



REPORT ON THE HUMAN RIGHTS SITUATION IN BURMA

January - June 2016



**NETWORK FOR HUMAN RIGHTS
DOCUMENTATION - BURMA**

Acknowledgement

We are extremely grateful to the interviewees for their courage in speaking the truth. We are also thankful for the ND-Burma member organizations and their field workers who collected the information under great personal risk.

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Cover photo: HURFOM, Memorial ceremony for victims killed by Burma Army, Mon state

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Introduction

In 2016 ethnic conflict has intensified in many areas of Burma and has seen an increase in human rights violations (HRVs) perpetrated by both the Burma Army and Ethnic Armed Organizations (EAOs). Already in the first six months of 2016 ND-Burma has documented 98 HRVs in Burma, a stark increase from the 84 HRVs documented by ND-Burma throughout the entire year of 2015. The information presented in this report is based on data collected by field workers from ND-Burma member organizations in ten out of 14 states and regions in Burma. Additional information stems from media sources as well as NGO reports. Each HRV refers to a specific incident that may have affected a large number of people, therefore the number of HRVs documented in this report does not correspond to the number of victims, this number is much larger.

Burma reached a historical turning point when the first democratically elected government in over 50 years took office on April 1, 2016. With the transition of government came new opportunities and widespread hope for reform, national reconciliation and transitional justice. There were some promising advancements in the first few weeks of the new governments reign, with State Counsellor Aung San Suu Kyi announcing the government's intention to release political prisoners, as a first priority. Following this announcement scores of activists were released in a series of amnesties. The Assistance Association for Political Prisoners (AAPP) confirmed the release of 235 political activists as a result of the April amnesties. Despite hopes for positive change ethnic conflict has escalated in several areas of Burma giving rise to a number of HRVs, affecting the lives of thousands of civilians and hampering the national reconciliation process.

Politically motivated arrests and detention have ensued, particularly in these ethnic regions. AAPP reports that as of June 2016, 285 political prisoners remain in Burma; 82 are serving prison sentences, 34 are awaiting trial in prison and 169 are awaiting trial outside prison.¹ Over 70% of those serving sentences have been convicted for offences under the Unlawful Association Act, a law that disproportionately targets members of ethnic minorities.²

The rise in conflict has also led to large-scale displacement of villagers. The Ta'ang Women's Organization (TWO) documented the displacement of over 5000 villagers, mainly from Kyaukme Township in Shan State, during the first three months of 2016.³

1 2016, 'AAPP Monthly Chronologie and Facing Trial List', *AAPP* June, <http://aappb.org/2016/07/aapp-b-monthly-chronology-of-june-2016-and-current-political-prisoners-list/>

2 2016, 'AAPP Monthly Chronologie and Facing Trial List', *AAPP* June, <http://aappb.org/2016/07/aapp-b-monthly-chronology-of-june-2016-and-current-political-prisoners-list/>

3 2016, 'Trained to Torture', *Ta'ang Women's Organization*. Available from: <http://www.burmalink.org/trained-torture-systematic-war-crimes-by-the-burma-army-in-taang-areas-of-northern-shan-state/>

Extrajudicial killings and cases of torture have also been widely reported; 15 killings and 40 cases of torture were documented by ND-Burma between January and June 2016 compared to the 11 killings and 26 torture cases documented throughout 2015. One case widely reported in the media was the death of 19 year old university student, Gum Seng Awng who was killed by a Burma Army soldier in Kachin State on June 20. According to the Ministry of Defense, a soldier misfired his weapon after the victim and his friends had started a fight against the soldiers. However, many people believe that Gum Seng Awng was shot deliberately from behind as his body shows three bullet holes. Adding further suspicion to the uncertain circumstances around his death, local authorities tried to prevent Gum Seng Awng's family from seeing and examining his body at the hospital.⁴

Only a few days later, on June 25, Burma Army soldiers killed at least five civilians in Mine Yaw Administrative Unit, Lashio Township, Northern Shan State. They arbitrarily arrested local villagers and it is also alleged that they shot two civilians who were passing by on motorbikes and refused to pull over.⁵ However, in an unprecedented case, the Burma Army have claimed responsibility for the five killings and are currently investigating the case in their own military tribunal.⁶ While this is a promising step, the absence of total accountability is reflective of a country burdened by widespread impunity.

