying there, we won't
consider going back. We will
stay in this ceasefire area
until we die.

”

(Mon woman, MRDC focus group,
Ye township, June 2008)

APPENDIX 1 : INTERNALLY DISPLACED POPULATION ESTIMATES (2008)

States, Divisions and Townships	Population displaced in past 12 months	IDPs in Hiding Sites	IDPs in Relocation Sites	IDPs in Ceasefire Areas	Total IDPs
SHAN STATE	24,100	16,500	26,100	92,400	135,000
Mawk Mai	3,000	1,800	1,500	1,800	5,100
Mong Kurng	1,500	2,000	2,500	0	4,500
Laikha	3,800	1,100	3,000	3,000	7,100
Loilem	1,000	900	600	500	2,000
Nam Zarng	2,900	2,000	3,500	1,500	7,000
Kun Hing	4,000	3,000	4,000	7,000	14,000
Mong Hsat	1,000	1,000	N/A	33,000	34,000
Mong Ton	2,000	1,000	4,000	29,000	34,000
Mong Pan	1,700	1,500	1,800	1,100	4,400
Kehsi	1,000	600	3,000	13,000	16,600
Langkher	700	500	0	1,000	1,500
Mong Nai	1,500	1,100	2,200	1,500	4,800
KARENNI STATE	1,000	9,300	5,000	39,000	53,300
Shadaw	200	900	1,300	0	2,200
Loikaw	0	0	2,200	4,000	6,200
Demawso	100	0	0	25,000	25,000
Pruso	400	1,500	0	4,000	5,500
Bawlake	0	0	1,500	0	1,500
Pasaung	300	6,900	0	2000	8,900
Mehset	0	0	0	4000	4,000
PEGU DIVISION	12,100	21,000	23,500	0	44,500
Tantabin	0	0	2,700	0	3,900
Kyaukgyi	9,500	12,000	20,000	0	32,000
Shwegyin	2,600	9,000	800	0	9,600
KAREN STATE	26,400	49,500	10,900	44,500	104,900
Thandaung	4,400	8,500	2,900	0	11,400
Papun	11,100	30,800	0	0	30,800
Hlaing Bwe	3,500	1,300	0	4,500	5,800
Myawaddy	3,000	2,500	1,200	5,000	8,700
Kawkareik	2,500	2,000	2,500	0	4,500
Kyain Seikgyi	1,900	4,400	4,300	35,000	43,700
MON STATE	1,000	800	4,800	42,100	47,700
Thaton	0	0	0	0	0
Bilin	0	0	0	0	0
Ye	1000	800	4,800	42,100	47,700
TENASSERIM DIVISION	1,400	3,900	55,700	6,000	65,600
Yebyu	800	700	10,800	6,000	17,500
Tavoy	200	500	6,100	0	6,600
Thayetchaung	200	0	3,200	0	3,200
Palaw	100	1000	12,400	0	13,400
Mergui	0	100	8,000	0	8,100
Tenasserim	100	1,100	12,700	0	13,800
Bokpyin	0	500	2,500	0	3,000
TOTALS	66,000	101,000	126,000	224,000	451,000

APPENDIX 2 : DESTROYED, RELOCATED AND ABANDONED VILLAGES (2007-08)

SHAN STATE

Kunhing Township

Wan Nar Kae
Wan Par Sak
Wan Kun Koe
Wan Par Pa

Mong Pan Township

Wan Ton Su
Long Keing

Nam Zarng Township

Se Kong
Wan Bang Kam
Nar Bar Lam
Wan Kong Moog
Nam Zer
Kap Sang

Laikha Township

Nam Hoo Wan Par Hak
Wan Bong Wan Nar Ray
Mark Lang Wan Nam Mor
Kher Nim Wan Ho Hook
Wan Khai Wan Nar Boi
Kung Lang
Wan Hai

