

Seeking truth and justice for a peaceful  
democratic transition in Burma



# 2018

January - December

# Human Rights Situation in Burma



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NETWORK FOR HUMAN RIGHTS DOCUMENTATION - BURMA

Cover : Waimaw IDPs camp, Kachin State. (KWAT)

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# Acknowledgements

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In addition, we would like to express our gratitude to the numerous people and institutions that provided critical support and input for the production of this report.

# About Us

ND-Burma is a network that consists of 12 member organisations who represent a range of ethnic nationalities, women and former political prisoners. ND-Burma member organisations have been documenting human rights abuses and fighting for justice for victims since 2004. The network consists of six Full Members and six Affiliate Members as follows:

## **Full Members:**

1. Assistance Association for Political Prisoners – Burma
2. Human Rights Foundation of Monland
3. Kachin Women's Association – Thailand
4. Ta'ang Women's Organization
5. Ta'ang Students and Youth Union
6. Tavoyan Women's Union

## **Affiliate Members:**

1. All Arakan Students' and Youths' Congress
2. Association Human Rights Defenders and Promoters
3. Chin Human Rights Organization
4. East Bago – Former Political Prisoners Network
5. Pa-O Youth Organization
6. Progressive Voice

# Methodology

## Fieldworker's Situation:

Due to the current political context in Burma in which the military is ultimately in control and armed conflict and related human rights violations occur on a large scale, security concerns are high for fieldworkers, and human rights monitoring cannot take place openly. Fieldworkers from ND-Burma's member organizations put themselves at great risk to document human rights violations. Thus, it is not possible to document the true breadth and scope of all violations that take place in Burma. Fieldworkers and the people who communicate with victims to document the violations they suffer from face security risks even in ceasefire areas, as government security forces and ethnic armed organisations (EAOs) often intimidate and/or threaten victims to remain silent. Documenting human rights violations in ethnic areas, especially in conflict areas, can lead to arbitrary arrest under repressive laws, harassment or even violent retribution.

## Documentation:

ND-Burma provides documentation trainings (with assistance from international human rights non-governmental organisations (NGOs)) to fieldworkers of member organisations who can then collect information. Information thus gathered by fieldworkers is then used in ND-Burma reports. Fieldworkers conduct interviews and collect other information from all over the country, and individual cases are documented depending on opportunity and circumstances. The cases presented herein constitute first-hand accounts of abuses perpetrated by government security forces and EAOs.

However, there are limitations to the data collected. Fieldworkers are unable to document all human rights violation cases due to accessibility and security restrictions. The government often restricts access to areas where human

rights violations have occurred, particularly in active conflict zones, and fieldworkers refrain from entering these areas for security reasons. In addition, fear of harassment, arrest and retribution from perpetrators makes many victims of human rights abuses reluctant to report violations, even when given the opportunity. Our documentation efforts are therefore unable to capture every single aspect of human rights violations in our research areas. However, despite these challenges and difficulties, the information fieldworkers are able to gather is utilized to the highest degree to highlight the ongoing human rights abuses in Burma.

### **Data Management:**

Fieldworkers send gathered documents, case studies and information from the field first to their individual organisations, whose staff then upload the information to ND-Burma's database. ND-Burma's data management team organises each document and then selects exemplary case studies between the reporting period for each report (in this case, January to December 2018). All other information collected during this time period regarding current or past human rights violations are catalogued in order to continue developing a robust record of Burma's history of human rights violations.

# Executive Summary

- ND-Burma documented **94 cases of human rights violations** across 11 states and regions during January–December 2018 (see Appendix 3). Fifty-two of those documented violations occurred during 2018, and the remaining 42 pertained to human rights violations that occurred prior to the reporting period.
- Similar to ND-Burma’s findings in 2017, the ongoing conflict in Kachin and northern Shan states was responsible for the majority of human rights violations documented by ND-Burma member organisations, in which **more than three quarters occurred in Kachin (23 cases) State and northern Shan (22 cases) State**.
- The majority of the cases involved **torture and inhumane and degrading treatment; extrajudicial killings; arbitrary arrest, detention and forced disappearance; indiscriminate shelling and bombardments from air strikes and death and injury by landmines**, while the remaining collected data were related to the maintenance of the historical record and experiences of former political prisoners.
- The majority of human rights violations were committed by **government security forces (74 cases)** including torture and inhumane and degrading treatment; extrajudicial killings; arbitrary arrest and detention; and indiscriminate shelling and bombardments from air strikes. ND-Burma member organisations also documented **human rights violations committed by EAOs (5 cases)**, including arbitrary arrest, detention and forced disappearance, forced recruitment and labour, and death as a result of fighting between armed groups in civilian areas. **Civilians were documented in 2 cases** of human rights violations, including one case of human trafficking and one case of religious discrimination. **In 13 cases**, unknown perpetrators were responsible for deaths and injuries of individuals due to **landmines**.

- ND-Burma's documentation continues to show that government security forces show little respect for human life, particularly in conflict zones, through indiscriminate shelling and gunfire near civilian locations. Civilians continue to ultimately be the victims of human rights violations by both government security forces and EAOs. An urgent end to armed conflict and a government-sponsored reparations programme are essential to address both the impact of human rights violations and to end the impunity for such abuses.