The government has been taking steps to attempt to resolve the ongoing conflict, announcing a '21st Century Panglong Conference' to be held at the end of August 2016. The conference is intended as a forum for political dialogue between the new government and different EAOs. State Counsellor Aung San Suu Kyi explicitly invited all groups, including non-signatories of the Nationwide Ceasefire Agreement (NCA), to join the conference. Nevertheless, critics fear the conference might only be partially inclusive as only NCA signatories have decision-making rights and it remains uncertain which groups will actually participate.⁷

4 2016, 'Burmese Army Soldier Guns Down A 19-Year-Old Student in Myitkyina', *Kachinland News* 22 June. Available from <http://www.kachinlandnews.com/>

5 2016, 'Shan State Villagers Arrested by Myanmar Military Turn Up Dead Near Lashio', *Radio Free Asia* 20 June. Available from <http://rfa.org/>

6 2016, 'Burma Army admits to Mong Yaw killings', *DVB* 21 July. Available from <http://www.dvb.no/>

7 2016, 'Upcoming Panglong conference may not include all groups', *Myanmar Times* 18 July. Available from: <http://www.mmmtimes.com/index.php/national-news/21424-upcoming-panglong-conference-may-not-include-all-groups.html>

Methodology

Fieldworker Situation: ND-Burma members' fieldworkers put themselves at great risk to document human rights violations. Due to security concerns human rights monitoring cannot take place openly; thus, a representative sampling of all violations that take place in Burma is not possible. Fieldworkers and the people who communicate with them face security risks even in cease fire areas, as the military and police often intimidate victims into keeping quiet. If a member of the military or police discovers that a fieldworker is gathering information on human rights violations, that person could be at the risk of arrest under repressive laws, harassment or even violent retribution. Fieldworkers rely largely on networks of individual contacts for information. Many of these contacts within the fieldworkers' networks were responsible for gaining additional contacts and conducting interviews with individuals, village leaders, and government staff members.

Documentation: ND-Burma has provided training, with assistance from several international human rights NGOs, to fieldworkers of member organizations who collect the information presented in these reports. Fieldworkers collect interviews and other information from ten of Burma's fourteen states and regions. Individual cases are documented depending on opportunity and external circumstances. The cases presented here constitute firsthand accounts of abuse perpetrated by the government and military during this period. The information supplied by eyewitness observers confirms concerns of widespread government violence perpetrated primarily by Burma Army soldiers.

However, there are some limits to our data collection. Firstly, field-workers of ND-Burma member organizations are unable to collect and document all of the human right violations covering Burma in their entirety due to security restrictions. Therefore, these cases are only the cases that we were able to document in ten different states and regions in Burma. Secondly, on-going conflict and conflict-related displacement prevents access to certain areas and results in an underreporting in states where there is armed conflict, including Kachin and Shan states. Finally, a culture of impunity on the part of the military, and fear of retribution makes many victims of human rights abuses reluctant to report violations even when given the opportunity.

Data Management: Fieldworkers from ND-Burma member organizations send documents to their mother organizations, whose staff upload the information to ND-Burma's network database. ND-Burma's data management team organizes each document and has selected reports from events that took place from January to June 2016. Any other information collected during this period regarding earlier periods will be saved for historical records and will be used as evidence to seek accountability during a democratic transition period.

Distribution of Human Rights Violations by Category

Over the period of January-June 2016, ND-Burma documented 98 human rights violations, mostly at the hands of military. The human rights violations documented by ND-Burma have been collected from ten of the fourteen states and regions in Burma. This report highlights torture, one of the most common human rights violations that is taking place in Burma, with as many as 40 cases of torture/inhumane degrading treatment collected and documented by ND-Burma in this report. It also highlights the increase in extrajudicial killings, with 15 cases documented by ND-Burma over the first 6 months of 2016.

In addition, there have been 8 cases of arbitrary/illegal arrest/detention, 6 instances of confiscation/destruction of property and 6 instances of forced relocation which related to arm conflict in ethnics areas and political prisoners that have been documented by ND-Burma that have taken place in the country.