KARENNI STATE

Shadaw Township

Daw Kaleh Te

Demawso Township

Daw Hay Kaleh

Pruso Township

Maw Ti To
Kapru

Pasaung Township

Kon Baw Dahe
Pae Kho Kee
Mu Sapadeh

PEGU DIVISION

Shwegyin Township

Ler Wah Baw Pau Khee
Law Klaw Khee Ler Ka
Le Pwey Toe Khee
Htee Thu Kyew Hta
Htee Blah Klu Hta
Mae K' Te
Mae Yeh Khee
Mae Yeh Hta
Mae Tan
Plaw Hta

Kyaukgyi Township

Yawh Khee Thay Nyang Khee
Play Khee Naw Law Teh
Law Day Ler Kla
K' Pha Hta Tha Ngeh Der
Kyauk Pya Ta Kaw Der
Them Mo Yah Khen Der
Teh Na Hta K' De Der
Nya Mu Khee Paw Ler Kho
Moung Lu Kho Pur Poe Khee
Touh Aw Pay Day Kler Khee
Saw Kah Der
Klaw Khee

KAREN STATE

Thandaung Township

Pha Weh	Saw Law Kho	Wa Mi Per Kho	Hsaw Wa Der
Kay Law Khee	Lae Kho Der Kah	Saw Mu Der	Thay Khu Der
Ma Wa Khaw	Thaw Khaw Saw	Pway Baw Der	Klay Khee
Ka Mu Do	Ka Ta Khee	Si Daw Kho	Kho Khee
Di Dah Kho	Thay Ya Yu	Bu Hsa Khee	Hi Daw Khaw
Ma Pwae Kho	Lae Kho Der Kho	Tha Kwee Soe	Sho Ser
Khaw Mee Kho	Ler Kher Der Tha	Bu Khee	Wah Soe
Pha Der Kah	Pho Mu Der	Thay AyeKhee	Htee Thee Pu De
Way La Khaw	Sa Wa Daw Kho	Ha Htoe Per	Htee Thee Pu Der

Papun Township

Si Day	Hto Htee Khee
Baw Lay Der	Haw La Hta
Ta Kheh Der	Phla Kho Do
Ka Hter Der	Saw Ker Der
Ta May Khee	Hsaw Pa Day
Khay Pu	Klaw Khee Der
Geh Yu Der	
Htee Baw Khee	
Kyaw Gaw Lu	
Ta Neh	

Myawaddy Township

Thay Pau Oo Khee
Ba Hta
Tablut Kho Khee
Tablut Kho Hta
Hti Per Ler
Makanepoe Hta
Paw Baw Mi Khee

Kawkareik Township

Hti Kay Ko
Au Pa Khee
Kler Law Hsae Khee
Thay Ler Pu
Sakawet Khee
Law Pah Khee
Mae Naw Thoh Khee
Ta Law Po Khee

MON STATE

Ye Township

Yin-Dein Ywathit

TENASSERIM DIVISION

Tavoy Township

Teattakwee
Lerkler
Hteepoelay
Hteelawkee
Lermu

Theyetchaung Township

Wakawdoh

APPENDIX 3 : RELOCATION SITES (2008)

SOUTHERN SHAN STATE

Mong Nai Township Nar Khan	Loilem Township Nong Leng	Mong Pan Township Nong Bar Mon Nar Law WanMai Mawk Zam	Nam Zarng Township Hai Pak Kart Ray Nam Mo Wan Nong
Mong Ton Township Mae Ken Nar Kong Mu	Laikha Township Sai lai Khum Wan Sam Seng Nam Hu Para Tam	Mawk Mai Township Nam Lot Kan Do Long	Mong Kung Township Kher Oh Ooi Kat Pui
Kunhing Township Kar Li Keng Lom	Kehsi Township Wan Hai		

KARENNI STATE

Loikaw Township Nawe Laboe Palaung	Shadaw Township Shadaw Pon choung	Bawlake Township Namhpe Balake Ywa Thit
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PEGU DIVISION