# Overview

## Conflict and Displacement:

The reporting period saw approximately 190 armed clashes, with some 32,000 people becoming newly displaced as a result.<sup>1</sup> At the time of writing, there is an estimated 106,000 internally displaced persons (IDPs) in 172 IDP sites in northern Shan and Kachin states, with requests by humanitarian organizations for humanitarian access to IDP camps outside of Burma government-controlled areas for the most part being denied.<sup>2</sup> In August of 2018, Fortify Rights released “They Block Everything”, allegedly exposing Burma authorities’ ‘weaponizing’ of the denial of humanitarian aid in Kachin State by denying delivery of aid, imposing restrictions on access to food, water, shelter, and other forms of aid to large populations in dire need of care.<sup>3</sup> In addition to Shan and Kachin states, it is estimated that 5,600 persons in Karen State and 129,000 persons in Rakhine State remain internally displaced due to armed conflict.<sup>4</sup> In a widely criticised move in June 2018, the government announced it would start closing IDP camps in Rakhine, Kachin, Shan and Karen states, where over 160,000 IDPs are currently staying.<sup>5</sup> However, by December, the Minister for Social Welfare, Relief and Resettlement admitted it was having difficulties in implementing its directive, due to issues of freedom of movement, landmines, and citizenship.<sup>6</sup>

1. Data from Myanmar Peace Monitor 2018 Dashboard.
2. OCHA, Myanmar: Kachin and northern Shan humanitarian access tracking (January 2019), 5 February 2019.
3. See, Fortify Rights, 30 August 2018, “‘The Block Everything’: Avoidable deprivations in humanitarian aid to ethnic civilians displaced by war in Kachin State, Myanmar”.
4. OCHA, About OCHA Myanmar, accessed 11 February 2018.
5. The Myanmar Times, 05 June 2018, “Government launches talks to close all IDP camps”.
6. The Myanmar Times, 03 December 2018, “Govt having difficult time closing refugee camps: minister”.

## Kachin State

The reporting period from January to December 2018 saw a dramatic escalation of conflict in Kachin State. The military ramped up its operations against the Kachin Independence Army (KIA) in the heaviest onslaught since the KIA took up arms in 1961.<sup>7</sup> Clashes took place throughout the reporting period and were most intense between mid-April and the end of May, when the military launched simultaneous attacks on three KIA-controlled areas, and throughout November and December when the military stepped up shelling near KIA headquarters and deployed fighter jets close to KIA sites in Mansi. The indiscriminate shelling and constant gunfire into civilian areas and villages led to the death of a civilian (Case 2). Landmines continued to be a hazard for those tending to their fields or livestock (Case 3) and for those fleeing Burma Army attacks (Case 4 and Case 5). In Tanai Township, Burma Army airstrikes caused the displacement of an entire village, forcing them to walk for one month through the landmine-riddled jungle until arriving at a makeshift IDP site hosting 300 other displaced persons (Case 4).

The escalation of conflict during the reporting period led to anti-war protests in Myitkyina, out of which emerged a Kachin youth movement demanding an end to the fighting and protection for IDPs. A number of solidarity rallies took place across the country, with some 300 people demonstrating in Rangoon. In direct response, in December, three anti-war activists from Myitkyina were sentenced to six months in prison for defaming the military.<sup>8</sup>

As previously mentioned, Burma authorities continued to block international humanitarian aid to conflict-affected IDPs in KIA-controlled areas, and in August 2018, Fortify Rights released a report implicating China in working with Burma authorities to “weaponize the denial of humanitarian aid” to conflict-affected individuals along their shared border and deny access for humanitarian organizations.<sup>9</sup> Back in June, the government sent a letter to the Myanmar Council of Churches (MCCs), an organisation of local religious groups, threatening to charge its members under 17/1 of the Unlawful

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7. Anthony Davis writing in *Asia Times*, 30 May 2018, “A vision for war without end in Myanmar”.

8. *The Irrawaddy*, 07 December 2018, “Six months behind bars for Kachin peaceful protesters.”

9. See, Fortify Rights, 30 August 2018, “‘The Block Everything’: Avoidable deprivations in humanitarian aid to ethnic civilians displaced by war in Kachin State, Myanmar”.

Associations Act if they continued to deliver aid to KIA-controlled areas. The Kachin Baptist Convention (KCB), a highly active humanitarian organisation, said it would obey the order and seek alternative ways provide aid to IDPs in KIA-controlled areas. However, in November, the Tatmadaw detained and arrested 15 KCB members near Laiza under the Unlawful Associations Act, although they were released after a few days.<sup>10</sup>

As of the release of this report, the majority of IDPs remain unable to return home. The potential for further armed clashes and shelling leaves many of those who fled fearful of returning home, that is if their homes have not already been destroyed (Case 5). In addition, a large number of IDPs are unable to go back to their home villages as Burma Army soldiers have set up camps in their villages and freshly laid landmines also make it too dangerous for IDPs to return to their villages and plantations.

## Northern Shan State

In northern Shan State, the military continued to clash with the Ta'ang National Liberation Army (TNLA). Offensives against the TNLA were ramped up in May after the group attacked a security outpost and casino, killing 19 people.<sup>11</sup> Further clashes took place in late September/early October in Muse and Kutkai townships, forcing some 200 civilians to flee from the fighting.<sup>12</sup>

Civilian areas continued to be a target of Burma Army shelling, killing and injuring villagers. In Kutkai Township, Burma Army Light Infantry Division (LID) 88 indiscriminately shelled locations near a village, injuring eight civilians, including two pregnant women and a child, and killing an eight-year-old (Case 1). Landmines continue to be a risk for civilians in Shan State, and four women were seriously injured in Namsan Township after taking a rest at a tea farm on their way to visit another village (Case 6).

An increased number of arbitrary detentions and forced disappearances of civilians were documented during the reporting period. In September, seven

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10. The Irrawaddy, 05 November 2018, "Military frees last of Baptist group members in Kachin, NGO says".