Human Rights Violations Documented by ND-Burma: January – June 2016

| No. | HRVs Category | Number of Bulletins |
|--------------|-----------------------------------------------|---------------------|
| 1. | Arbitrary/illegal arrest/detention | 8 |
| 2. | Confiscation/destruction of property | 6 |
| 3. | Disappearance | 4 |
| 4. | Forced Labour | 4 |
| 5. | Forced Relocation | 6 |
| 7. | Human Trafficking | 3 |
| 8. | Killing | 15 |
| 9. | Obstruction of freedom of expression/Assembly | 2 |
| 10. | Other Sexual Violence | 1 |
| 11. | Rape | 5 |
| 12. | Torture | 40 |
| 13. | Use as Childsoldiers | 2 |
| 14. | Arbitrary Taxation | 2 |
| TOTAL | | 98 |

Appendix 1: ND-B Documented Human Rights Violation Category vs. Months [January – June 2016]

| Monthly vs. Categories | Arbitrary/ illegal arrest/ detention | Confiscation/ destruction of property | Disappearance | Forced labour | Forced relocation | Human Trafficking | Killings | Obstruction of freedom of express/ assemby | Other Sexual Violence | Rape | Torture | Use as Childsoldiers | Arbitrary Taxation | Total |
|------------------------|--------------------------------------|---------------------------------------|---------------|---------------|-------------------|-------------------|-----------|--------------------------------------------|-----------------------|----------|-----------|----------------------|--------------------|-----------|
| January | | 1 | | | | 2 | 2 | 2 | | 3 | 1 | 1 | 1 | 13 |
| February | | 3 | | | | 1 | | | | | 5 | | | 9 |
| May | 3 | | | 3 | | | 3 | | 1 | 1 | 29 | 1 | | 41 |
| June | 5 | 2 | 4 | 1 | 6 | | 10 | | | 1 | 5 | | 1 | 35 |
| Total | 8 | 6 | 4 | 4 | 6 | 3 | 15 | 2 | 1 | 5 | 40 | 2 | 2 | 98 |

Appendix 2: Human Rights Violations by Categories Vs. State & Region: January – June 2016

| State & Region Vs. 16 Categories | Arbitrary/ illegal arrest/ detention | Confiscation/ destruction of property | Disappearances | Forced labour | Forced relocation | Human trafficking | Killings | Obstruction of freedom of expression/ Assembly | Other Sexual Violence | Rape | Torture | Use as Childsoldiers | Taxation | Total |
|----------------------------------|--------------------------------------|---------------------------------------|----------------|---------------|-------------------|-------------------|-----------|------------------------------------------------|-----------------------|----------|-----------|----------------------|----------|-----------|
| Irrawaddy Region | | | | | | 1 | | | | | 4 | | | 5 |
| Kachin State | | | | | | | | | | | 2 | | | 2 |
| Karen State | | | | | | | | | | 2 | | | | 2 |
| Mandalay Region | | | | | | | | | | | 2 | | | 2 |
| Megway Region | | | | | | | | | | | 1 | | | 1 |
| Mon State | | 1 | | | | 1 | 1 | 2 | | 1 | 2 | | 1 | 9 |
| Pegu Region | | | | | | 1 | | | | | 4 | 1 | | 6 |
| Rangoon (Yangon) Region | | | | | | | | | | | 9 | | | 9 |
| Shan State | 8 | 2 | 4 | 4 | 6 | | 13 | | 1 | 2 | 15 | 1 | 1 | 57 |
| Tenasserim Region | | 3 | | | | | 1 | | | | 1 | | | 5 |
| Total | 8 | 6 | 4 | 4 | 6 | 3 | 15 | 2 | 1 | 5 | 40 | 2 | 2 | 98 |

Appendix 3: ND-B Documented State & Region vs Months January – June 2016

| State & Region Vs. 16 Categories | Irrawaddy Region | Kachin State | Karen State | Mandalay Region | Megway Region | Mon State | Pegu Region | Rangoon (Yangon) Region | Shan State | Tenasserim Region | Total |
|---------------------------------------------|-------------------------|---------------------|--------------------|------------------------|----------------------|------------------|--------------------|--------------------------------|-------------------|--------------------------|--------------|
| January | | | 2 | | | 7 | 2 | | 1 | 1 | 13 |
| February | 3 | | | | 1 | | 1 | 1 | | 3 | 9 |
| May | 2 | 2 | | 2 | | 2 | 3 | 8 | 21 | 1 | 41 |
| June | | | | | | | | | 35 | | 35 |
| TOTAL | 5 | 2 | 2 | 2 | 1 | 9 | 6 | 9 | 57 | 5 | 98 |

Case Study

1) Two Villagers Shot and Killed by a Military Captain

Around 11:30pm on March 8, 2016, Captain Zaw Myo Htet and six other members of Light Infantry Battalion 280 arrived unannounced at Magyi Chaung Wa village, located in Khaw Zar Sub-Township, Ye Township, Mon State. They entered the village without prior notice to the village's headman.

