

Afraid to Go Home

Recent Violent Conflict and Human Rights Abuses in Karen State

Karen Rivers Watch (KRW)
November 7, 2014



Photo by Karen National Media

KAREN
RIVERS
WATCH



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Introduction

The following report was prepared by Karen Rivers Watch (KRW), a coalition of six Karen organizations focused on the environment, women, youth, human rights and development issues. More information about KRW is provided on page 14.

This report is based on field interviews with local villagers and leaders of Karen armed groups, as well as media coverage of the recent conflict. It describes events that led to recent armed conflict between the Democratic Karen Benevolent Army (DKBA) and the combined force of the Burmese Army (BA) and Border Guard Force (BGF) in Karen State. Next, the report gives a detailed account of clashes that occurred along the Salween River in Hpa-an and Hpapun (Mutraw) districts. It also describes the current situation faced by more than 2,000 Internally Displaced Persons (IDPs), many of whom are in need of immediate humanitarian assistance. It relates accounts of forced labor, looting of homes, confiscation of property, and increased militarization. Finally, it discusses how the recent fighting appears to be part of a calculated military strategy by the BA/BGF to control territory in Karen State, possibly motivated by plans to construct the Hatgyi Dam on the Salween River.

KRW's primary goal in releasing this report is to raise awareness about the current situation in Karen State. Restricted access to the conflict areas has made reporting on the situation difficult. Confusing and conflicting reports by the media are common, and the Burmese Army even detained and killed a journalist who was reporting on the conflict.¹ Many of the IDPs interviewed for this report refused to answer questions, out of fear for their safety and the safety of their families. Currently, there is a crucial need for up-to-date and accurate information, and to bring the human rights violations and need for humanitarian aid to the attention of the international community.

We also aim to highlight the human cost of the recent fighting in Karen State, and to situate recent events in the context of the broader, decades-long conflict in the region.

In order to ensure the protection of civilians in Karen State, KRW makes the following recommendations:

- The Burmese government should **halt military offensives** in Karen State.
- The Burmese government should **allow access for the delivery of humanitarian aid** to IDPs who have fled their homes as a result of the conflict.
- The Thai government should **not force refugees back** across the border during times of conflict.
- The Burmese Government and the Electricity Generating Authority of Thailand (EGAT) should **clarify the status of the Hatgyi Dam** and fully disclose project information to the public.

1 *Irrawaddy*, October 24, 2014

Background: Rising Tensions and Heavy Fighting in Mon and Karen States

In September, tensions began to rise between Karen armed groups and the Burmese military, especially in the border town of Myawaddy, an important hub for trade with Thailand. Two bombs were found and defused before they could explode, and two ethnic resistance soldiers were murdered within the span of one week. These incidents, along with a September 14 Burmese Army order prohibiting ethnic armed groups from wearing uniforms or carrying weapons in Myawaddy,² paved the way for an outbreak of violent conflict.

Indeed, on September 26, fighting broke out in Kyaikmayaw town, Mon State. Clashes erupted between the DKBA (Democratic Karen Benevolent Army) and the Burmese military following the DKBA's detainment of Burmese Army soldiers.³ In the days leading up to this clash, government troops had committed several provocations, including raids on the homes of DKBA leaders and troop movements into DKBA territory without permission. After the initial clash on September 26, fighting continued for the next several days as Burmese troops hunted DKBA soldiers.⁴ On September 27, fighting also broke out between the DKBA and Burmese government troops near Myawaddy in Karen State, causing many local residents to flee across the Thai border into Mae Sot.

On October 10-11, heavy fighting took place between DKBA and BA in the area between Myawaddy and Kawkareik, along the newly built but incomplete Asia Highway. On October 11, a mortar shell landed on the road, killing six civilians, including monks, and injuring at least six others.

Account of Recent Fighting in Hpa-an and Hpapun (Mutraw) Districts

Between October 7 and October 18, at least six different incidents of fighting occurred in Hpa-an District's Hlaing Bwe (Lu Pleh) Township and Hpapun District's Bu Tho and Dwe Lo Townships. These clashes, fought between combined Burma Army/BGF forces and the DKBA, involved heavy mortar fire. As the following account demonstrates, villagers in the area once again suffered the consequences of violent conflict. Over 2,000 people were forced to flee their homes, and most remain in hiding, fearing for their safety.