11. Frontier Myanmar, 12 May 2018, "Nineteen dead in fighting between Myanmar army and TNLA: military".

12. The Irrawaddy, 01 October 2018, "TNLA, Tatmadaw engage in two days of clashes near Muse".

13. The Irrawaddy, 27 September 2018, "Army frees Shan civilians detained over soldiers' disappearance".

Shan civilians in Mon Pan Township, Shan State, were arbitrarily detained and threatened by Burma Army soldiers after they accused Restoration Council of Shan State/Shan State Army (RCSS/SSA) soldiers of the forced disappearance of two Burma Army soldiers; however, the civilians were released approximately one week later.<sup>13</sup> In August, RCSS/SSA soldiers detained three villagers in Nammatu Township on suspicion of having connections with the TNLA; they were released two days later after being tortured and having their money stolen (Case 7). In two separate cases RCSS/SSA soldiers detained five villagers in March, and another four villagers in July, on suspicion of connection to TNLA soldiers in the area (Case 8 and Case 9). As of publication, none of the nine men have been seen since they were detained by the RCSS/SSA soldiers.

Fighting also continued between the TNLA and the RCSS/SSA throughout the reporting period, resulting in civilian deaths due to frequent clashes, shelling and gunfire. Several fierce battles throughout August and September in Nammatu Township left approximately 2,000 displaced.<sup>14</sup>

## Rakhine State

The reporting period saw the government signing of a Memorandum of Understanding with UN agencies to work towards the repatriation of refugees in Bangladesh. Some 700,000 Muslims fled a campaign of military violence in 2017 and remain in camps in Bangladesh. Critics of the government's resettlement plan have called it an attempt to "socially re-engineer" Rakhine State, allowing the government to better control and monitor Muslim communities.<sup>15</sup> This has led to ongoing concerns regarding the safety of Muslim refugees repatriated to Burma under the current resettlement plan.

An unclaimed bomb attack in the state capital Sittwe in February led to the arrest of seven people, including former political prisoner Naing Soe. In March, he and four of the other arrested individuals were released on bail, despite not having been charged with a crime. In August, two of the men were sentenced to six months in prison for illegally crossing the border and reported being subject to repeated interrogations and sleep deprivation.<sup>16</sup> Two of the men are currently being held on charges of terrorism.

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14. Mizzima, 05 September 2018, "Fierce fighting reported between RCSS and TNLA/SSPP".

15. Reuters, 18 December 2018, "Erasing the Rohingya: Point of no return".

16. The Irrawaddy, 10 August 2018, "Sittwe bombing suspects get six months for illegal border crossing".

The last quarter of 2018 saw renewed armed clashes between the Arakan Army (AA) and the military in Rakhine State's Buthidaung and Rathedaung townships. More than 700 villagers were displaced in December after daily clashes erupted in northern Rakhine State.<sup>17</sup>

## **Karen State**

There were more clashes between the Karen National Liberation Army (KNLA) and the Burma military despite the Karen National Union's (KNU) signing of the Nationwide Ceasefire Agreement (NCA) in 2015. In March, several armed clashes broke out between the two after the Burma military entered the territory of the KNU's 5th Brigade (Hpapun) claiming to re-start efforts on a roadworks. The KNU perceived this incursion as an effort to expand the area under the military's control and armed clashes subsequently broke out, leading to the displacement of approximately 2,000 civilians. The two groups again exchanged fire several times in August.<sup>18</sup>

## **Conflict and Peace Process:**

The government held its third session of the 21st Century Panglong Peace Conference from 11 to 16 July. The conference brought together representatives from the Union government, military, political parties, and armed groups to negotiate the draft Union Accord for Peace, which will become the basis of a future federal union. The five-day session ended with the agreement on 14 new basic principles, bringing the total number of agreed upon principles to 51, which cover a range of political, economic and social issues. However, controversial issues such as constitutional reform and resource-sharing were not discussed.

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17. The Irrawaddy, 20 December 2018, "Over 700 people flee homes as Tatmadaw, AA clash in northern Rakhine".

18. The Irrawaddy, 30 August 2018, "Clashes break out between Myanmar Army and KNLA".



In October, a two-day summit was held between the government and EAOs signatory to the NCA, setting guidelines for the discussion of two key unsettled points in the negotiations: non-secession from the union and the formation of a unified army. The 4th session of the 21st Century Panglong agreement is scheduled for early 2019.<sup>19</sup>

Ten armed groups have currently signed the NCA, with two new groups—the New Mon State Party (NMSP) and the Lahu Democratic Union (LDU)—signing in February. Although organisations signatory to the NCA are the only groups permitted to formally negotiate at the Panglong Peace Conference, non-signatories were invited as observers to the latest session. This included all seven members of the Federal Political Negotiation and Consultative Committee (FPNCC)—a political alliance that includes several groups in active conflict with the military.<sup>20</sup> The reporting period saw a number of informal talks take place between the military, government and armed groups.<sup>21</sup>

19. Signatories at the time of writing were: New Mon State Party (NMSP), Lahu Democratic Union (LDU), Karen National Union (KNU), Karen National Liberation Army-Peace Council (KNLA-PC), Democratic Karen Benevolent Army (DKBA), Restoration Council of Shan State/Shan State Army-South (RCSS/SSA-S), All Burma Students Democratic Front (ABSDF), Chin National Front (CNF), and Pa-O National Liberation Organization (PNLO).

20. Members at the time of writing were: United Wa State Army (UWSA); Kachin Independence Army (KIA); National Democratic Alliance Army (NDAA); Shan State Progress Party (SSPP); TNLA; Arakan Army (AA); and Myanmar National Democratic Alliance Army (MNDAA).

21. For example, the military and KIA held two bilateral meetings in February and the government's Peace Commission held meetings with the Shan State Progressive Party (SSPP) in May. Source: Myanmar Peace Monitor 2018 Dashboard.



