

# ALTSEAN



ALTERNATIVE ASEAN NETWORK ON BURMA  
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BN 2011/1082: July 19, 2011

## **POST-ELECTION BURMA: IMPUNITY STILL REIGNS, WOMEN & CHILDREN MORE VULNERABLE TO CRIMES**

- **Since the 7 November elections, Burma's regime has continued to perpetrate crimes against humanity and war crimes with total impunity. Reports of serious international crimes have increased significantly in line with the escalation of the ongoing Tatmadaw offensives in Kachin, Shan, and Karen States.**
- **Women and children have been particularly vulnerable. Tatmadaw soldiers raped and killed women during their offensive in Kachin and Shan States. The regime also continued to recruit children into the military in order to offset the steady increase in desertions.**
- **Between November 2010 and June 2011, the following crimes against humanity and war crimes were documented:**
  - At least 34 cases of rape and sexual violence perpetrated by military personnel.**
  - Over 400 complaints of children recruited as child soldiers.**
  - At least 26 civilians killed.**
  - Systematic use of forced labor in ethnic areas.**
  - At least 600 people forcibly displaced in military attacks that targeted civilians.**
  - At least 14 people subjected to arbitrary imprisonment.**
  - The continued use of torture.**
  - Systematic persecution of Rohingya in Northern Arakan State.**
- **In May, the UN Special Rapporteur on human rights in Burma Tomás Ojea Quintana reiterated his call for the creation of a UN-mandated Commission of Inquiry (Col) into serious international crimes in Burma. In June, Daw Aung San Suu Kyi also reiterated her support for a Col.**
- **As of 1 July, 16 countries have endorsed the establishment of a UN Commission of Inquiry on crimes against humanity and war crimes in Burma.**
- **In addition to truth-seeking and ensuring victims' rights to protection and justice, a Col has preventive value. It sends a strong message to all stakeholders, including soldiers, that serious crimes are unacceptable and should be stopped. The possible recommendations proposed by a Col, including legislative and institutional reforms, could serve as the foundation for lasting solutions. These solutions could in turn promote discipline and professionalism among the armed forces and law enforcement officials.**
- **Those governments that hoped for the flawed elections and compromised Parliament to deliver some form of progress must recognize that an impartial and independent Col is a necessary measure to address the root causes of political crisis in Burma and empower all stakeholders to push forward the agenda for reform.**

## Serious international crimes continue

Since the 7 November elections, Burma's regime has continued to perpetrate crimes against humanity and war crimes with total impunity. Reports of serious international crimes have increased significantly since the escalation of the ongoing Tatmadaw offensives in Kachin, Shan, and Karen States.

### Rape and sexual violence

Since the elections, there have been a total of 34 documented cases of rape of women and girls by military personnel in Burma's ethnic areas. The majority occurred between March and July in Kachin and Shan States, where Tatmadaw soldiers gang-raped at least 30 women and girls during their ongoing military offensives against the Kachin Independence Army (KIA) and the Shan State Army (SSA).

- **21 March:** Tatmadaw soldiers from LIB 291 and IB 33 gang-raped two women in Nam Lao Village, Tangyan Township, Shan State.<sup>1</sup> [This incident is also reported under "Killing of civilians"]
- **22 March:** Tatmadaw soldiers from LIB 131 raped two local women in Wan Pa Tab Village, Kyethi Township, Shan State.<sup>2</sup>
- **23 March:** Tatmadaw soldiers from LIB 291 and IB 33 gang-raped a 19-year-old girl in Nam Lao Village, Tangyan Township, Shan State.<sup>3</sup>
- **26 March:** Three Tatmadaw soldiers from LIB 147 gang-raped a 25-year-old woman in Wan Bang Hom Village, Tangyan Township, Shan State.<sup>4</sup>
- **10 April:** Tatmadaw soldiers from LIB 574 gang-raped a 44-year-old woman in Wan Nawng Tao Village, Mongyawng Township, Shan State.<sup>5</sup>
- **14 April:** Na Sa Ka personnel gang-raped the 40-year-old wife of a former local village Chairman and his two daughters-in-law in Maungdaw Township, Arakan State.<sup>6</sup>
- **29 April:** Na Sa Ka personnel gang-raped an 18-year-old girl in Maungdaw Township, Arakan State.<sup>7</sup>
- **2 June:** Five Tatmadaw soldiers from IB 9 gang-raped a 35-year-old woman in Wan Nar Karng Village, Kyethi Township, Shan State.<sup>8</sup>
- **10-14 June:** Tatmadaw soldiers from IB 237 raped two women in Dung Bung Village, Momauk Township, Kachin State.<sup>9</sup>
- **10-14 June:** Tatmadaw soldiers from IB 141 raped three women aged between 22 and 27 in Na Lun Village, Momauk Township, Kachin State.<sup>10</sup> [This incident is also reported under "Killing of civilians"]
- **14 June:** Tatmadaw soldiers from LIB 437 raped a woman in Momauk Township, Kachin State.<sup>11</sup>