Kyaukgyi Township Pah Aye Mu Thay Baw K' Ta P' Dam Der Klaw Maung Sho Kae Tha Ya Ko Mying Tha Ya	Shwegyin Township Hsar Zi Bo Yin Sha Zee Pyu Gon Tau Gon Htaw Ma Ea	Taungoo township Yin Say Gon Na Ka Maw
	Tak To Baw De Go Kyaukyi Aung So Mo Ya Myong Aung Ma La Daw Thay Phay Nyunt	

KAREN STATE

Kyain Seikgyi Township Anankwin Thet-Kwe Myaingtharya Ywathit Kyain Seikgyi Satellite Shwe Doe	Kawkareik Township Ti Hu Than Thandaung township Thandaung Bawgaligy Tae Po	Myawaddy Township Mehkane
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MON STATE

Ye Township

Khawza	Mokanin Ywathit
Wengtamoik	Leinmorchan
Joneling Ywathit	Ywathit (Sanpya)

TENASSERIM DIVISION

Tenasserim Township	Theyetchaung T'ship	Mergui Township	Bokpyin Township
Nortenhta	Thinbonchaung	Papyin	Heilnlei
Thebawu	Padaukgyi	Kyetmaoh	Yodaw
Sarawa	Padaukngae	Yazapa	Chaungmon
Sinmagyon	Pe	Bok	Manoro
Pagwin	Lertatsay	Wunehchaung	Ngaboakchaung
Sanpe		Alechaung	Kenchaung
Kyaukpea	Palaw Township	Pathwi	Lanphonnga
Kinigyon	Myitchinsut	Banmade	Nantaung
Pawut	Kabyupyin	Wunehchaungpya	Kaukbauk
Konthaya	Madaw	Kaungki	Sadien
Tharabwechaungpya	Wazwinoak	Thagan	
Kawet	Bayektaung	Mazaw	Tavoy Township
Pyindaung	Aingmagyi	Tanyat	Nyaungdon
Tharabwe	Yebu		Pyinthadaw
Peinchaung	Michaungpyu	Yebyu Township	Thebyuchaung
Kyauktaung	Pyicha	Lauktheing	Myitta
Talainda	Letpanbyin	Yebu Ywathit	Nantayok
Yekanchaung	Kabya	Myinzoung	Taungthonlone
Dugyo	Zadiwin	62 Miles	Paungdaw
Ananchaung	Yinshan	Yapu	Kyaikpelaung
Ngayaein	Tapo	Mayanchaung	Budayu
Tonbyaw	Gyini	Zinba	
Melaungkwin	Duyinbinshaung	Yinbon	
Anen	Pawut	60 miles	
Kamalaing	Kamaungla		
Taungma	Sarke		
Aingwai	Migyaungthaik		
Taungbein	Minwin		
Kalaeak	Kyauklaik		
Kanankwin	Shandot		
Theinkun	Pettaut		
Laeseit	Kawblen		
Thebyu	Paw		
Shoutgone	Taminmasan		
Tamu			

APPENDIX 4 : SPDC MILITARY COMMAND IN EASTERN BURMA (2008)¹⁰⁵

REGIONAL MILITARY COMMANDS

Triangle Area Command	<i>Keng Tong, Shan State</i>	South East Command	<i>Moulmein, Mon State</i>
Eastern Command	<i>Taunggyi, Shan State</i>	Coastal Command	<i>Mergui, Tenasserim Division</i>
Southern Command	<i>Taungoo, Pegu Division</i>		

LIGHT INFANTRY DIVISIONS

LID - 22	<i>Pa-an, Karen State</i>	LID - 55	<i>Kalaw, Shan State</i>
LID - 11	<i>Rangoon, Rangoon Division</i>	LID - 99	<i>Meiktila, Mandalay Division</i>
LID - 44	<i>Thaton, Mon State</i>	LID - 77	<i>Pegu, Pegu Division</i>