Several NCA signatories reported facing obstruction from the military when trying to hold ‘national-level dialogues.’ These political dialogues allow NCA signatories to bring together different stakeholders in their constituencies to discuss input in the upcoming peace negotiations. Although they are enshrined under the terms of the NCA, the military obstructed preparations for dialogues in Mon and Shan states.<sup>22</sup>

In late December, the Burma military announced a unilateral four-month ceasefire effective in all conflict areas in the north and northeast of Burma in order to progress peace talks.<sup>23</sup> Shortly after, the Northern Alliance—the KIA, TNLA, the AA, and the Myanmar Democratic Alliance Army (MNDAA)—released a statement stating that the ongoing attacks against the AA in northern Rakhine State by the Burma Army must end if meaningful peace negotiations with the Burma Army are to occur.<sup>24</sup>

## Freedom of Expression:

The reporting period saw the government continue to stifle freedom of expression and freedom of assembly through legal harassment and violence, targeting media organizations, journalists, and civilians.

In a case that garnered international attention, two Reuters reporters, who were arrested and charged under the colonial-era Official Secrets Act, were sentenced to seven years in prison in September, in what many believe to be a case of entrapment. Wa Lone and Kyaw Soe Oo were arrested in 2017 after being given documents by police relating to a mass grave in Rakhine State following the wave of anti-Muslim violence that occurred in the latter part of 2017. A request to dismiss the case on account of a lack of substantive evidence was rejected in April. Shortly after, one of the policemen who had arrested the journalists confirmed that officers had been ordered to “trap” the pair. He was promptly charged with violating the Police Disciplinary Act and has been jailed for one year. Wa Lone told the court that he and Kyaw Soe Oo were hooded, forced to kneel on the floor for long stretches of time, and

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22. For example, see Human Rights Foundation of Monland, 19 March 2018, “Burma Army orders the NMSP to limit the number of attendees at planned NCA forums”.

23. The Irrawaddy, 21 December 2018, “Tatmadaw announces four-month ceasefire in north, northeast”.

24. The Irrawaddy, 28 December 2018, “Northern alliance demands ceasefire covers Rakhine State.”

deprived of sleep for up to three days during interrogation.

In October, two editors and a journalist from Eleven Media Group were arrested and held at Insein Prison after the Rangoon government filed a suit accusing them of reporting incorrect information regarding the city's budgeting and spending of public funds.<sup>25</sup> Despite an order from the President's Office for the Rangoon city government to comply with the Media Law requiring them to attempt to settle disputes outside of the court system first, the city government declined to drop the case, demanding a published apology by Eleven Media Group in government newspapers.



*Annual event commemorating the fall of the Arakan Kingdom, January 16, 2018.  
Photo - Htay Min Oo.*

The right to protest and freedom of assembly was severely restricted over the reporting period, with several high-profile cases occurring, indicating a shrinking civic space for freedom of assembly and protest. In January, a police crackdown on a protest of some 4,000 people in Rakhine State led to the deaths of seven people, with a further 12 being injured. The demonstrators were protesting a local government decision to withhold permission for an annual event commemorating the fall of the Arakan Kingdom in the 18th century. Eight Arakanese men were detained for approximately eight months in prison for their participation in the protests. They were released in September and promptly rearrested, with police stating they plan to apply new charges under the Union Flag Law.<sup>26</sup>

25. The Irrawaddy, 11 October 2018, "Yangon gov't demands apology from Eleven Media".

26. The Irrawaddy, 25 September 2018, "Eight Arakanese re-arrested after completing sentence for Mrauk-U protest".



In Kachin State, anti-war demonstrations started at the end of April and continued throughout the beginning of May. The Northern Command of the Burma Army sued three of the organisers for defamation after they accused the military of committing human rights violations against Kachin civilians and calling for protection of IDPs. In December, they were each sentenced to 6 months in prison for defaming the military.

Two further organisers of the protest were fined for having violated Article 19 of the Peaceful Assembly and Peaceful Procession Law. A solidarity protest held in Rangoon in mid-May was violently dispersed by police and 17 organisers were charged with disturbing the public and holding a protest without permission.<sup>27</sup> In September, two poets and one peace activist were found guilty of violating the Peaceful Assembly and Peaceful Procession Law for participating in the May protests and given the choice of a fine or 15 day's imprisonment. The latter chose imprisonment to demonstrate the judicial system's culpability in the stifling of free expression.

In June, Yangon authorities banned all events marking the seven-year anniversary of the resumed war in Kachin State. Organisers of a prayer event to commemorate the anniversary in the Kachin capital of Myitkyina were charged under Article 19 of the Peaceful Assembly and Peaceful Procession Law despite having received prior permission from authorities.

Furthermore, three reporters for a local news organisation were briefly detained in the Irrawaddy Region by the Burma Army while researching a story on the alleged recruitment of a child soldier.<sup>28</sup>

## Justice:

The reporting period saw a renewed international push to hold government security forces accountable for mass human rights violations. The European Union and Canada imposed sanctions on seven senior figures from the military, police and Border Guard Force (BGF).<sup>29</sup> The military did not respond

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27. For more background on the repression of the Myitkyina and Yangon protests see: Progressive Voice, July 2018, "Time to Hear Our Voices, Freedom of Assembly and the Youth Peace Movement in Myanmar".

28. Frontier Myanmar, 24 June 2018, "Three Myanmar Now reporters detained at Yegyi military Camp".

29. Council Implementing Regulation (EU) 2018/898 of 25 June 2018 implementing Regulation (EU) No 401/2013 concerning restrictive measures in respect of Myanmar/Burma.

directly to the sanctions but allowed one of the sanctioned generals to resign, while another was dismissed for apparently unrelated reasons.