When the military group arrived at the village, U Moe, a disabled person with only one leg, came out of the house to repair his fishing net. Once he reached the front of the house, U Moe was slashed in the face with a knife and shot six times by Captain Zaw Myo Htet. He died at the scene. Upon hearing the gunshots, his relative, Mg Chit Soe, rushed to the scene in order to investigate what had happened. Mg Chit Soe was shot three times by the Captain. A villager who witnessed the shootings said, "[U Moe] was a disabled person with only one leg and he fell down after the first shot. Mg Chit Soe was shot while he was shouting for help. The soldiers were only two yards away when they shot them. Bullets were found near the body."

Nai Kai, also known as Nai Khae, reported that Mg Chit Soe was still alive after he was shot. Captain Zaw Myo Htet, who seemed to be drunk, did not allow Mg Chit Soe's relatives to take him to Ye General Hospital. The Captain threatened those who tried to take Mg Chit Soe to the hospital, saying that he would shoot anybody calling for ambulance. Nai Kai said that when the villagers tried to send him to hospital, the Captain shouted, "Don't move! No one is allowed to call an ambulance." while threatening to shoot them if they tried. When villagers tried to take Mg Chit Soe to the hospital themselves, soldiers from Light Infantry Battalion 280 blocked the road at the entrance of the village and fired warning shots. Mg Chit Soe died around 2 a.m, March 9, 2016, from blood loss.

Nai Kai is a former village head of Magyi-Chaung-Wa village and both victims are his relatives; U Moe is Nai Kai's younger brother and Mg Chit Soe is his son-in-law.

The facts seem to indicate that Captain Zaw Myo Htet and his accomplices were overcome with emotion when interacting with the villagers. Nai Kai and the people of Magyi Chaung Wa village did not pay Light Infantry Battalion 208 100,000 kyats and one bag of rice, as the battalion has demanded they do every month. Moreover, Captain Zaw Myo Htet personally owed 135,000 kyat to Nai Kai and he is unwilling to pay his debt.

Nai Kai, anguished, said that he could try to understand the soldiers shooting his brother U Moe by mistake, thinking it was him, but he questions why they would go on to shoot Mg Chit Soe. Nai Kai continued, "They were very cruel, so I will fight for the justice until the end."

လိက်လလောင်ကြီး ဆပ်မျက်

ကိစ္စပေါ်ရာဒနာမိက် သွက်ညးကွာန်ပိုင်မင်ဂွန် ဒေဒင်ပန်ဂစိုတ် နက်လွဟ် (၂) တွ

လောန်ကျင်နူ(၈၊၃၊၂၀၁၆) ရ် ဗိုလ်ဇွော် ဇော်မျိုးထက် (ခလရ - ၂၈၀) စသုင်ဗွူကြာန်တုံ လုပ်ပန်ဂစိုတ် ထာနာအမိ ကော် နာ့ချေတ်သို၊ ပွဲကွာန်ပိုင်မင်ဂွန်၊ ဒေသရေဝ် သျှင်ကျာ၊ ပွိုင်ချင်ခေါစာတေရ။ ဆက်စပ်ကို ဂဗုတ်ကံတုံ ညးတာလျိုင်သ္တိပံဒပ်ပွာန်ကွိုန်ချင်တံ စိုက်စိုပ်ဗွတ် (ပိ) ဂိတုကံလေဝ် ပွမကေတ်အရေဝ် မွဲသတ်မွဲ ပြကာဟုံကျောန်သွဏီရ။ အခိုင်လျှာ်ကံကံ နှိအခိုင်ကာလ ဗွတ်အာမင်ကို ပရေင်သ္တုဝ်ဗွဲဓရ် ကော်ပရေင်တန် ကြန်စိုဟ်လလမ်တေရ။ စိုန်ဂ်လေဝ် သ္တိပံဒပ်ပွာန်ကွိုန်ချင်တံ ပွဟုံသွကို ပရေင်ကေတ်အရေဝ်ကံ သွက်ပရေင် သ္တုဝ်ဗွဲဓရ် ကော် ပရေင်တန်ကြန် စိုဟ်လလမ်တေရ နှိအရာနီဒွာပလိုပလာမင် မွဲသတ်ကိုရ။ ပရေင်ဒုဟ်ဒဏ် ဓက်ဇေတ်သတ်ကံကံ ဝိုညးချင်ကွာန်ဂမ္တိုင် ဆက်တုံ ယဝ်ဒင်မင်တံဏီမွဲ သွက်ပိုန်ဒြပ်သိုဋ္ဌာန် ပရေင်ချီပ်သို အလုံ ညးကွိုန်ချင်မွဲကံ ဟုံမွဲကို ပရေင်ကိုကျိန်ကျင်မာန်ရ။