REGIONAL & MILITARY OPERATION COMMANDS

Mong Pyat ROC	<i>Mong Pyat, Shan State</i>	MOC - 12	<i>Kawkareik, Karen State</i>
Loikaw ROC	<i>Loikaw, Karenni State</i>	MOC - 8	<i>Tavoy, Tenasserim Division</i>
MOC - 2	<i>Mong Naung, Shan State</i>	MOC - 13	<i>Bokepyin, Tenasserim Division</i>
MOC - 14	<i>Mong Sit, Shan State</i>	MOC - 19	<i>Ye, Mon State</i>
MOC - 17	<i>Mong Pan, Shan State</i>	MOC - 20	<i>Kauthaung, Tenasserim Division</i>
MOC - 7	<i>Pekon, Shan State</i>	MOC - 6	<i>Pyinmana, Mandalay Division</i>

BATTALION HEADQUARTERS BY STATES AND DIVISIONS

(IB : Infantry Battalion; LIB : Light Infantry Battalion; AB : Artillery Battalion)

SOUTHERN SHAN STATE

Mong Nai Township	Langkher Township	Mong Ton Township	Mawk Mai Township
IB-248	IB-99	IB-65	IB-132
LIB-576	LIB-525	IB-133	
LIB-518	LIB-578	IB-277	Nam Zarng Township
LIB-569	LIB-574	IB-225	IB-247
AB-336	Mong Hsat Township	LIB-519	IB-66
Kunhing Township	LIB-527	Laikha Township	IB-49
IB-286	LIB-579	IB-64	IB-278
IB-246	LIB-580	LIB-515	LIB-80
IB-296	Kehsi & Mong Kung	Loilem Township	LIB-516
LIB-524	LIB-131	IB-9	LIB-333
Mong Pan Township	LIB-514	IB-12	LIB-527
LIB-575	IB-286	LIB-513	LIB-579
LIB-332	IB-287	Taunggyi Township	
LIB-520	Pekon Township	IB-94	Hsi Hseng Township
LIB-517	LIB-336	LIB-510	LIB-423
LIB-577	LIB-421	Pinlaung Township	LIB-424
LIB-598	LIB-422	IB-249	
IB-295		LIB-511	
IB-294		LIB-512	

¹⁰⁵ Only battalions permanently based in these townships are included. Roving battalions are excluded.

SOUTHERN SHAN STATE (continued)

Kalaw Township	Mong Yawn Township	Tachileik Township	Mong Pyat Township
IB-3	LIB-311	LIB-331	IB-221
IB-7	LIB-334	LIB-359	LIB-329
LIB-18	LIB-573	LIB-526	LIB-330
LIB-112	LIB-553	LIB-529	LIB-335
LIB-117	Yatsauk Township	Keng Tong Township	LIB-570
Mong Ping Township	IB-292	IB-244	
IB-43	LIB-508	IB-245	
LIB-360	LIB-509	LIB-314	
LIB-528	Mong Khet Township		
	IB-227		
	LIB-327		
	LIB-328		

KARENNI STATE

Loikaw Township	Pruso Township	Bawlakeh Township	Deemawso Township
IB-54	LIB-428	LIB-337	IB-102
IB-72	LIB-531	LIB-429	LIB-427
IB-261	Pasaung Township	LIB-430	
IB-250	IB-134		
LIB-530	IB-135		

KAREN STATE

Papun Township	Hlaingbwe Township	Kyain Seikgyi Township	Kawkareik Township
LIB-341	IB-28	IB-32	IB-97
IB-34	LIB-31	IB-283	IB-230
LIB-340	LIB-223	IB-284	IB-231
LIB-434	LIB-549	LIB-210	LIB-545
LIB-354	LIB-338	LIB-550	LIB-546
IB-68	LIB-339	LIB-206	LIB-548
LIB-522	Myawaddy Township	LIB-221	Pa-an Township
LIB-19	IB-275	LIB-34	LIB-201
Thandaung Township	LIB-355		LIB-203
	LIB-356		LIB-204
IB-124	LIB-357		LIB-205
IB-603	LIB-656		LIB-310
IB-264	LIB-547		