Three KRW staff members visited the conflict areas and met with villagers who had fled from their homes due to the recent fighting. The following account is based on field interviews they conducted in Myaing Gyi Ngu and Waboe Taung (Wa Klu Lu) from October 15 to 17 and on October 20. Names of villagers interviewed and quoted in this report have been omitted to protect their identities.

² *Democratic Voice of Burma*, September 18, 2014

³ *Democratic Voice of Burma*, September 28, 2014

⁴ *Irrawaddy*, October 10, 2014

Me Zine Taung Chay, Dwe Lo Township

Fighting in the Salween River area first occurred on October 7, when the DKBA clashed with a combined BA/BGF force at the base of Me Zine Taung Chay (Mae Gyi) Mountain in Dwe Lo Township, Karen State. A second clash occurred in the same area on October 10. As a result of the fighting, 762 villagers, including 102 children less than ten years of age, were forced to flee their homes and seek refuge in Da Dar Oo village. The villagers told KRW field researchers that they are still afraid to return home to Me Zine Taung Chay.

Shortly after the first clash at Me Zine Taung Chay, on October 8, the Burmese military began reinforcing their bases in the Salween River area of Hlaing Bwe and Bu Tho Townships, sending in nine truckloads of troops.⁵



Burmese Army trucks carrying troops to the conflict area.

⁵ *Irrawaddy*, October 14, 2014

Mae Tha Waw, Hlaing Bwe Township

On October 10, DKBA and BA/BGF fired on one another at their respective bases in the Mae Tha Waw area of Hlaing Bwe Township. As a result of these clashes, more than 200 Karen villagers were forced to flee their homes and cross the border into Thailand. Thai authorities forced the fleeing refugees back into Burma the following day, after fighting had ceased in the Mae Tha Waw area, even though the refugees still feared for their safety.

Kan Nyi Naung, Bu Tho Township

Following the October 8 clash at Me Zine Taung Chay, BA/BGF forces ordered DKBA troops in control of the area near Kan Nyi Naung village to withdraw. The DKBA refused, warning BA/BGF troops not to proceed further into areas under DKBA control. However, two BGF soldiers disregarded this warning, entered the area on October 10, and were injured when they stepped on a landmine. That same day, the Burmese government forces divided into three columns and fired mortar shells at the DKBA camp near Kan Nyi Naung village.

According to villagers, mortar shells began raining down on Kan Nyi Naung village in a non-stop barrage that lasted from about 11 am to 3 pm on October 10. The mortars were fired from three different BGF camps surrounding the village: Weigyi, Ma Eh, and Keh Pu. The shelling continued at intervals over the following three days, finally ending on October 13, except for a few stray BA/BGF mortars. Another mortar bombardment occurred on October 16. BA division number 44 and Maung Chit's BGF troops of unit 1013 were responsible for firing these mortars. As a result of the shelling, the DKBA were forced to abandon their base camp at Kan Nyi Naung and disperse to other DKBA camps in the area. The BGF have since occupied and expanded the former DKBA camp at Kan Nyi Naung.

Villagers with boats were able to flee down the Salween River to various villages to hide. It is difficult to account for the exact number and location of IDPs, but KRW was able to confirm that people from Kan Nyi Naung fled to Myaing Gyi Ngu, Malar Yu, Weigyi, and Kaw Ka Yet island. Some villagers without boats fled to other areas along the Salween River to hide. In total, more than 345 people were displaced.

Kan Nyi Naung remains all but deserted, and IDPs told KRW that they do not know when they will be able to return to their homes. Only a very small number of people have remained in the village to look after their houses. Based on previous experience, these villagers know that during times of fighting, BGF and Burmese troops often enter and ransack villagers' homes. They destroy villagers' property, often leaving little of value in their wake.