ဟိုတ်ကိုရ ခေတ်ညးချင်ကွာန် မွဲမညီသွဟ်ကို အလိုအသီညးချင်ကွာန် ရဲနပ်တိုန်လဝ်ကံ ဆေင်စပ်ပရေင် ဂဗုတ်ပန်ဂစိုတ် ဟုံဗွဲဓရ်ဝံ ပင်တေဘေတ်ဗြဟတ် ကုညးချင်ကွာန်တံတုံ နှိအခိုင်သွက်ဝံထွဲကံထွဲ သ္တုဓရ်သတ် မွဲရ။ သွက်ညးမကလီလောန် စုတိအာကို ဝိုညးချင်ကွာန်မန်တံအသိုဖအိုတ် ပင်တေဘေတ်ပါလုပ် ပွဲပေါ်ရာဒနာမိက် အိုတ်စိုအံကို မဒးလလောင်ကြီး ဆပ်မျက်ထာ မွဲမရေင်သိုရ်ရအံ။



ဗွတ်တုံ -- ဝဉုဝ် သွာ်း ဂိတု ဓန့် (၃) မံက် (၈-၆-၂၀၁၆)
 အခိုင် -- သင်တုံ (၄:၀၀) နာနီး
 ဒွါ -- ကွာ်သိုင်း၊ ချင်ဓရ်း



အသိပေးနိုးဆော် တိုက်တွန်းခြင်း

မကျည်ချောင်းဝရွာမှ အပြစ်မဲ့ပြည်သူ (၂) ယောက်အား သေနတ်ဖြင့်ပစ်သတ်ခံရခြင်းအတွက် ဝတ်ပြုဆုတောင်းပွဲ

ရော်မြို့နယ်တောင်ပိုင်၊ ခေါဇာမြို့ မကျည်းချောင်းဝကျေးရွာ၌ လွန်ခဲ့သော (၈၊ ၃၊ ၂၀၁၆) က နိုင်မိုး နှင့် နိုင်ချစ်စိုးတို့အား ဗိုလ်ကြီးဇော်မျိုးထက် (ခလရ - ၂၈၀)မှ သောက်စားမူးရစ်ပြီး အပြစ်မဲ့စွာ သတ်ဖြတ်ခြင်းခံလိုက်ရပါသည်။ ထိုအမှုနဲ့ပတ်သက်ပြီး သက်ဆိုင်ရာ တပ်မတော်အရာရှိကြီးများက ယခု သုံးလပြည့်သည်တိုင် မည်သည့်အရေးယူဆောင်ရွက်ခြင်းမျှ မလုပ်ဆောင်သေးပါ။ ယခုအချိန်ကာလ သည် တရားဥပဒေစိုးမိုးနှင့် တည်ငြိမ်းအေးချမ်းရေးကို ဦးတည်ဆောင်ရွက်နေသော အချိန်ကာလဖြစ် ပါသည်။ သို့သော်တပ်မတော်သည် ထိုသို့အရေးယူဆောင်ရွက်ခြင်းမပြုသည်မှာ တရားဥပဒေစိုးမိုးရေး ကို နှောင့်ယှက်ဟန့်တားဖျက်ဆီးနေသည်နှင့် တူနေပါသည်။ ကျွန်တော်တို့ ပြည်သူလူထုမှ ထိုကဲ့သို့ ကျူးလွန်မှုများကို ဆက်လက် လက်ခံနေအုံးမည်ဆိုလျှင် ပြည်သူတရပ်လုံး၏ အသက်အိုးအိမ်စည်းစိမ် များအတွက် လုံခြုံမှုမရှိမည် မဟုတ်တော့ပါ။