EASTERN PEGU DIVISION

Taungoo Township	Shwegyin Township	Kyaukgyi Township	Phyu Township
IB-26	IB-57	IB-60	IB-35
IB-39	LIB-350	LIB-599	Pegu Township
IB-48	LIB-349	LIB-590	IB-30
IB-73	LIB-589	LIB-253	LIB-440
LIB-20		LIB-351	
LIB-249		LIB-320	
		LIB-601	
		LIB-223	
		LIB-602	

MON STATE

Thaton Township	Kyaikhto Township	Ye Township	Thanbyuzayat Township
LIB-118	IB-2	IB-31	IB-62
IB-24	IB-96	IB-61	IB-32
LIB-1	LIB-2	IB-106	LIB-209
LIB-9	LIB-208	IB-229	Mudon Township
Bilin Township	LIB-207	LIB-586	LIB-210
IB-8	Moulmein Township	LIB-587	LIB-202
LIB-3	IB-81	LIB-343	
LIB-9	LIB-102	LIB-591	
	LIB-104	LIB-299	
		LIB-583	

TENASSERIM DIVISION

Yebyu Township	Tenasserim Township	Tavoy Township	Bokpyin Township	Kawthaung Township
IB-273	LIB-556	IB-25	IB-224	IB-288
IB-282	LIB-557	LIB-402	LIB-585	IB-262
LIB-410	LIB-558	LIB-401	LIB-559	LIB-597
LIB-408	LIB-561	AB-302	LIB-560	LIB-594
LIB-409	AB-306	Mergui Township	LIB-358	LIB-595
LIB-406	Theyetchaung Township	IB-17	LIB-432	LIB-596
LIB-407	LIB-403	IB-103	LIB-581	LIB-342
AB-304	LIB-404	IB-101	LIB-593	LIB-431
AB-307	LIB-405	IB-265	LIB-555	LIB-582
Palaw Township	AB-201	LIB-433	LIB-592	AB-303
IB-280	Launglon Township	LIB-481	LIB-584	AB-305
IB-285	IB-104	LIB-482	AB-308	
AB-309	IB-267	AB-301	AB-501	
		AB-401		

APPENDIX 5 : 2008 SURVEY GUIDELINES

POPULATION SURVEY

The objective is to assess the scale and distribution of internal displacement and the impacts of militarization and development.

Township name (on maps of Burma) :

Background about key informants :

1. How many villages have been completely destroyed, relocated or abandoned during the past 12 months? Where were these villages?
(Please indicate on the table and map)
2. How many people have fled or been forced to leave their homes and moved elsewhere due to war or human rights abuses during the past 12 months?
(Please indicate on the table)
3. How many people currently live in rural areas in total?
(Please indicate on the table)
4. How many SPDC “relocation sites” (including consolidated villages) currently remain populated by force? Where are these relocation sites?
(Please indicate on the table and map)
5. How many people are currently obliged to live in SPDC relocation sites (including consolidated villages)?
(Please indicate on the table)
6. Where are any “hiding areas” in which people conceal themselves from SPDC patrols, including opposition controlled areas?
(Please indicate on the map)
7. How many people currently hide from, or do not show themselves to, SPDC patrols?
(Please indicate on the table)
8. Where are any special regions or “ceasefire areas” in which the ethnic nationality authorities have limited autonomy and guarantees against SPDC attack?
(Please indicate on the map)
9. How many displaced people currently live in ethnic “ceasefire areas”?
(Please indicate on the table)
10. Where are development projects which have caused human rights abuses during the past 12 months?
(Please indicate relevant roads, agricultural plantations, mines, logging areas, dams and gas pipelines on the map)
(Please also indicate where forced labour, forced relocations or land confiscations were imposed on the map)
11. Where are current locations of SPDC outposts, battalion headquarters, Light Infantry Divisions (LID), Operational Control Headquarters (OCH) and Regional Commands?
(Please indicate the location and type of army camp on the map provided)