Burmese troops and BGF are still present in the village, and villagers are afraid that fighting could break out again at any time. An elderly woman expressed that she wishes to return to the village only when the situation becomes safe and secure again, since she is old now and will not be able to run easily if fighting occurs again.

Waboe Taung (Wa Klu Lu), Hlaing Bwe Township

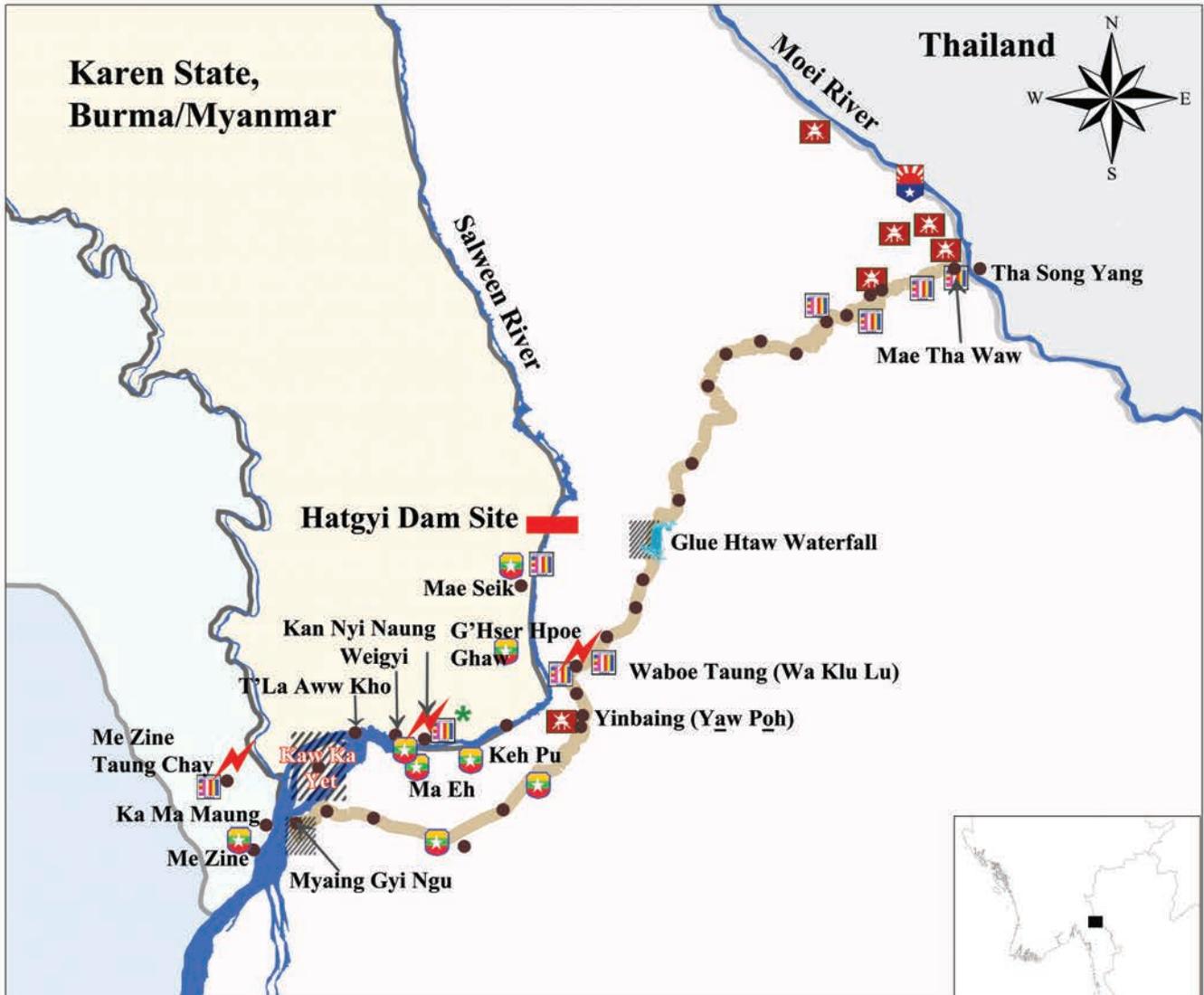
Fighting also erupted in Waboe Taung on October 10, and again on October 17. A KRW field researcher in the area related the following: “On October 17, when I was in the field [in Myaing Gyi Ngu], I personally heard the sounds of mortars being fired onto Waboe Taung [Wa Klu Lu] DKBA camp. It started at around 10 pm and lasted until noon the following day. The firing of mortars onto Waboe Taung stopped after a monk from Myaing Gyi Ngu instructed both sides not to fire mortars.” This mortar attack destroyed a house in the nearby village; however, the villagers had already fled into hiding, so no injuries were reported.