သို့ပါသောကြောင့် ပြည်သူတို့၏ခေတ်၊ ပြည်သူတို့တင်သော အစိုးရဖြစ်သည်နဲ့အညီ ပြည်သူတို့ အပေါ် မတရားသတ်ဖြတ်မှုကြီးအား ပြည်သူတို့အင်းအားနှင့် ဝိုင်းဝန်းကူညီဆောင်ရွက်ရန် အချိန်ကျ ရောက်ပြီးဖြစ်ပြီး အမှန်တရားပေါ်ပေါက်ရေးနှင့် သေဆုံးသူတို့အတွက် ဝတ်ပြုဆုတောင်းပွဲ ကျင်းပပြု လုပ်မည်ဖြစ်ပါသောကြောင့် ဝိုင်းဝန်းကူညီဆောင်ရွက်ကြပါရန် လေးစားစွာဖြင့် တိုက်တွန်းနိုးဆော်အပ် ပါသည်။

Invitation of memorial ceremony for two innocent villagers who were killed by Burma Army (Photo HURFOM)

Following the attack, the battalion attempted to offer Maung Chit Soe's wife an undisclosed sum of money as compensation, on the condition that she not pursue a trial for the case. However, she has refused the offer and vowed to seek justice. The alleged perpetrator, Captain Zaw Myo Htet, has been charged with murder under Article 302 of the Penal Code. However, the Captain is currently missing, having fled by ship three days after the incident.

In an attempt to silence him, high ranking officers from Light Infantry Battalion 280 threatened Nai Kai. On April 2, authorities from the New Mon State Party (NMSP) met with the wives of the deceased and offered financial assistance. After the NMSP visit to the village, Major Aung Ko Win from Light Infantry Battalion 280 called Nai Kai and asked him about the visit. The Major also mentioned to Nai Kai that the military could arrest him at any time and send him to prison. After these threats from the army, he was afraid to talk about the incident, even though he continues to believe the situation is unjust. He also mentioned he felt insecure to keep living in the village.

Approximately 300 supporters, including villagers and residents from across Ye Township, Parlain Region, Kyaungywa Village, Lamine Town and Mawkanint Village, as well as human rights activists, members of civil society organizations, and Buddhist monks gathered in Ye Township in southern Mon State to pray for the two innocent victims from the Ma Gyi Chaung Wa village shooting. Attendees mentioned that locals across Ye Township are very concerned about the Ma Gyi Chaung Wa village shooting and its two innocent victims. They also claimed that serious human rights violations have been committed around Ye Township for a long time. The people of Ye would like to see justice served in this case, because they think punishment for the soldiers involved will help bring stability to the region. They also want to make others aware of the Ma Gyi Chaung Wa shootings as well as ongoing conflict in the region.



Military officials visiting to the family of victims who were killed by the soldiers (Photo HURFOM)

2) Myanmar Army and TNLA clash in Shan State Leave One Villager Dead, Three Seriously Wounded

Event Place - *Ho Tat Village, Man Ton Township, Shan State.*

Event Date - *March 30, 2016*

On March 30, 2016, around 4:00 am, fighting broke out between the military and Ta'ang National Liberation Army forces at Ho Tat Village, Man Ton Township, Shan State. One villager was killed and three other villagers were injured.

Before the clash, the TNLA were encamped in the village. Infantry Division 33 entered into the village and immediately engaged the TNLA. When the battle occurred, Aik Lu woke his wife and children, and then attempted to carry his daughter away from the clash. He was killed instantly by a bullet in the neck. His mother, grandmother and grandfather also tried to flee, but a shell entered the house and exploded, injuring the three residents and destroying the house. Other villagers took Aik Lu's grandfather to a monastery and asked the soldiers for help, but they did not provide proper medical treatment. Aik Lu's grandmother sustained severe injuries to calf and thigh. On March 31, though Aik Lu's grandfather and grandmother went to the hospital in Lashio; they later went to China for further treatment. Aik Lu's mother was severely injured, but she convalesced at her village because she had to prepare her son's funeral.