**"Soldiers from five different battalions (Light Infantry Battalion 437 and Infantry Battalions 237, 141, 142, 139 and 437) committed the rapes, in four townships of Bhamo District.**

**Two particularly brutal incidents took place on June 18. In Dum Bung village, Mo Mauk township of Bhamo, soldiers of LIB 437 caught three families who had not managed to flee in time. 6 women and girls were gang-raped, and 7 small children killed.**

**In Je Sawn Village, Mansi Township of Bhamo, soldiers of LIB 139 killed a 7-year-old girl and then gang-raped and killed her grandmother."**

Source: KWAT (21 Jun 11) Kachin women demand immediate end to Burmese regime's use of rape as a weapon of war in northern Burma offensive

<sup>1</sup> SWAN (14 Jul 11) Rape cases documented during Burma Army offensive in northern Shan State since 13 March 2001

<sup>2</sup> SWAN (14 Jul 11) Rape cases documented during Burma Army offensive in northern Shan State since 13 March 2001

<sup>3</sup> SWAN (14 Jul 11) Rape cases documented during Burma Army offensive in northern Shan State since 13 March 2001

<sup>4</sup> SWAN (14 Jul 11) Rape cases documented during Burma Army offensive in northern Shan State since 13 March 2001

<sup>5</sup> SWAN (14 Jul 11) Rape cases documented during Burma Army offensive in northern Shan State since 13 March 2001

<sup>6</sup> Kaladan News (28 Apr 11) Villagers of Maungdaw North flee to Bangladesh

<sup>7</sup> Kaladan News (07 May 11) Girl gang-raped by Na Sa Ka in Maungdaw

<sup>8</sup> SWAN (14 Jul 11) Rape cases documented during Burma Army offensive in northern Shan State since 13 March 2001

<sup>9</sup> KWAT (21 Jun 11) Kachin women demand immediate end to Burmese regime's use of rape as a weapon of war in northern Burma offensive

<sup>10</sup> KWAT (21 Jun 11) Kachin women demand immediate end to Burmese regime's use of rape as a weapon of war in northern Burma offensive

<sup>11</sup> KWAT (21 Jun 11) Kachin women demand immediate end to Burmese regime's use of rape as a weapon of war in northern Burma offensive

- **17 June:** Tatmadaw soldiers from IB 142 raped a 25-year-old woman in front of her husband in Daw Hpum Yang, Momauk Township, Kachin State<sup>12</sup> [This incident is also reported under “Killing of civilians”]
- **17 June:** Tatmadaw soldiers from IB 141 raped four women aged between 18 and 20 in Si Bo Village, Mohnyin Township, Kachin State.<sup>13</sup> [This incident is also reported under “Killing of civilians”]
- **18 June:** Tatmadaw soldiers from LIB 437 raped six women, the youngest only 15 years old, in Dum Bung Village, Momauk Township, Kachin State.<sup>14</sup>
- **18 June:** Three Tatmadaw soldiers from IB 139 raped a 50-year-old woman in Je Sawn Village, Mansi Township, Kachin State.<sup>15</sup>
- **5 July:** Tatmadaw soldiers from LIB 513 raped three women and a 12-year-old girl in Kyethi Township, Shan State.<sup>16</sup>

## Recruitment of child soldiers

Child soldier recruitments showed no signs of decreasing following the 2010 elections. Between January and July 2011, the International Labor Organization (ILO) in Rangoon received 424 reports of child soldiers being recruited.<sup>17</sup> Other reported cases include:

- **16 December:** Tatmadaw Western Regional Command recruited a 17-year-old boy from Yet Chaung Village, Myebon Township, Arakan State.<sup>18</sup>
- **3 January:** It was reported that the Tatmadaw recruited two 16-year-old boys from Giri-affected areas in Myebon Township, Arakan State.<sup>19</sup>
- **3 March:** It was reported that Tatmadaw soldiers in Putao Township, Northern Kachin State, recruited two high school students aged 14 and 15 to the Tatmadaw.<sup>20</sup>
- **16 May:** A Tatmadaw soldier from LIB 390 recruited a 15-year-old boy into the military from his home in Mon Township, Pegu Division.<sup>21</sup>

**“My son was arrested by ward authorities and fire brigade members on July 5 around 11pm – they beat him up and sent him to Hlaing Tharyar police station and from there, he was transferred to a [Military Police] centre in Hlaing Township.**

**When he was in police detention, he said he would commit suicide if he were returned to the army – he was tortured when they recaptured him.”**

**– Mother of 15-year-old Yay Chan, who was initially recruited into the Tatmadaw in 2009 and re-arrested after he escaped from the military in May 2011.**