As a result of the mortar attacks, villagers from Waboe Taung had to flee and hide. More than 1,000 villagers from Waboe Taung and surrounding villages, including Baw Mu Kwee, Yinbaing, Kyone Taw, Htee Yea Klo, Htee Tar Doh Per, and Kyaut Ma were forced to flee into the jungle or to Myaing Gyi Ngu.

Waboe Taung is located about two hours by boat and car from Taung Kyar, the site of the proposed Hatgyi Dam project on the Salween River. The Burmese and BGF troops have their base camp in Yinbaing (Yaw Poh) village, while DKBA troops are based in Waboe Taung village.

According to DKBA commander Yeh Chit, the Burmese Army and BGF ordered the DKBA to leave the Waboe Taung area, but they refused because they would have nowhere else to go. In order to protect their positions against incursions by the BA/BGF, the DKBA has laid land mines in the area. The BGF commander accused the DKBA of thereby putting local villagers in danger and interfering with their daily lives. However, villagers said that the DKBA always lets them know the locations of the land mines.

Map of the Conflict Area



Legend

- | | | |
|------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|
|  Burma army camp |  Bilin Township |  Car road |
|  BGF camp |  Bu Tho Township |  River |
|  DKBA camp |  Lu Pleh Township | |
|  KNU camp |  Dwe Lo Township | |
|  Artillery shelling area |  IDP hiding place | |
|  Now this DKBA camp was taken over by BGF |  Village | |

Timeline of Clashes

September 26	Heavy fighting between DKBA and government forces first breaks out in Kyaikmayaw, Mon State and lasts throughout the weekend.
September 27	Heavy fighting breaks out between DKBA and government forces in Myawaddy, Karen State.
October 7	Fighting first breaks out at Me Zine Taung Chay.
October 8	Increased military presence of BA/BGF reported in Hlaing Bwe Township.
October 10	Fighting erupts at Me Zine Taung Chay, Kan Nyi Naung, Waboe Taung, and Mae Tha Waw. Heavy fighting between DKBA and government forces in Kawkareik Township; mortar fire the following day kills six civilians.
October 10-13	Fighting continues at Kan Nyi Naung.
October 16	Mortar fire erupts near Kan Nyi Naung again.
October 17	Mortars fired again at Waboe Taung.

Impacts on Local Villagers

Recent conflict has placed a heavy strain on affected communities in Hlaing Bwe, Bu Tho, and Dwe Lo Townships. After over 60 years of conflict, the ceasefire of 2012 was a glimmer of hope that peace was on the horizon. Recent conflict, in clear violation of the ceasefire, is discouraging. A woman from Kan Nyi Naung stated, “We don’t want them [the armed groups] to fight. When we heard gunfire, we are in fear, and we worry for our daily life and survival . . . We were so disappointed when this fighting came.”

Local civilians always suffer the most during times of armed conflict, and recent conflict in Karen State is no exception. The fighting, along with human rights abuses by the Burmese military and BGF, compromises villagers’ security, disrupts livelihoods, and spreads fear. KRW was able to collect the following information concerning human rights abuses and the impact of the conflict on local villagers:

- Forced displacement of at least 2,000 people
- Lack of access to humanitarian aid for IDPs
- Looting of homes and confiscation of property
- At least 100 people taken for forced labor
- Increased militarization and restriction of movement



A woman and child displaced from their village.