After the clash, the military gathered all villagers and ordered the men to stay in monastery and the women in the chapel. Then, they searched the whole village for TNLA soldiers and they confiscated three hunting rifles and a phone from Aik Lu' house.



9 Years old girl shot by Burmese army, Shan state (Photo - PWO)

3) Torture after Arrest

Munggu Village is a multiethnic village with more than 3,000 households. It is surrounded by rice paddies, corn fields, and sugarcane plantations. It is under military control, and a large unit is camped there.

On the afternoon of April 22, 2016, Lebang Lum left the village to look in on his farm, approximately two miles away. He was delayed by wind and rain, and did not make his way home until 8:30 pm. On his way, he was detained by three soldiers. Lebang Lum stated that since he had not done anything wrong, he stopped when ordered to by the soldiers.

The soldiers took Lebang Lum inside a battalion building and bound him tightly with a nylon rope. They asked which Kachin Independence Army unit he was from, and how many soldiers there were in his troop. They pointed a firearm at him while questioning him, before blindfolding him. They tortured him by stabbing his thighs and the soles of his feet with knives, and by rolling sharp bamboo over his knees. He was tortured all night by the soldiers and stabbed any time he moved. He was given no food or water, and was not allowed to contact his family. The next day at around 10 am, the military searched his “profile at quarter 5 in Munggu.” They then released him.

Lebang Lum’s family first learned about his detention when he returned home and they saw his injuries. He told them about his detention and torture. He has “been to the doctor for three weeks,” at a cost of 1000 yuan. His injuries continue to prevent him from farming. He is angry that he must continue to take medicine and upset that the village headman did not come to speak with him after his ordeal. He is concerned that he will not be able to avoid the soldiers on the way from his home to his farm, and believes the soldiers are interfering with his livelihood and the livelihoods of others.

Conclusion

It is important to acknowledge the significant steps the new NLD-led government have taken in their first 100 days in office. The release of scores of political prisoners under presidential amnesties as well as the first stages of legislative reform including the repeal of the State Protection Act and the start of processes to amend other repressive laws such as the Peaceful Assembly and Peaceful Procession Act are promising steps towards national reconciliation and greater respect for civil liberties and the rule of law in the country.

However, it is evident that despite these advancements conflict in ethnic regions and the stark increase in the amount of HRVs being reported indicates that much more work is necessary. Moreover, it is likely that the majority of the HRVs documented in this report will never be formally investigated and those responsible will enjoy complete impunity. While impunity remains, a widespread lack of respect for the rule of law will pervade, and a culture of human rights will remain elusive.

The inability of the government to be able to contain violence and make significant ground on these issues in its first 100 days is in part due to the very real tension between a new civilian leadership and a bureaucracy inherited from previous military regimes. Further reforms and a change in behaviour and mindset are required to address these challenges. With this goal in mind Yanghee Lee, the Special Rapporteur on the situation of human rights in Myanmar, called on the government to create an environment where human rights are implemented and no exceptions are tolerated; “Myanmar’s young democracy can only progress if human rights are fully mainstreamed into its institutional, legal and policy framework. Building a culture of respect for human rights must be a priority now and in the future”.⁸

The ‘21st Century Panglong Conference’ due to be held at the end of August is an encouraging step taken by the government to address these concerns. However, demands of the Burma Army that three of the EAOs invited to participate in the conference fully disarm before they are willing to negotiate make precarious the prospect of inclusivity, particularly while the Burma Army continues to launch offensives and commit violence in ethnic areas throughout Burma.

Sustainable internal peace is only possible if political dialogue is fully inclusive. It must therefore involve the government, military representatives, all EAOs and should take into account the testimonies of victims and the people of Burma. Peace will not be possible until land confiscations, disappearances, displacement and systemic violence against innocent civilians ceases. Civil society in Burma must be included in peace dialogues, as well as projects for reform, democratization and reconciliation, and the government must actively seek a more comprehensive engagement of these groups, many of whom have documented human rights violations and campaigned for democracy, justice and peace in Burma for generations.

8 2016, ‘UN Special Rapporteur Yanghee Lee’s statement’, *Mizzima* 2 July. Available from: <http://www.mizzima.com/>

Furthermore, given the escalation of torture and extrajudicial killings in the past six months ND-Burma urges the government to ratify the Convention Against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment and its Optional Protocol, a commitment made under the Thein Sein regime.

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