Source: DVB (12 Jul 11) Recaptured child soldier tortured: mother

## Killing of civilians

- **19 November:** Soldiers from Border Guard Force (BGF) 1015 shot and killed a 75-year-old local villager in Hlaingbwe Township, Karen State.<sup>22</sup>
- **22 November:** Tatmadaw soldiers from MOC-2 in Kyethi Township, Shan State, shot and killed a 43-year-old local villager.<sup>23</sup>
- **29 November:** Soldiers from BGF 1015 detained and summarily executed a 27-year-old local villager in Hlaingbwe Township, Karen State.<sup>24</sup>

<sup>12</sup> KWAT (21 Jun 11) Kachin women demand immediate end to Burmese regime’s use of rape as a weapon of war in northern Burma offensive

<sup>13</sup> KWAT (21 Jun 11) Kachin women demand immediate end to Burmese regime’s use of rape as a weapon of war in northern Burma offensive

<sup>14</sup> KWAT (21 Jun 11) Kachin women demand immediate end to Burmese regime’s use of rape as a weapon of war in northern Burma offensive

<sup>15</sup> KWAT (21 Jun 11) Kachin women demand immediate end to Burmese regime’s use of rape as a weapon of war in northern Burma offensive

<sup>16</sup> SWAN (14 Jul 11) Rape cases documented during Burma Army offensive in northern Shan State since 13 March 2001

<sup>17</sup> Irrawaddy (14 Jul 11) Child Soldier Complaints on the Rise in Burma: ILO

<sup>18</sup> Narinjara News (03 Jan 11) Child Soldiers Recruited in Giri Affected Area of Arakan

<sup>19</sup> Narinjara News (03 Jan 11) Child Soldiers Recruited in Giri Affected Area of Arakan

<sup>20</sup> Kachin News Group (03 Mar 11) Burmese soldiers use alcohol to lure two boys to join army

<sup>21</sup> DVB (25 May 11) 15-year-old abducted by Burmese troops

<sup>22</sup> KHRG (15 Feb 11) Extrajudicial execution of two civilians in Pa’an District

<sup>23</sup> SHAN (03 Nov 10) Mistaken shooting of local resident hushed up

<sup>24</sup> KHRG (15 Feb 11) Extrajudicial execution of two civilians in Pa’an District

- **14 December:** A Tatmadaw soldier shot and killed a 21-year-old local Rakhine in Kyaukpyu Township, Arakan State.<sup>25</sup>
- **24 February:** Tatmadaw troops from LIB 407 shot and killed a 36-year-old local villager in Kyainnseikyi Township, Karen State.<sup>26</sup>
- **16 March:** During the Tatmadaw’s seizure of the Shan State Army’s (SSA’s) Nam Lao base, an artillery shell killed four monks in a local temple.<sup>27</sup>
- **21 March:** Tatmadaw soldiers from LIB 291 and IB 33 killed a woman in Nam Lao Village, Tangyan Township, Shan State.<sup>28</sup> [This incident is also reported under “Rape and Sexual Violence”]
- **14 April:** Tatmadaw troops in Tangyan Township, Shan State, killed a local fisherman because they believed he was an SSA soldier.<sup>29</sup>
- **15 April:** Tatmadaw soldiers from IB 22 in Tangyan Township, Shan State, beat to death a local 25-year-old man during interrogation.<sup>30</sup>
- **20 April:** Tatmadaw soldiers in Tangyan Township, Shan State beat to death a local 40-year-old farmer because they believed he was an SSA soldier.<sup>31</sup>
- **28 April:** Tatmadaw soldiers in Monghsu Township, Shan State, shot and killed two local villagers.<sup>32</sup>
- **2 May:** Tatmadaw soldiers in Nar Kar Village, Tangyan Township, Shan State, shot dead three local villagers because they believed they had ties to the SSA.<sup>33</sup>
- **7 May:** Tatmadaw soldiers in Mong Gao Village, Tangyan Township, Shan State, beat to death a 32-year-old villager because they believed he had ties to the SSA.<sup>34</sup>
- **6 June:** Tatmadaw soldiers from IB 296 shot and killed a 44-year-old villager in Kunhing Township, Shan State.<sup>35</sup>
- **7 June:** Tatmadaw LIB 283 fired mortar shells into Mae T’lar Village, Kawkareik Township, Karen State, and killed a seven-year-old-child.<sup>36</sup>
- **10-14 June:** Tatmadaw soldiers from IB 141 killed three women aged between 22 and 27 years in Na Lun Village, Momauk Township, Kachin State.<sup>37</sup> [This incident is also reported under “Rape and Sexual Violence”]
- **12 June:** Tatmadaw troops killed a 30-year-old local villager during an attack on the SSA base at Kawng Sao Merng Village in Hsipaw Township, Shan State.<sup>38</sup>
- **14 June:** An unidentified Tatmadaw battalion shot and killed four villagers from Hsipaw Township, Shan State, while they were working on a farm.<sup>39</sup>
- **16 June:** Tatmadaw LIB 501 troops shot and killed a 35-year-old villager in Hsipaw Township, Shan State. On the same day, Tatmadaw soldiers from IB 67 shot and killed a 13-year-old girl and a 70-year-old woman in Hsipaw Township.<sup>40</sup>
- **17 June:** Tatmadaw soldiers from IB 142 killed a 25-year-old woman in Daw Hpum Yang, Momauk Township, Kachin State.<sup>41</sup> [This incident is also reported under “Rape and Sexual Violence”]

