



Network for Human Rights Documentation - Burma

Briefing Paper

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Undermining Trust Building: Human Rights Situation During the Northern Ceasefire (January 1 to April 30, 2019)

Overview

In late December 2018, amid ongoing and heavy armed conflict in Kachin and Shan states, the Burma army declared a four-month unilateral ceasefire in northern and north-eastern Burma. The announcement of the Burma army's first ever truce was met with cautious optimism by ethnic armed organisations (EAOs) and welcomed as a constructive gesture by many observers and analysts of the peace process.

The ceasefire, which extended to five military command regions, including conflict zones involving, among others, Northern Alliance members the Kachin Independence Army (KIA), the Ta'ang National Liberation Army (TNLA) and the Myanmar National Democratic Alliance Army (MNDAA), was renewed for two months at the end of April 2019 after a period of intense uncertainty.

However, despite this overture, the Burma army has continued to engage in armed clashes with EAOs in Kachin and Shan states, while establishing new military camps throughout the region. Indiscriminate gunfire, artillery attacks and aerial bombardments by Burma army soldiers against EAO positions over the initial four-month ceasefire and its renewal have led to villager deaths, injuries, displacement and increasing militarisation by Burma army forces.

Ongoing offensives by the Burma army in Shan and Kachin states as well as the exclusion of the Arakan Army (AA)—the fourth member of the Northern Alliance—from the ceasefire despite heavy fighting in Rakhine and Chin states and the urging of their inclusion by its Northern Alliance allies, have marred the ceasefire's implementation and undermined any meaningful dialogue meant to reinvigorate Burma's floundering peace process.



Burma Army: Ongoing Violations and Militarisation

Since the Burma army's declaration of a ceasefire in conflict-affected areas in Kachin and northern Shan states, armed clashes have continued to occur on a regular basis, particularly around villager settlements. Numerous instances of fighting between the Burma army and the KIA, TNLA and the Shan State Progress Party/Shan State Army (SSPP/SSA), among others, in Kachin and northern Shan states were reported (see Appendix 1), and human rights abuses against civilians, including extrajudicial killings; arbitrary arrest, detention and torture; sexual violence; landmine incidents; and indiscriminate aerial and mortar campaigns in civilian areas by Burma army soldiers have been documented by ND-Burma member organisations.



Young child from Man Pan village, Shan State, injured due to landmine explosions. (TWO)

For example, in February, ND-Burma member organisations documented the displacement of over 700 civilians from three villages in Shan State after hostilities erupted between the SSPP/SSA and the Restoration Council of Shan State/Shan State Army-South (RCSS/SSA); ongoing operations by these armed groups have left villagers unsure when it will be safe to return.¹ In late February, a 17-year-old Ta-ang teenager was shot and killed by Burma army soldiers in Kutkai Township, Shan State after they suspected him of being a TNLA soldier.² In another incident documented by ND-Burma member organisation Ta-ang Women's Organization (TWO), the captain of Light

1. TWO, Human Rights Bulletin, 22 February 2019.

2. See, "Ta'ang Teen Shot Dead by Military in Shan State, Rights Group Says," The Irrawaddy, 21 February 2019.





Young child from Man Pan village, Shan State, injured due to landmine explosions. (TWO)

Infantry Battalion (LIB) #416 arbitrarily beat and injured a villager in Namkham Township, Shan State.³

Clashes intensified throughout March and April 2019 and civilians living in nearby villages continued to bear the brunt of the ongoing conflict in these areas. In March, five hundred villagers were displaced after the Burma army conducted airstrikes using helicopter gunships on an SSPP/SSA camp,⁴ and another 200 were displaced after government forces clashed with SSPP/SSA and TNLA soldiers in Namtu Township, Shan State.⁵ The Burma army also engaged in a series of clashes with the KIA and the TNLA, particularly in northern Shan State's Muse and Namkham townships during the last week of April.⁶