*Muslim refugees walk from Myanmar to refugee camps in Bangladesh.  
Photo - REUTERS/Jorge Silva*

The UN Special Rapporteur on the situation of human rights in Myanmar, Yanghee Lee, urged for Burma to be referred to the International Criminal Court (ICC) so that those responsible for mass human rights violations can be investigated and prosecuted. She proposed the establishment of an international accountability mechanism to prepare for an ICC investigation.<sup>30</sup> Yanghee Lee continues to be banned from entering the country, as are investigators from the UN-mandated fact-finding mission tasked with verifying allegations of mass human rights violations. The government created another internal commission to investigate allegations of human rights violations comprised of two local and two international members. Previous such commissions have absolved soldiers of serious misconduct.<sup>31</sup>

In August, the UN released a report that strongly condemned the Burma Army's role in the violence and human rights violations in Rakhine State that led approximately 700,000 Muslims to flee the country during the last quarter of 2017.<sup>32</sup> The report recommended the case be referred to the ICC, citing six

30. Oral update by Ms. Yanghee Lee, Special Rapporteur on the Situation of Human Rights in Myanmar at the 38th session of the Human Rights Council, 27 June 2018.

31. Human Rights Watch, 07 August 2017, "Burma: National Commission Denies Atrocities".

32. Human Rights Council, 39th Session, 10–28 September, Report of the Independent International Fact-Finding Mission on Myanmar.

specific senior military figures that should be prosecuted for their role in the large-scale human rights violations that occurred. In response, the Burma government rejected the UN report's accusations, clearing itself of any wrongdoing in the military crackdown on the Muslim population in late 2017.

The military also took legal actions against a number of low-ranking soldiers accused of committing human rights violations. In January, six soldiers were sentenced to 10 years in jail with hard labour for killing three Kachin civilians. In April, seven soldiers were sentenced to ten years in jail for the killing of Muslim men in northern Rakhine State. The murdered men were found in a mass grave that the Reuters journalists had been investigating and subsequently sentenced to seven years in prison for (see Freedom of Expression above). All cases were heard in secret military courts.

As of the end of December 2018, there were currently 292 individuals facing trials for their political beliefs, including 56 currently awaiting trial in prison and 236 released on bail. April saw the release of 36 political prisoners under a mass government amnesty, including the release of two Kachin pastors who had been detained since December 2016 and charged with Article 17/1 of the Unlawful Associations Act after helping media to document military attacks in northern Shan State. Lahpai Gam, a Kachin farmer who was arrested in 2012 under the Unlawful Associations Act and was badly tortured, was also released. Former political prisoners do not receive redress following incarceration and the government has no formal definition of the term 'political prisoner', meaning they are not formally recognised as such. January saw the death of San Zaw Htway and Zaw Min, two former political prisoners who died of liver ailments. Their illnesses have been ascribed to the poor prison conditions they endured over years of incarceration; both died without receiving government recognition or redress.

The reporting period saw no meaningful government action on reparations for victims of human rights violations. Domestic civil society instead continues to provide assistance to victims. In February, a healthcare centre offering free treatment for former political prisoners opened in Rangoon. It is run by activists and former political prisoners. A monument commemorating the 8888 uprising was being built by activists in Bago at the time of writing.

# CASE STUDIES

## **Case 1: Burma Army shelling killed one villager and injured seven in M--- village, Kutkai Township, northern Shan State, 28 June 2018 (Ta'ang Women's Organization)**

On the morning of 28 June, Burma Army LID 88 shelled TNLA soldiers stationed near M--- village, Kutkai Township, Muse District, northern Shan State. According to one villager, “Burma troops started shelling from above the monastery, hitting the houses. Burmese troops brought cars and motorcycles to send injured villagers to Kutkai hospital. Villagers received serious injuries and were very scared.”



*Child killed by Burma Army artillery in Kutkai Township, Northern Shan State.  
Photo - TNO*

A total of eight villagers were injured during the shelling, including two pregnant women and two children aged seven and eight. The eight-year-old was struck in the back and died due to the severity of his injuries. The remaining victims were treated in hospital free of charge, but several have lingering health issues.

**Case 2: Burma Army soldiers shot and killed a local civilian in Ma--- village, Kamaing sub-Township, Kachin State, 2 January 2018 (Kachin Women’s Association Thailand)**

On 2 January 2018 at 6:30 in the morning, U T---, a local farmer, was shot and killed by soldiers from Burma Army Infantry Battalion (IB) 255. U T--- was holding a torch on his way to the outhouse when he was fired upon by soldiers, after which a barrage of indiscriminate gunfire and shelling was directed towards the village. The bombardment lasted for approximately 15 minutes. Villagers believe the Burma Army suspected members of a local militia were staying in the village; however, villagers reported only hearing shots fired by Burma Army soldiers. U T---’s wife and children were given 500,000 kyat (\$327.13 USD) for his funeral, and Lieutenant Colonel Aung Aung stated his death was “unintentional”.

**Case 3: 58-year-old villager lost leg after stepping on a landmine, Kachin State (Kachin Women’s Association Thailand)**

On 10 May 2018, 58-year-old U S--- stepped on a landmine as he was heading out to the field to check on his cows. His relatives sent him to Myitkyina Hospital, where he lost his left leg. U S--- spent four months at home convalescing, and his family is currently in a difficult economic situation. According to an interview with the victim’s niece, they do not know who planted the landmine; however, the incident took place in an area known for armed conflict between the Burma Army and the KIA.

**Case 4: Burma Army airstrikes displaced villagers, A--- village, Tanai Township, Kachin State, 11 April 2018 (Kachin Women’s Association Thailand)**

On 11 April 2018, Burma Army jets dropped several bombs near A--- village around 1:30 pm. According to one woman, “Our village is near KIA troops...Thus, almost 50 people were displaced to K--- [area] which is full of landmines. We rested and slept there for four days and then we went next to H--- [area] for two days of rest there.” Hearing that the Burma Army had arrived in her village, they decided to press on eventually arriving at a makeshift IDP camp with 300 other people.