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<sup>25</sup> Narinjara News (15 Dec 10) Arakanese Youth Killed by Burmese Army Without Reason

<sup>26</sup> KHRG (05 Apr 11) Villager shot and killed by Tatmadaw in southern Dooplaya

<sup>27</sup> Mizzima News (17 Mar 11) Burmese troops overrun SSA-N base in Nam Lao; SHAN (22 Mar 11) The brunt of the fighting comes to the people – as usual

<sup>28</sup> SWAN (14 Jul 11) Rape cases documented during Burma Army offensive in northern Shan State since 13 March 2001

<sup>29</sup> SWAN (14 Jul 11) Update of human rights abuses committed by Burma Army reported in northern and central Shan State during Burma Army offensive

<sup>30</sup> SWAN (14 Jul 11) Update of human rights abuses committed by Burma Army reported in northern and central Shan State during Burma Army offensive

<sup>31</sup> SWAN (14 Jul 11) Update of human rights abuses committed by Burma Army reported in northern and central Shan State during Burma Army offensive

<sup>32</sup> SWAN (14 Jul 11) Update of human rights abuses committed by Burma Army reported in northern and central Shan State during Burma Army offensive

<sup>33</sup> SWAN (14 Jul 11) Update of human rights abuses committed by Burma Army reported in northern and central Shan State during Burma Army offensive

<sup>34</sup> SWAN (14 Jul 11) Update of human rights abuses committed by Burma Army reported in northern and central Shan State during Burma Army offensive

<sup>35</sup> SHAN (08 Jun 11) 3 villagers shot by Burma Army soldiers

<sup>36</sup> KHRG (16 Jun 11) Tatmadaw shelling kills one child, injures another in Mae T’Ler village

<sup>37</sup> KWAT (21 Jun 11) Kachin women demand immediate end to Burmese regime’s use of rape as a weapon of war in northern Burma offensive

<sup>38</sup> SHAN (13 Jun 11) Shan army loses another base

<sup>39</sup> SHAN (16 Jun 11) Newsflash

<sup>40</sup> SHAN (08 Jun 11) 3 villagers shot by Burma Army soldiers; SHAN (16 Jun 11) Newsflash

<sup>41</sup> KWAT (21 Jun 11) Kachin women demand immediate end to Burmese regime’s use of rape as a weapon of war in northern Burma offensive

- **17 June:** Tatmadaw soldiers from IB 141 killed a mother of four in Si Bo Village, Mohnyin Township, Kachin State.<sup>42</sup> [This incident is also reported under “Rape and Sexual Violence”]
- **18 June:** Three Tatmadaw soldiers from IB 139 killed a 50-year-old woman and her granddaughter in Je Sawm Village, Mansi Township, Kachin State.<sup>43</sup>

## Forced labor and convict labor

In June, the International Labor Organization’s (ILO’s) Committee on the Application of Standards said that the regime had failed to make any “substantive progress” towards ending forced labor in Burma.<sup>44</sup> After the 7 November elections, reports continued to surface of incidents of forced labor:

- **7 November:** Na Sa Ka personnel in Shwe Zarr Village, Maungdaw Township, Arakan State, forced villagers to build a fence along the bank of the Naff River.<sup>45</sup>
- **14 November:** SPDC Army LIB 284 soldiers forcibly conscripted 11 villagers from Tadein Village, Kyainnseiki Township, Karen State, to serve as porters.<sup>46</sup>
- **17 November:** SPDC Army soldiers from LIB 564 ordered at least 50 villagers in North Buthidaung Township, Arakan State, to work at their military camp clearing brush, digging trenches, and doing other tasks.<sup>47</sup>
- **26 November:** Na Sa Ka personnel in Southern Maungdaw, Arakan State, forced residents to work on a border fence project.<sup>48</sup>
- **27 November:** Na Sa Ka personnel coerced villagers in Maungdaw Township, Arakan State, to work on a road project along the Burma-Bangladesh border fence area.<sup>49</sup>
- **1 December:** SPDC Army soldiers from LIB 102 based in Dimawso Township, Karenni State, ordered villagers to chop bamboos poles.<sup>50</sup>
- **1 January:** SPDC authorities and Na Sa Ka personnel from Area 7 in Maungdaw Township, Arakan State, ordered residents from four villages to construct roads along the Burma-Bangladesh border fence.
- **1 January:** Prison authorities sent 80 prisoners from Buthidaung prison, Arakan State, to work as day laborers in Ponnagyun and Myebon Townships.
- **8 January:** SPDC authorities ordered villagers in Na Sa Ka Area 5 in Maungdaw Township, Arakan State, to work building roads along the Bangladesh-Burma border fence.<sup>51</sup>
- **2 February:** SPDC Army personnel forced four villagers from Ton-Ka-Tar Village, near Three Pagodas Pass, Karen State, to porter military supplies to Chaung Zone River.<sup>52</sup>
- **16 February:** Tatmadaw soldiers forced more than 100 local villagers to work as porters during military operations in Paletwa Township, Chin State.<sup>53</sup>
- **5 March:** SPDC Army soldiers forced about 30 villagers from Three Pagodas Pass, Karen State, to porter wounded soldiers and supplies.<sup>54</sup>
- **16 March:** SPDC Army soldiers from LIB 202 and 254 began using prisoners to porter food rations from Kyaukkyi, Pegu Division, to military camps in Papun Township, Karen State.<sup>55</sup>
- **25 March:** SPDC Army troops from LIB 140 in Matupi Township, Chin State, forced 16 local villagers to porter military equipment.<sup>56</sup>