During this period, ND-Burma member organisations documented multiple incidents of villagers being injured or killed after being caught in the crossfire or aerial and mortar campaigns by the Burma army or due to the presence of landmines.⁷

For example, on 3 March 2019, a villager living in an IDP in Kachin State was severely injured after stepping on a landmine after he and four others went to harvest wild cane:

"My friends brought me home...the next day my left foot was amputated...Now I'm too scared to look for wild cane and don't want to work anymore."⁸ (KWAT)

3. TWO, Human Rights Bulletin, 21 February 2019.

4. See, "Hundreds of Civilians Displaced in Tatmadaw Air Strike on SSPP," Network Media Group, 13 March 2019.

5. See, "More Than 200 Villagers Displaced by Fighting in Myanmar's Northern Shan State," Radio Free Asia, 28 March 2019.

6. For example, see "Tatmadaw, KIA Clashes Intensify in Northern Shan State," Kachin News Group, 13 March 2019; "New Clashes Between the KIA and Tatmadaw," Kachin News Group, 26 April 2019; "Burma Army, KIA Clash in Muse District," 22 April 2019; "Northern Alliance Members Report Multiple Clashes with Burma Army," 24 April 2019, Network Media Group.

7. For example, see, "Civilian Injured in TNLA, Tatmadaw Clash," Shan Herald News Agency, 11 March 2019; "Burma Army Launches Air Attack on SSPP Camp," Shan Herald News Agency, 13 March 2019; "More Than 200 Villagers Displaced by Fighting in Myanmar's Northern Shan State," Radio Free Asia, 23 March 2019.

8. KWAT, Human Rights Bulletin, March 2019.



On 10 April 2019, in Man Pan village, Shan State, two children were killed and eight were hospitalized in Namkham Hospital after an explosive detonated nearby where the children were playing:

***"We don't know whether the children brought the bomb from somewhere or whether the bomb was already there."*⁹ (TWO)**

On 22 April 2019, after an armed skirmish between the Burma army and the TNLA, soldiers from IB #10, under the command of Light Infantry Division (LID) #88, arrested and beat nine villagers from Namsay village, Namkham Township. One villager said:

***"Three soldiers from the Tatmadaw were killed in the fighting, then they got angry and arrested the villagers for reporting them to TNLA soldiers who were in the village. The soldiers kicked, beat and threatened the villagers"*¹⁰ (TWO)**

In addition to ongoing military campaigns against EAOs and human rights violations against civilians during the ceasefire, ND-Burma organisations have also documented the Burma army's increasing presence in the region.¹¹ Since the beginning of January 2019, 12 new Burma army camps were documented as being established, with 11 of those currently remaining.¹² The majority of these newly established military bases are located alongside main roads or gas pipelines and nearby villages, leaving local villagers feeling vulnerable to potential abuses committed by Burma army soldiers or being caught in the crossfire of skirmishes between the Burma army and EAOs.

9. TWO, Human Rights Bulletin, 27 April 2019.

10. TWO, Human Rights Bulletin, 24 April 2019.

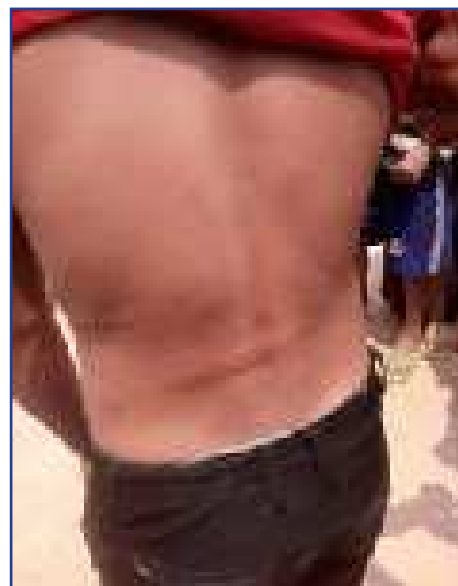
11. See, "EAOs: Burma Army Establishes New Military Camps During Unilateral Ceasefire," Shan Herald News Agency, 7 February 2019.