GUIDELINES FOR FOCUS GROUP DISCUSSIONS WITH IDPS

The objective is to assess the opinions of displaced persons about their vulnerability and coping strategies

Township name (on SPDC maps of Burma:

Ages of participants :

Type of group : ☐ Male group ☐ Female group

Location of group :

☐ Hiding site

☐ SPDC Relocation site

☐ Ethnic Ceasefire area

☐ Mixed administration area

Facilitate discussion on each of the issues identified. Record responses as fully as possible without stopping the flow of ideas.

MILITARISATION

How have military patrols into this area affected your safety and livelihoods during the past year?

STATE-SPONSORED DEVELOPMENT PROJECTS

How have SPDC sponsored development projects affected on your safety and livelihoods during the past year?

COPING STRATEGIES

How have you reduced exposure to threats against your safety during the past year?

How have you coped with shocks to your livelihoods during the past year?

RETURN AND RESETTLEMENT

What are the basic conditions you need before you can consider returning to your village or resettling in another place in safety and with dignity?

Thank you for your cooperation!

APPENDIX 6 : ACRONYMS AND PLACE NAMES

ASEAN	Association of South East Asian Nations
CIDKP	Committee for Internally Displaced Karen People
DKBA	Democratic Karen Buddhist Army
IASC	(UN) Inter-Agency Standing Committee
IB	Infantry Battalion
ICRC	International Committee of the Red Cross
IDP	internally displaced person
KNLP	Kayan New Lands Party
KNPLF	Karen National People's Liberation Front
KNPP	Karen National Progressive Party
KNSO	Karen National Solidarity Organisation
KNU	Karen National Union
KNLA	Karen National Liberation Army
KNU/KNLA-PC	KNU / KNLA Peace Council
KORD	Karen Office of Relief and Development
KPF	Karen Peace Front
KSWDC	Karen Social Welfare and Development Centre
LIB	Light Infantry Battalion
LID	Light Infantry Division
MRDC	Mon Relief and Development Committee
NGO	non government organisation
NMSP	New Mon State Party
OCHA	(UN) Office for the Coordination of Humanitarian Affairs
PNO	PaO National Organisation
PNLO	PaO National Liberation Organisation
SPDC	State Peace and Development Council
SSA-S	Shan State Army – South
SSA-N	Shan State Army - North
SSNA	Shan State National Army
SNPLO	Shan Nationalities People's Liberation Organisation
SRDC	Shan Relief and Development Committee
TBBC	Thailand Burma Border Consortium
UN	United Nations
UNGA	United Nations General Assembly
UNSC	United Nations Security Council
UWSA	United Wa State Army

PLACE NAMES PRIOR TO 1989

Burma
Irrawaddy Division
Karen State
Karen State
Moulmein
Mergui
Pa-an
Pegu Di vision
Salween River
Sittaung River
Tavoy
Tenasserim Division
Taungoo
Rangoon

SLORC/SPDC SPELLINGS AFTER 1989

Myanmar
Ayeyarwady Division
Kayah State
Kayin State
Mawlamyine
Myeik
Hpa-an
Bago Division
Thanlwin River
Sittoung River
Dawei
Tanintharyi Division
Toungoo
Yangon



Thailand Burma Border Consortium

Working with displaced people of Burma

Mission

The Thailand Burma Border Consortium, a non-profit, non-governmental humanitarian relief and development agency, is an alliance of NGOs, working together with displaced people of Burma, to respond to humanitarian needs, strengthen self-reliance and promote appropriate and lasting solutions in pursuit of their dignity, justice and peace.

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