Forced displacement

In total, as a result of the recent fighting, more than 2,000 villagers from Me Zine Taung Chay, Kan Nyi Naung, and the Waboe Taung area were forced to flee. At the time of KRW's field assessment on October 20, many of these people were still hiding and dared not return to their homes. Villagers reported that their children were unable to go to school, and they will have to wait and see what will happen to them. There were also reports from villagers that the Burmese military and BGF have restricted boat travel along the Salween River near the conflict area. According to DKBA commander Yeh Chit, some villagers along the Myaing Gyi Ngu - Mae Tha Waw road are trapped between the two armed groups (BA/BGF and DKBA), and the villagers could only hide in the jungle nearby.

Lack of access to humanitarian aid

The IDPs fled with only the clothes they were wearing; they were unable to carry any of their possessions with them. Thus, these people are in need of food, cookware, mosquito nets, clothes, and medicine. According to a woman from Kan Nyi Naung village, as of October 20 there were no organizations providing this necessary humanitarian support to the IDPs. These people need assistance, and they need it as soon as possible. However, Burmese government restrictions on movement in the conflict areas have hindered the effective and timely provision of humanitarian aid, thus further jeopardizing the survival of an already vulnerable population.

Looting of homes and confiscation of property

No villagers or domestic animals were directly injured by the fighting. However, Burmese and BGF soldiers confiscated villagers' pigs, chickens, and ducks to feed the troops, without compensating the villagers. One woman from Kan Nyi Naung said, "We are just farmers. We raised our pigs and chickens. They were almost ready to eat, but then we had to run, and the soldiers took everything." Another woman said she had seen soldiers stealing pigs, but had been too afraid to protest or say anything. In addition to taking livestock, the soldiers also looted villagers' homes, stealing cookware, eating utensils, and clothes.

Forced labor

Forced labor was a standard practice in Burma under military dictatorship. It has been another tool wielded by the Burmese military to control and intimidate villagers, particularly in the ethnic areas. One man from Kan Nyi Naung told KRW, "When fighting broke out, we had to run and hide, because we are afraid the Burmese soldiers will force us to work as porters for them."

Indeed, on October 13 about 60 villagers were taken for forced labor in the Kan Nyi Naung area. These people came from P'zoh Myaw (Htee Tha Daw Hta) village tract, which includes the villages of T'kay Kho, Weigyi, and T'La Aww Kho. For two days, Burmese and BGF soldiers forced these 60 villagers to work as porters, help set up an army base camp, and build an access canal. After those villagers were freed to go, BA/BGF took 20 more villagers for forced labor. In some cases, people

who were chosen as porters paid money, around 10,000 kyats (\$10 USD), to other villagers to go in their place. Villagers also reported that more than 20 civilian drivers had been forced by BA/BGF to transport supplies for the troops along the road between Myaing Gyi Ngu and Mae Tha Waw.

Increased militarization

Burmese military and BGF troops have fortified their presence in KNU administration areas along the Salween River downstream of the proposed Hatgyi Dam site. BA division 44 is occupying the west side of the river in KNU's 5th Brigade (Hpapun District), and BA military operation command 4 is occupying the east side of the river in KNU's 7th Brigade (Hpa-an District). Before and during the fighting, villagers noticed many more Burmese Army trucks coming into the area. In the KNU's 5th Brigade area on the west side of the river, the military sent in three new BA battalions, bringing the total to two BGF battalions and four BA battalions. On the east bank of the river in KNU's 7th Brigade area, the military sent in one BGF and one BA battalion – so there are now a total of three BGF and two BA battalions on the east side of the river.

Thus, in October 2014, the Burmese military has expanded its presence in the territories of the KNU's 5th and 7th Brigades along the Salween River, adding at least one new BGF battalion and four new BA battalions. If recent events are any indication, this is likely to put the civilian population at increased risk of human rights violations, restrictions on movement, threats to lives and livelihoods, and general intimidation by BGF and BA soldiers in the future.

Discussion

According to KRW's field research, there were at least six distinct incidences of fighting in Hpa-an District's Hlaing Bwe Township and Hpapun (Mutraw) District's Bu Tho and Dwe Lo Townships, Karen State. These clashes occurred between October 7 and October 18, 2014 and involved heavy mortar fire between BA/BGF forces and DKBA troops, forcing over 2,000 local villagers to flee their homes.