*“We walked almost one month in the jungle. On the way we rested five days because most of the people were blind, in bad health, or were old men and women, or children, who couldn’t walk...If we had food, we would have shared food with each other, but we didn’t have food and didn’t share with each other while we were displaced. Most of the time we didn’t eat. Infants were carried in front and some children were carried on the[ir] [mother’s] back. Some women delivered on the way.”*

Several civilians were wounded by the Burma Army air strikes, and at least one individual was killed. Villagers are currently staying at Nawng Nang IDP camp and have expressed concerns about being displaced again in the future.

**Case 5: Civilian injured by Burma Army air strikes, A--- village, Tanai Township, Kachin State, 11 April 2018(Kachin Women’s Association Thailand)**

On 11 April 2018, Mr. L--- was severely injured by Burma Army airstrikes. After hearing the aircraft engines, Mr. L--- immediately directed his wife and son into their neighbour’s bunker to hide. As he was about to descend into the bunker, he was hit on his left arm.

*“As I was shot in the arm, my wife could do nothing but cry. We could hear the bullets passing around the bunker we were hiding in. My injured arm was bleeding a lot, but I stayed strong as I was with my beloved son and wife.”*

Mr. L--- was taken to the KIO’s (Kachin Independence Organisation) hospital, where he received treatment for his wounds. After treatment at the hospital, Mr. L--- returned that day to his village to find his home completely destroyed by the bombardment. Mr. L--- decided to flee the village just as the other villagers had.

*“It was such a hard time. I was taken care of by two nurses from the KIA on the way. As they could not come along with me [all the way], they gave me all the medicine I needed to take along the way. We had to walk for 20 days. As for food, we searched and had to survive as best as possible. We brought some salt and pepper with us...I could not carry anything, and my wife and her sister did it for me.”*

**Case 6: Four villagers injured by a landmine on a tea farm, K--- village, Namsam Township, northern Shan State, 12 May 2018 (Ta'ang Women's Organization)**

Four villagers taking a rest on a tea farm were injured after stepping on a landmine. Daw A--- (30 years old), Daw O--- (50 years old), Ma Z--- (14 years old) and Ma N--- (20 years old) were able to call for help and were sent to



*Woman injured by landmine in hospital, Namsam Township, Northern Shan State.  
Photo -TWO*

Namsam Hospital. They were transferred to Lashio Hospital later due to the severity of their wounds. Daw A--- and Ma N--- spent over a month in the hospital recovering, while Daw O--- and Ma Z--- were released after two weeks. It is unclear who planted the landmine, although an unknown military column was conducting exercises near Sakantar village three days prior to the incident.

**Case 7: RCSS/SSA soldiers arbitrarily detained three villagers in Nammatu Township, Shan State, 14 August 2018 (Ta'ang Women's Organization)**

Restoration Council of Shan State/Shan State Army (RCSS/SSA) soldiers arbitrarily detained and tortured three villagers suspected of being connected with the TNLA. On their way back from cutting bamboo shoots in the forest, the three villagers encountered RCSS/SSA soldiers, who detained the villagers and took their money. The villagers were detained for two days and were then released on 16 August 2018, after an RCSS/SSA leader went to the village and investigated the detained villagers, receiving information that they were innocent. During those two days of detainment, the RCSS/SSA soldiers

beat the villagers with bamboo and guns and tied them to trees.

**Case 8: RCSS/SSA soldiers arbitrarily detained and forcibly disappeared five villagers in Nammatu Township, northern Shan State, 15 March 2018 (Ta'ang Women's Organization)**

Restoration Council of Shan State/Shan State Army soldiers arbitrarily detained and forcibly disappeared five Ta'ang civilians after fighting between the RCSS/SSA and TNLA had ceased. The five men were arrested after returning to their village from a monastery where they had been sheltering during the fighting. According to witnesses, they were questioned about whether "TNLA soldiers [were] staying in the village or not." It has been 11 months since the men were detained, and they have not been seen since.

**Case 9: RCSS/SSA soldiers arbitrarily detained and forcibly disappeared four villagers, P--- and M--- villages, northern Shan State, 31 July 2018 (Ta'ang Women's Organization)**

On 31 July, RCSS/SSA soldiers arbitrarily arrested and forcibly disappeared four villagers at the crossroads between M--- and P--- villages.

*"When we were going to the M--- market we didn't see any soldiers, but on the way back home I looked back and saw two RCSS/SSA soldiers arresting my friends. I rode home quickly and told our village head what had happened,"*

said a witness.

That morning, RCSS/SSA soldiers phoned the M--- village administrator and threatened that they would burn down the village if they talked publicly about the missing villagers. Villagers in the M--- area are regularly targeted by RCSS/SSA soldiers, and the whereabouts of the four villagers remain unknown.

A villager from K--- said,

*"We appeal to the RCSS/SSA to release all our villagers and not to arrest any more villagers. Our villagers are not involved in the conflict and should not be used as hostages by armed groups."*



**Case 10: Arakanese Writer Wai Hun Aung and MP Dr Aye Maung were arbitrarily Detained by the Myanmar Authority (All Arakan Students' and Youths Congress)**



*Ko Wai Yan Hun Aung was arrested after the ceremony. Photo - AASYC*

On 16 January 2018 at 5:15 PM, Sittwe Police Chief Aye Khine Maung arrested Arakanese writer Ko Wai Hun Aung (aka Aung Kyaw Won, 34), son of U Aung Thar Twan, from his residence in Sittwe for delivering a speech at the commemoration event of the 233<sup>rd</sup> anniversary of the fall of the Arakanese Kingdom in Rathedaung Township held on 15<sup>th</sup> January 2018. The government filed three different cases against him. He was charged under Section 17/1 of the Unlawful Associations Act by Station Officer Kyaw Nu of Rathedaung Township police station and Sections 122 and 505(b) and (c) of the Myanmar Penal Code, which include charges of mutiny against the state, high treason, and incitement, by Deputy Township Administrator Khin Maung Oo of Sittwe.