<sup>42</sup> KWAT (21 Jun 11) Kachin women demand immediate end to Burmese regime’s use of rape as a weapon of war in northern Burma offensive

<sup>43</sup> KWAT (21 Jun 11) Kachin women demand immediate end to Burmese regime’s use of rape as a weapon of war in northern Burma offensive

<sup>44</sup> International Labor Conference, 100<sup>th</sup> session, Special sitting to examine developments concerning the question of the observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No. 29), 15 June 2010 and Recommendations

<sup>45</sup> Kaladan News (17 Nov 10) Nasaka conscripts workers in Maungdaw

<sup>46</sup> IMNA (17 Nov 10) Burmese battalion takes porters after battle

<sup>47</sup> Kaladan News (23 Nov 10) Buthidaung villagers targeted for forced labor

<sup>48</sup> Kaladan News (30 Nov 10) Forced labor reports rise after elections

<sup>49</sup> Kaladan News (30 Nov 10) Forced labor reports rise after elections

<sup>50</sup> Kantarawaddy Times (07 Dec 10) Forced labor being gear up on Karenni people

<sup>51</sup> Kaladan News (12 Jan 11) Forced labor increasing in Maungdaw Forced labor increasing in Maungdaw

<sup>52</sup> IMNA (03 Feb 10) Villagers Forced to Porter Military Supplies near Three Pagodas Pass

<sup>53</sup> Free Burma Rangers (31 May 11) Burma Army Attacks and Forced Labor in Western Burma

<sup>54</sup> IMNA (08 Mar 11) Villagers Forced to Porter for Burmese Army near Three Pagodas Pass

<sup>55</sup> KIC (24 Mar 11) Burmese Army soldiers force local people to carry food rations and act as human shields

<sup>56</sup> Chinland Guardian (08 Apr 11) Burma Army Forced Villagers to Porter in Chin State

- **11 April:** Tatmadaw troops in Tangyan Township, Northern Shan State, forcibly recruited 17 local women for portering.<sup>57</sup>
- **30 May:** Tatmadaw forces from LIB 563 based in Three Pagodas Pass, Kyainnseikyi Township, Karen State, forced 10 villagers to porter food supplies.<sup>58</sup>
- **6 June:** Tatmadaw troops from LIB 373 forced 34 villagers from Aplon and Myaing Thayar Villages in Kyainnseikyi Township, Karen State, to porter military supplies and walk ahead of troops as human shields and minesweepers.<sup>59</sup>
- **18 June:** Tatmadaw soldiers from LIB 437 forced men from three households to work as porters in Dum Bung Village, Momauk Township.<sup>60</sup>
- **21 June:** It was reported that Tatmadaw troops in Kachin State forced at least 10 residents from each quarter of Myitkyina to perform sentry duty along the Myitkyina-Namti railway.<sup>61</sup>
- **22 June:** It was reported that regime authorities in Arakan State forced local villages to repair roads throughout Rambree Township.<sup>62</sup>

Tatmadaw soldiers also forced a large number of convicts to act as porters for the military. In January, the Tatmadaw forcibly recruited at least 1,200 prisoners from prisons and labor camps across Burma and forced them to carry military supplies during the ongoing offensive in Karen State and Eastern Pegu Division.<sup>63</sup> Tatmadaw soldiers often forced convict porters to walk in front of troop columns to act as human shields and human minesweepers.<sup>64</sup>

### Forced displacement of civilians

- **2 March:** Tatmadaw IB 66 troops ordered about 200 households in Nansang Township, Southern Shan State, to relocate within 15 days in preparation for the establishment of a new regional command.<sup>65</sup>
- **7 March:** It was reported that Tatmadaw troops in Nansang Township, Shan State, forced residents of three villages to abandon their homes, and then torched roughly 300 houses.<sup>66</sup>
- **9 March:** SPDC Army's Commander of LIB 246 ordered about 200 families from six villages in Kunhing Township, Southern Shan State, to relocate to a nearby area due to the creation of a new regional command.<sup>67</sup>
- **17 March:** It was reported that Tatmadaw troops ordered residents of 11 villages located in Kyethi, Kunhing, and Nansang Townships, Shan State, to leave their homes.<sup>68</sup>
- **19 April:** Tatmadaw troops from IB 43 burned 70 homes in seven villages in Mong Pieng Township, Eastern Shan State, because they believed the residents provided support to the Shan State Army (SSA).<sup>69</sup>