The recent fighting has exacted a toll on local villagers, in an area that experienced decades of war prior to the 2012 ceasefire in Karen State. Once again, villagers have fled their homes in fear. Burmese and BGF soldiers are occupying the area. The soldiers have destroyed and confiscated possessions, including livestock, which the villagers had been forced to leave behind. At least 100 villagers were taken by the BA/BGF for forced labor. Finally, increased Burmese military presence leaves local villagers vulnerable to further human rights abuses.

Some have suggested that the recent conflict consists of isolated incidents, mere aberrations in the peace process in Karen State. Saw Kwe Htoo Win, general secretary of the KNU, suggested that recent fighting is merely “the result of misunderstandings between soldiers at lower levels on both sides” and that “no armed group is fighting as matter of policy.”⁶

6 *Irrawaddy*, October 28, 2014

An analysis of available evidence calls this claim into question, revealing instead a calculated military campaign by the Burmese Army and associated BGF. If these were isolated incidents and the “results of misunderstandings,” the proper response by BA/BGF would have been to negotiate, rather than launch military offensives in violation of the 2012 ceasefire. Instead, within three weeks, the attacks spread from Kyaikmayaw in Mon State, to Myawaddy and Kawkareik in southern Karen State, and then to the Salween River in the vicinity of the proposed Hatgyi Dam. BA/BGF has been steadily increasing its military presence in the area, and has constructed a larger camp at Kan Nyi Naung village. These trends suggest a deliberate military campaign by the BA/BGF to extend its territorial control by neutralizing and/or eliminating DKBA positions.

The most recent conflict appears to be driven in large part by plans to develop the long-delayed Hatgyi Hydropower Project. Mega-development projects and conflict are historically linked in Karen State, and KRW’s previous work documents how planned dam construction on the Salween River has contributed to past violent conflict in the region.⁷

The majority of IDPs interviewed by KRW believe that the most recent fighting is motivated by plans to build the Hatgyi Dam. A local resident from Myaing Gyi Ngu reported that BGF soldiers had told him that construction of the dam must begin in 2015 or 2016.



Villagers near the Hatgyi Dam site hold a demonstration opposing the Salween Dams.

⁷ KRW, *Damming at Gunpoint*, November 2004



DKBA soldiers

Local Karen military leaders also believe recent BA/BGF attacks are motivated by plans to build the Hatgyi Dam. Karen National Liberation Army (KNLA) frontline military officials suggested that the ultimate goal of the Burmese military offensives is to acquire control of the area on the Kyaw K'Loh range, and then expand their control to Mae Seik, Mae La, and the Taung Kyar area, where the Hatgyi Dam is to be built.⁸ DKBA commander Yeh Chit told KRW that if the Burmese Army and BGF continue to advance in the vicinity of the dam site, there will be more face-to-face fighting.

Thus, KRW's interviews with local villagers and Karen military leaders suggest a connection between recent fighting and development of Hatgyi Dam. We are currently conducting further research to analyze the full extent of this connection within the broader context of conflict in the region.

Although the causes of recent clashes are complex, the consequences for civilians are clear. The Burmese military has violated the 2012 ceasefire by attacking the DKBA and has committed human rights abuses against local villagers. If the Burmese government continues to pressure Karen armed groups and launch military offensives, the current peace process is in danger of falling apart, with potentially disastrous consequences for the people of Karen State.

⁸ KRW interview, October 13, 2014

Conclusion

KRW's findings in Karen State, as well as other reports from Shan and Kachin States,^{9, 10} indicate that serious violations of human rights continue to occur in Burma. In the words of Ms. Yanghee Lee, the United Nations Special Rapporteur on the situation of human rights in Burma, the government must address these issues in order for Burma to "take its rightful place as a member of the international community that respects and protects human rights."¹¹

Therefore, with the aim of protecting the human rights of civilians in Karen State, building local trust and support for the peace-building process, and achieving peace and reconciliation in Burma, KRW hereby issues the following recommendations.