In a similar case, Arakanese political leader Dr. Aye Maung (60), a member of parliament in the lower house (People's Parliament) representing the Ann Township constituency, was also arrested at his residence in Sittwe by the local police on 18 January 2018. He was also accused under Section 17/1 of the Unlawful Associations Act and Sections 122 and 505(b) and (c) of the Myanmar Penal Code of charges of high treason and incitement, by Kyaw Nu, the station officer of Rathedaung Township, and Deputy Township Administrator Khin Maung Oo of the General Administration Department of Sittwe Township in Rakhine State, respectively, for his speech at the 233<sup>rd</sup> anniversary of the downfall of the Arakanese Kingdom in Rathedaung



*Member of parliament in the lower house (People's Parliament) Dr. Aye Maung.  
Photo - AASYC*

Township held on 15 January 2018. He allegedly told the public in his speech to take advantage while the Burmese government was politically weak and to struggle towards the achievement of Arakanese sovereignty.

Currently, both Ko Wai Hun Aung and Dr. Aye Maung are under detention in Sittwe judicial custody and their trials are ongoing. As per the publication of this report, the last time they appeared in court was 31 st December 2018.

**Case 11: 28-year-old woman killed and 2 injured after separate landmine incidents, Q--- village, Paletwa Township, Chin State, 20 October 2018 (Chin Human Rights Organization)**



*Landmine Victim, Paletwa Township,  
Chin State. Photo - CHRO*

A 28-year-old woman was killed, and an 18-year-old woman injured after stepping on a landmine near K--- area, a 30-minute walk away from Q--- village. They were found by five women who were looking for wood, bamboo, flowers, and other natural goods. The 28-year-old left behind a 5-year-old

daughter.

Three days later, on 23 October 2018, a 35-year-old man stepped on a landmine in Paletwa Township, severely injuring his leg. Villagers now report avoiding forest areas for fear of stepping on landmines, and although the Arakan Army has been active in the area, no one can confirm who planted the landmines.

# CONCLUSION

During the reporting period, ND-Burma documented a similar number of human rights violations as the previous year, indicating little change in the fact that civilians remain the ultimate victims in the armed conflicts which rage across many parts of Burma. Despite the signing of the Nationwide Ceasefire Agreement with a number of EAOs and the government of Burma's purported commitment to establishing peace and democracy, human rights violations continue to occur on a disturbingly large scale in both conflict and non-conflict-affected areas of the country.

Intense fighting between the military and EAOs over the reporting period, particularly in Kachin, Shan and Rakhine states, resulted in ND-Burma recording a large number of conflict-related human rights violations perpetrated against civilians. The majority of human rights violations were committed by government security forces, who frequently use a great deal of cruelty against non-combatants. The use of indiscriminate shelling and gunfire, as well as air strikes, by state security forces near civilian locations has led to untold deaths and injuries, and the displacement of thousands of individuals in Kachin and Shan states.

Ethnic armed organisation soldiers also commit human rights violations against civilians. This includes the laying of landmines, which are responsible for an increasing number of deaths and injuries in conflict zones. Ethnic armed organisation troops also sometimes base themselves in and around civilian areas, attracting shelling and gunfire from government forces, as well as arbitrarily detaining villagers suspected of having ties with other EAOs, subjecting them to torture and even forcibly disappearing them.

A lack of respect for human life and dignity runs through all of the cases of human rights violations ND-Burma records. Weak rule of law and a culture of impunity means the vast majority of victims never see justice or receive redress for what they have suffered. This is despite the fact that victims of human rights violations often have immediate and significant needs, such as

medical care or livelihood assistance. The Burmese government therefore needs to urgently implement a reparations programme to address victims'.