**"I didn't know I was being taken as a porter. When we arrived in Karen State that's when we knew, we were all afraid. There were about 1,000 prisoners there, but we were separated into small groups.**

**We had to carry bombs [mortar or rocket-propelled grenade rounds] in a basket, 13 in each. We would start at 7 am and reach the mountain [Tatmadaw base] at 3 pm. We were never given food, never given water. After we dropped our loads [at the camp] we walked back down, but some of the porters had to stay there. We had to dig pits for their mortars."**

**– Tun Tun Aung, 20, taken by regime authorities from Meikhtila prison, Mandalay Division, in late December 2010.**

Source: HRW/KHRG (13 Jul 11) Dead Men Walking - Convict Porters on the Front Lines in Eastern Burma

<sup>57</sup> SHAN (22 Apr 11) Junta army has women porters lead the way in war zone

<sup>58</sup> IMNA (31 May 11) Ten Villagers Forced to Porter for LIB No. 563

<sup>59</sup> IMNA (08 Jun 11) Dozens of Villagers Forced to Porter in Three Pagodas Pass; Mizzima News (08 Jun 11) Villagers forced to serve as human shields and porters by Burmese soldiers

<sup>60</sup> KWAT (21 Jun 11) Kachin women demand immediate end to Burmese regime's use of rape as a weapon of war in northern Burma offensive

<sup>61</sup> Kachin News Group (21 Jun 11) Burmese Army forces civilians to ensure security of Myitkyina-Namti rail road

<sup>62</sup> Narinjara News (22 Jun 11) Forced Labor in Arakan Under New Government

<sup>63</sup> HRW/KHRG (13 Jul 11) Dead Men Walking - Convict Porters on the Front Lines in Eastern Burma

<sup>64</sup> HRW/KHRG (13 Jul 11) Dead Men Walking - Convict Porters on the Front Lines in Eastern Burma

<sup>65</sup> SHAN (3 Mar 11) Forcibly relocated people to be forcibly relocated again

<sup>66</sup> Irrawaddy (07 Mar 11) 'Four Cuts' Forcing Shan Villagers from Homes

<sup>67</sup> SHAN (15 Mar 11) Local residents under new command forced to relocate alongside motor roads

<sup>68</sup> Irrawaddy (17 Mar 11) Civilians Killed in Shan State Clashes

<sup>69</sup> SHAN (27 Apr 11) 7 villages in Shan East burnt down by Burma Army soldiers

## Arbitrary detention and imprisonment

- **21 December:** A court in Rangoon's Mingala Taungnyunt Township sentenced reporter Sithu Zeya, 21, to eight years in prison for taking photos near Kandawgyi Lake after a series of deadly bomb blasts on 15 April 2010.<sup>70</sup>
- **2 February:** The Rangoon Eastern District Court sentenced blogger Kaung Myat Hlaing, 22, to an additional ten years in prison for carrying out poster campaigns for the release of political prisoners.<sup>71</sup> He had already been sentenced to two years in connection with the 15 April 2010 deadly bomb blasts in Rangoon.<sup>72</sup>
- **4 February:** A Rangoon District Court sentenced DVB reporter Maung Maung Zeya to 13 years in prison under the Electronics Act and the Unlawful Associations Act.<sup>73</sup>
- **11 February:** A Rangoon Divisional Court sentenced seven activists to additional prison terms ranging from seven to 10 years under the Explosives Act.<sup>74</sup>
- **22 February:** Courts in Rangoon's Ahlone and Kamayut Townships sentenced activists Myo Min Thu, Thaw Zin, Bo Bo Thein, Thaug Htike Oo, and Yan Aung Soe to prison terms ranging from six to 11 years for violation of the Immigration Act, the Unlawful Associations Act, and for committing offenses against the state.<sup>75</sup>
- **3 April:** Special Branch police in Rangoon arrested Nay Myo Zin, a volunteer with the NLD-supported blood donation group, while on his way to donate blood at a hospital in Thingangyun Township.<sup>76</sup>
- **19 May:** A court in Minhla Township, Magwe Division, sentenced farmers Than Oo, Htun Min Lwin, Aung Lin, Khin Maung San, and Kyaw Nyunt, to prison terms ranging from eight to 12 years. The military-owned Union of Myanmar Economic Holdings and Htoo Trading, owned by regime crony Tay Za, filed a complaint against the five farmers for trespassing on land the two companies had confiscated from them to build a factory.<sup>77</sup>