12. The list of camps established according to current information include: 2 camps in Moe Gyoke Township; 4 camps in Mone Se, Tar Moe Nyel, and Kutkai (eventually removed) townships; 1 camp in Mong Mit Township; 1 camp in Namkham Township; 3 camps in Mantong Township; and 1 camp in Mine Lone Township.



Ethnic Armed Organisations: Documented Violations

ND-Burma member organisations also documented violations committed by EAOs and militias in addition to those committed by the Burma army. In mid-February, Pan Say militia soldiers were documented severely beating two elderly villagers in northern Shan State,¹³ and in the beginning of March, civilians from several villages in northern Shan State reported the ongoing arbitrary arrest and detention of villagers by the KIA in Kutkai Township, who were released later that same month.¹⁴ According to TWO, in addition to the dozens of Ta'ang villagers arbitrarily detained by KIA forces in Shan State, the RCSS/SSA was also documented arbitrarily detaining villagers.¹⁵



Villager arbitrarily arrested and beaten by the Pan Say militia in Naung Ann village, Shan State, April 2019. (TSYU)

On 21 April 2019, three villagers from Naung Ann village, Shan State were arbitrarily arrested and tortured by members of the Pan Say militia, one so severely they required hospitalization in Namkham hospital.

"They [Pan Say militia] tied him [16-year-old villager] with rope and beat him; asked him 'where are you hiding the guns', threatened and kicked him. He has many injuries."¹⁶ (TWO)

Another two villagers looking for daily work were also arrested and beaten by this militia; however, they did not receive serious injuries did not need to be treated at the hospital.

13. TWO, Human Rights Bulletin, 24 February 2019.

14. TWO, Human Rights Bulletin, 10 March 2019.

15. See, "Kachin Independence Army Releases 57 Captive Villagers in Myanmar's Shan State," Radio Free Asia, 12 March 2019.

16. TWO, Human Rights Bulletin, 22 April 2019.



Arakan/Rakhine State

While the Burma army declared a unilateral ceasefire in the north and northeast of the country, the conflict in Arakan State has intensified. Clashes between the Arakan Army (AA) the military wing of the United League of Arakan (ULA) and the Burma army in Arakan and Chin states continued following the escalation of conflict between the two in the last quarter of 2018 and early January 2019, and particularly after the AA attack on four police outposts in Buthidaung Township, Rakhine



On 1 April 2019, 15-year-old Maung Man Htoo was struck and injured by the Burma army's indiscriminate shelling in Phar Won Chaung village, Kyauk Taw Township, Rakhine State. (AASYC)

State left 13 dead and 9 others injured. At least 58 clashes between the Burma army and the AA were recorded between January and April of this year (see Appendix 1).

During February and March, the Burma army conducted aerial bombardments and artillery attacks in Paletwa Township, Chin State and Ponnagyun Township, Rakhine State, leading to the displacement of a number of nearby villages.¹⁷ In mid-March, the Burma Army indiscriminately opened fire into the town of Mrauk-U in Arakan State, injuring seven women and children,¹⁸

followed by the displacement of thousands of villagers who fled after door-to-door searches for AA soldiers and random shooting incidents left them fearful for their lives.¹⁹

In April, the clashes between the Burma army and the AA continued, and Tatmadaw artillery campaigns in Ann Township led to villager deaths and injuries, while non-stop barrages of gun and artillery fire led to the displacement of hundreds of villagers in Mrauk-U and Buthidaung townships, with elderly villagers unable to walk becoming trapped, necessitating rescue by the Red Cross.²⁰

17. See, "Eight Paletwa Villages Report Damage from Fighting between Tatmadaw, AA," Khonumthung, 18

18. See, "Rakhine Villagers Say Myanmar Army Fired Randomly on Ancient Town, Reject Firefight Claims," Radio Free Asia, 19 March 2019.