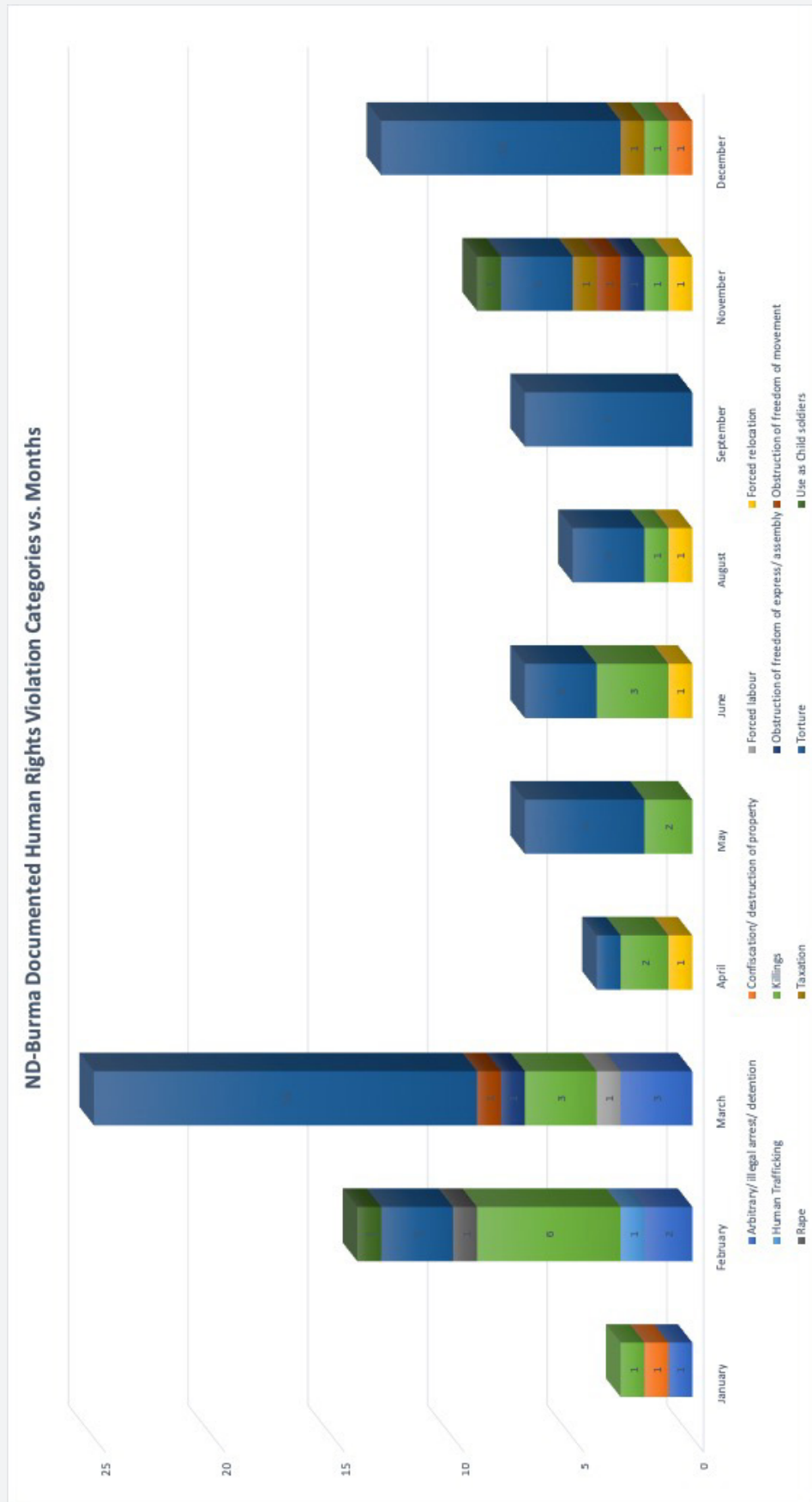


# APPENDICES

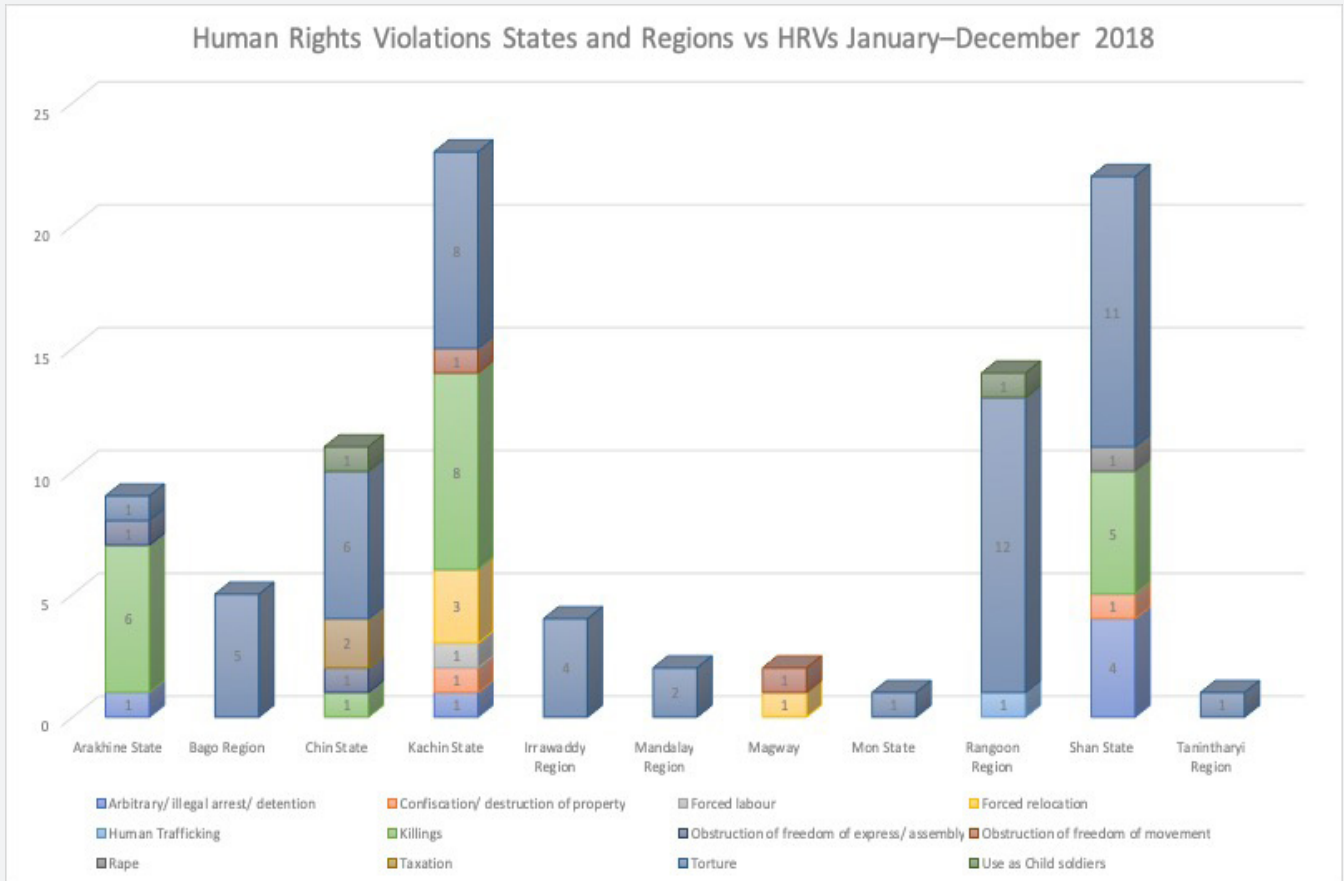
Appendix 1: ND-Burma Documented Human Rights Violations from January–December 2018



## Appendix 2: ND-Burma Documented Human Rights Violation Categories vs. Months (January–December 2018)



### Appendix 3: ND-Burma Documented Human Rights Violations States and Regions vs HRVs January–December 2018







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