## Continued use of torture

- **28 November:** Police in Kyaukpyu, Arakan State, arrested and subsequently tortured Tun Nu, 32, for demonstrating for the release of political prisoners.<sup>78</sup>
- **6 February:** Na Sa Ka personnel from Area 6 in Maungdaw Township, Arakan State, tortured four local Rohingya villagers for sleeping during sentry duty.<sup>79</sup>
- **12 February:** Na Sa Ka personnel from Area 5 in Maungdaw Township, Arakan State, tortured a local Rohingya villager.<sup>80</sup>
- **1 April:** Na Sa Ka personnel from Area 7 in Maungdaw Township, Arakan State, detained and tortured a 36-year-old local Rohingya accused of murdering a Na Sa Ka collaborator.<sup>81</sup>
- **3 April:** Police in Maungdaw, Arakan State, tortured a 30-year-old local woman accused of drug trafficking.<sup>82</sup>
- **24 April:** Tatmadaw soldiers in Tangyan Township, Shan State, arrested and tortured a local 30-year-old villager.<sup>83</sup>

<sup>70</sup> DVB (22 Dec 10) DVB reporter gets 8 year jail term; Irrawaddy (22 Dec 10) Bomb Scene Photographer Sentenced to Eight Years; Mizzima News (24 Dec 10) Lensman receives eight-year jail term over blast photos; Straits Times (23 Dec 10) Myanmar blast 'reporter' jailed for 8 years

<sup>71</sup> DVB (03 Feb 11) Young blogger gets 12-year jail term; DVB (07 Feb 11) DVB video journalist gets 13 years  
Mizzima News (24 Feb 11) Five given prison terms in Water Festival bombings

<sup>72</sup> DVB (07 Feb 11) DVB video journalist gets 13 years; Mizzima News (24 Feb 11) Five given prison terms in Water Festival bombings

<sup>73</sup> Irrawaddy (08 Feb 11) Crackdown on critics continues as Burma claims political change; RSF (09 Feb 11) Another journalist gets a long jail sentence; AFP (12 Feb 11) Watchdog slams Myanmar after reporter jailed; DVB (07 Feb 11) DVB video journalist gets 13 years

<sup>74</sup> DVB (14 Feb 11) 'Activists' to serve up to 55 years

<sup>75</sup> AFP (25 Feb 11) Myanmar jails five dissidents: lawyer; Mizzima News (24 Feb 11) Five given prison terms in Water Festival bombings

<sup>76</sup> Mizzima News (04 Apr 11) Blood donation group volunteer arrested in Rangoon; DVB (05 Apr 11) Ex-army captain arrested, interrogated

<sup>77</sup> DVB (23 May 11) Farmers given lengthy jail terms

<sup>78</sup> Narinjara News (29 Nov 10) Solo Protester Demanding Release of Political Prisoners is Tortured by Police

<sup>79</sup> Kaladan News (07 Feb 11) Village sentries tortured by Border Security Force

<sup>80</sup> Kaladan News (15 Feb 11) Torture results in loss of eye, broken hand for Rohingya man

<sup>81</sup> Kaladan News (08 Apr 11) Nasaka commander illegally extorts money from villagers

<sup>82</sup> Kaladan News (12 Apr 11) Woman arrested by police in Maungdaw

- **2 May:** Tatmadaw troops in Tangyan Township, Shan State, tortured four local villagers because they believed they provided support for Shan State Army (SSA) soldiers.<sup>84</sup>
- **8 May:** Tatmadaw soldiers in Tangyan Township, Shan State, tortured a local 32-year-old villager during interrogation.<sup>85</sup>
- **22 May:** Tatmadaw soldiers from IB 67 in Mongyai Township, Shan State, tortured six local villagers during interrogation.<sup>86</sup>
- **22 May:** Tatmadaw soldiers from IB 67 in Wan Barng Hoong Village, Mongyai Township, Shan State, tortured a villager because they suspected he had ties to the SSA.<sup>87</sup>
- **23 May:** Tatmadaw soldiers from IB 67 in Nar Saai Village, Mongyai Township, Shan State, tortured two villagers during interrogation.<sup>88</sup>
- **21 June:** Police in Nongmung Township, Kachin State, tortured 12 local villagers because they believed they had ties to the Kachin Independence Army (KIA).<sup>89</sup>

In addition, between 1 and 20 March, Na Sa Ka personnel in Maungdaw Township, Arakan State, arrested about 30 local Rohingya villagers on charges of having ties with an unnamed insurgent group operating from Bangladesh.<sup>90</sup> Many of the detained villagers were tortured at various Na Sa Ka camps.<sup>91</sup>

## Persecution of Rohingya

Rohingya in Northern Arakan State continued to face systematic discrimination at the hands of the regime, which resulted in the denial of their fundamental human rights. Regime authorities continued to subject Rohingya to arbitrary arrest,<sup>92</sup> restriction of movement,<sup>93</sup> limitations on permission to marry,<sup>94</sup> forced labor,<sup>95</sup> extortion,<sup>96</sup> torture,<sup>97</sup> and harassment.<sup>98</sup>