19. See, "Rakhine Villagers Flee to Temples to Escape Searches, Random Shootings by Myanmar Army," Radio Free Asia, 20 March 2019.

20. See, "Non-Stop Artillery Firing Force All Villagers to Flee," Development Media Group, 19 April 2019; "Villagers from Three Villages Flee from Non-Stop Artillery Shooting," Development Media Group, 22 April 2019; "Red Cross Saves Elders Trapped Under Artillery Fire," Development Media Group, 22 April 2019.





On 21 March 2019, indiscriminate gunfire and shelling by Burma Army forces in Say Taung village, Buthidaung Township, Arakan State killed 4 members of the same family. (AASYC)

According to ND-Burma member organisation All Arakan Students' and Youths' Congress (AASYC), the conflict in Rakhine State since December 2018 has led the displacement of over 31,800 individuals.²¹

During this period, ND-Burma member organisations documented numerous human rights violations committed by the Burma army against civilians in Rakhine and Chin states (see Appendix 2). For example, on 20 February 2019,

Burma army soldiers indiscriminately fired into Min Phu village, Rathedaung Township, killing a 19-year-old woman and injuring several others, including a 4-year-old child.²² The following day Maung Naing Naing Soe a 17-year-old boy resident of Kyauktaw town under Mrauk-U district was arbitrarily arrested and beaten so severely by Burma army LIBs #539, He was detained by Burma Army battalion No. #539 in front of the Battalion No. #375 on his way back to home after fueling his motorcycle from a filling station the outskirts of the Kyauktaw town at around 4-5 pm. He was taken to the LIBs #539 and the Burma Army officer released him in the same night. Since he was released he could not speak properly and suffering psychological fear in his mind and was immediately sent to Yangon for the better medical treatment.²³ In late March, AASYC documented the deaths of four members of the same family and an older woman from another family due to the

21. AASYC, Human Rights Bulletin, 20 February 2019/2.

22. AASYC, Human Rights Bulletin, 21 February 2019.

23. AASYC, Human Rights Bulletin, 21 March 2019.



indiscriminate shelling and gunfire into Sitaung village, Buthidaung Township, by Burma army forces.²⁴ While in April, 27 villagers were arbitrarily arrested in Lar Kar village on suspicion of having ties to the AA, with three of the detained villagers dying in custody.²⁵

ND-Burma member organisations also documented abuses committed by AA soldiers. For example, in early February, AA soldiers abducted 52 Chin villagers, including 17 children, from King-Talin village in Paletwa Township, Chin State.²⁶

Trust-Building as a Necessity



On 20 February 2019, Ma Yee Yee Soe, 19 years old, was killed by indiscriminate gunfire into Min Phu village, Ratheduang Township, Arakan State by Burma Army. (AASYC)

It is clear that despite its declaration of a unilateral ceasefire in the conflict-affected north of the country, the Burma army has continued to engage in military campaigns and armed clashes with EAOs, with little concern for the implications on nearby civilians. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), over 10,500 individuals were displaced in northern Shan State alone between January and the beginning of April this year.²⁷ At the end of April, the Burma army extended the ceasefire for another two months, and it remains to be seen whether this pattern of conflict

and human rights violations will continue.

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 endured. This is despite the fact that victims of human rights violations often have immediate and significant needs, such as medical

24. "CHRO Calls on AA to Release 52 Chin Civilians," Khonumthung News, 4 June 2019.

25. AASYC, Human Rights Bulletin, 22 July 2019

26. "CHRO Calls on AA to Release 52 Chin Civilians," Khonumthung News, 4 June 2019.

27. See, Myanmar: New Displacement in Shan State (1 Jan to 9 Apr 2019), OCHA, 22 April 2019.



care or livelihood assistance. An urgent end to the conflict in Kachin and northern Shan states as well as Rakhine State is needed, and the needs of victims must be prioritized, including a reparations programme in tandem with a system of governance that respects human rights.