Recommendations

- The Burmese government should **halt military offensives** in Karen State.
- The Burmese government should **allow access for the delivery of humanitarian aid** to IDPs who have fled their homes as a result of the conflict.
- The Thai government should **not force refugees back** across the border during times of conflict.
- The Burmese Government, and the Electricity Generating Authority of Thailand (EGAT) should **clarify the status of the Hatgyi Dam**, and fully disclose project information to the public.

The Burmese government should halt military offensives.

The Burmese military has broken the 2012 ceasefire in Karen State, undermining human rights and threatening to derail peace negotiations between the government and Karen armed groups. The BA/BGF should immediately halt offensives and militarization in Karen State, and the Burmese government should fully commit to good faith peace negotiations between armed actors. This recommendation echoes the words of most IDPs interviewed for this report; as one woman related, "We call on the leaders to not fight, but to negotiate for peace and unity."

The Burmese government should allow for the provision of aid.

Currently, restrictions on access to the conflict areas make it difficult if not impossible for humanitarian aid groups to reach IDPs who are in desperate need of food, clothing, and medicine. Denying IDPs access to humanitarian aid is a violation of International Law,¹² and if Burma's current government is truly committed to reforms, it should grant permission for NGOs to enter conflict areas and provide aid in a safe and speedy manner. Delivery of aid through existing networks of

9 Updates by the Shan Human Rights Foundation, October 22, 2014

10 *Free Burma Rangers*, Update on Burma Army Activity in Kachin State and Northern Shan State, October 27, 2014

11 *Democratic Voice of Burma*, October 30, 2014

12 The right to humanitarian aid in times of conflict is enshrined in the Fourth Geneva Convention. Article 55 outlines the obligation of the State to provide adequate food and medical supplies for its population, and Article 59 outlines the obligation of the State to facilitate the provision of aid by humanitarian organizations.

local Karen Community-Based Organizations (KCBOs) should be prioritized, with support from the international donor community.

Thailand should not force refugees back into conflict areas.

KRW's research illustrates the grave situation of IDPs in Burma's Karen State. The more than 200 refugees who attempted to flee across the border into Thailand did so out of fear for their lives. However, instead of accepting these refugees into Thailand, Thai authorities forced them back into Burma, violating international law¹³ and putting refugees at risk. Renewed fighting in the region is likely, and Thailand must uphold its responsibility to protect human rights by allowing refugees to remain in Thailand until a voluntary and safe return is possible.

The Burmese Government and the Electricity Generating Authority of Thailand (EGAT) should clarify the status of Hatgyi Dam.

KRW's research reveals a widespread belief among IDPs in Karen State, as well as among leaders of Karen resistance groups, that the military offensives are motivated by plans to begin construction of the Hatgyi Dam. The Burmese Government, EGAT, and other relevant stakeholders should clarify the status of the project as a means of easing tension in the region and reducing the risk of further conflict. We call for full transparency, and disclosure to the public of information pertaining to the project, including social and environmental impact assessments. Information should be made available to local people in appropriate language and accessible format.

About Karen Rivers Watch

Karen Rivers Watch (KRW) was established in 2003 in response to the need for a stronger network of civil society organizations to emerge in order to monitor several large dams being revived by the governments of Burma and Thailand on the lower stretch of Salween River in the early 2000s. The organization is a coalition of Karen organizations: the Karen Office of Relief and Development (KORD), Karen Environmental and Social Action Network (KESAN), Karen Youth Organization (KYO), Karen Women Organization (KWO), Karen Student Network Group (KSNG) and Federal Trade Union of Kawthoolei (FTUK). These organizations are involved in work focused on the environment, women, youth, human rights and development issues within the ethnic communities in the Karen State. The Coalition was formed to monitor development processes affecting the environment, especially rivers, in the Karen State in particular and Burma in general; and to mobilize grassroots communities, as well as advocate, with other Burma compatriots, for democratic and sustainable development in Burma.

¹³ Article 33 of the *1951 Refugee Convention* outlines the obligation not to forcefully return refugees to a country or territory where they would be at risk of persecution.