For genuine peace and national reconciliation, the peace process, including ceasefires, must be inclusive, and cannot exclude issues or organizations. During the ongoing conflict between the Burma army and the AA, civilians are targeted by the military and suffer violations such as arbitrary arrest and detention, torture, and extrajudicial killings during investigation. As a result, local Rakhine populations are fearful of military abuses, including those committed in other ethnic areas as well. As a consequence, Rakhine civilians have developed a deep distrust and hostility towards the military—under circumstances such as these, Burma will never achieve national reconciliation and peace.



On 8 March 2019, 60-year-old U Sanay Aung was arbitrarily arrested and forced to guide for Burma Army LID #22. He was injured after stepping on a landmine in Mrauk-U Township, Rakhine State.(AASYC).

Without a sincere commitment to overtures of peace such as the northern ceasefire or other peace-related activities by the Burma army, there will be no genuine progress towards peace and an end to hostilities in Burma. The Burma army must keep their for trust building to occur, and this extends to guarantees of non-recurrence of human rights violations toward conflict-affected communities. Without a sincere effort on the part of the Burma army, there will be no trust and no concrete progress in the peace process.



Appendix 1: Number of Clashes During the Northern Ceasefire, from January 1 to April 30, 2019 (as per Myanmar Peace Monitor)

Month	Participants	Clashes
January	Tatmadaw	
	AA	15
	ARSA	2
	KNU	3
	RCSS & SSPP	2
	RCSS & TNLA	1
Total		23
February	Tatmadaw	
	MNDAA	2
	NA-B	2
	RCSS	3
	NSCN-K	1
	AA	14
	RCSS & NA-B	4
	RCSS & SSPP	1
Total		27



Month	Participants	Clashes
March	Tatmadaw	
	AA	16
	TNLA	2
	KIA-TNLA	1
	KIA	1
	SSPP-TNLA	3
	SSPP	4
	RCSS & SSPP	3
	RCSS & NA-B	3
Total		33
April	Tatmadaw	
	KIA	5
	AA	13
Total		18
TOTAL		101



Appendix 2: Killings, Torture, and Inhumane and Degrading Treatment from December 2018 to June 2019 (AASYC)

Since December 2018 to June 2019, AASYC has documented 222 cases of human rights violations due to the armed clashes between the Arakan Army (ULA/AA) and the Tatmadaw in Paletwa Township, Chin State and in northern Arakan (Rakhine) State. Human rights violation committed by the Tatmadaw include killing, torture and inhumane and degrading treatment, forced labor, forced relocation, destruction of civilian property, arbitrary arrest and detention, obstruction of the freedom of movement, and obstruction of freedom of expression through the shutdown of the internet connection in Paletwa and northern Arakan.

KILLING

From December 2018 to June 2019, AASYC documented 44 events, where 69 civilians were killed, including 58 men and 11 women.

Among the 44 documented events, 8 were directly committed by the Burma army, where 27 civilians were killed; 13 people were killed during investigations by Tatmadaw soldiers and 8 people were assassinated by unidentified groups. Several civilians were also killed due to stepping on landmines and touching undetonated explosives and bombs in conflict areas.

TORTURE/INHUMANE & DEGRADING TREATMENT

From December 2018 to June 2019, AASYC documented 52 cases of torture and inhumane or degrading treatment due to the armed conflict between the ULA/AA and the Tatmadaw in which 30 cases against Arakanese civilians were perpetrated by the Burma army.



Tatmadaw troops were often documented beating fishermen and farmers who were found working alone; and in other instances, inhumane and degrading treatment occurred due to the indiscriminate gunfire by Tatmadaw troops when they entered Arakanese villages, injuring civilians.

In addition, many civilians have been injured when they go to collect bamboo and wood in the forest nearby the villages due to the presence of landmines, particularly in Kyauk Taw, Mrauk-U, Ponnagyun and Rathedaung Townships in northern Arakan (Rakhine) State.