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<sup>83</sup> SWAN (14 Jul 11) Update of human rights abuses committed by Burma Army reported in northern and central Shan State during Burma Army offensive

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<sup>87</sup> SWAN (14 Jul 11) Update of human rights abuses committed by Burma Army reported in northern and central Shan State during Burma Army offensive

<sup>88</sup> SWAN (14 Jul 11) Update of human rights abuses committed by Burma Army reported in northern and central Shan State during Burma Army offensive

<sup>89</sup> Mizzima News (15 Jul 11) Kachin villagers file complaint accusing police of torture

<sup>90</sup> Kaladan News (05 Mar 11) One baby killed, 17 villagers detained in Maungdaw; DVB (07 Mar 11) Arrests, torture follow Muslim insurgency talks; Kaladan News (21 Mar 11) Linking Taliban is a creation: Nasaka director; Kaladan News (22 Mar 11) Nasaka Director meets locals in Maungdaw regarding Taliban rumors; Kaladan News (25 Mar 11) Western Commander visits Maungdaw; Narinjara News (20 Mar 11) Nearly 80 Suspected Taliban Members Arrested in Burma

<sup>91</sup> Kaladan News (05 Mar 11) One baby killed, 17 villagers detained in Maungdaw; DVB (07 Mar 11) Arrests, torture follow Muslim insurgency talks; Narinjara News (24 Mar 11) Leaders of Alleged Taliban Group Under Serious Interrogation

<sup>92</sup> Kaladan News (19 Nov 10) Junta troops arrest 8 Rohingyas in Buthidaung; Kaladan News (22 Dec 10) Rohingya woman remains in police custody in Maungdaw; Kaladan News (01 Dec 10) Sarapa accuse Rohingya man of owning illegal phone; Kaladan News (03 Dec 10) Rohingyas decry persistent arrests and extortion by Nasaka agents; Kaladan News (25 Dec 10) Youth shot by Nasaka for avoiding arrest; Kaladan News (18 Jan 11) Despite election promises, religious persecution continuing in northern Arakan State; Kaladan News (05 Mar 11) One baby killed, 17 villagers detained in Maungdaw; DVB (07 Mar 11) Arrests, torture follow Muslim insurgency talks; Kaladan News (21 Mar 11) Linking Taliban is a creation: Nasaka director; Kaladan News (22 Mar 11) Nasaka Director meets locals in Maungdaw regarding Taliban rumors; Kaladan News (25 Mar 11) Western Commander visits Maungdaw; Narinjara News (20 Mar 11) Nearly 80 Suspected Taliban Members Arrested in Burma; Narinjara News (09 Apr 11) National Security personnel harass Rohingya in Maungdaw; Kaladan News (11 Feb 11) Bridegroom arrested for visiting fiancée's home

<sup>93</sup> Kaladan News (03 Dec 10) Rohingyas decry persistent arrests and extortion by Nasaka agents

<sup>94</sup> Kaladan News (18 Jan 11) Man kept overnight in a drum of water for marrying without permission; Kaladan News (11 Feb 11) Bridegroom arrested for visiting fiancée's home

<sup>95</sup> Kaladan News (24 Dec 10) Villagers forced to provide firewood for baking bricks; Kaladan News (12 Jan 11) Forced labor increasing in Maungdaw Forced labor increasing in Maungdaw; Kaladan News (17 Jan 11) Forced labor for army battalion in Buthidaung

<sup>96</sup> Kaladan News (03 Jan 11) Security force extracts 700,000 kyat from woman who sought medical treatment

<sup>97</sup> Kaladan News (07 Feb 11) Village sentries tortured by Border Security Force; Kaladan News (15 Feb 11) Torture results in loss of eye, broken hand for Rohingya man; Kaladan News (08 Apr 11) Nasaka commander illegally extorts money from villagers; Kaladan News (05 Mar 11) One baby killed, 17 villagers detained in Maungdaw; DVB (07 Mar 11) Arrests, torture follow Muslim insurgency talks; Narinjara News (24 Mar 11) Leaders of Alleged Taliban Group Under Serious Interrogation

<sup>98</sup> Kaladan News (03 May 11) Nasaka entering villagers' houses at night in Maungdaw; Kaladan News (18 Jan 11) Man kept overnight in a drum of water for marrying without permission; Kaladan News (11 Feb 11) Bridegroom arrested for visiting fiancée's home



## Domestic and international support for CoI grows

UN Special Rapporteur on human rights in Burma Tomás Ojea Quintana first recommended that the UN consider establishing a Commission of Inquiry (CoI) into serious international crimes in Burma in March 2010.<sup>99</sup> On 23 May 2011, Ojea Quintana declared that he would continue to push for the establishment of a CoI at the upcoming session of the UN General Assembly.<sup>100</sup>

On 22 June, in a video message to the US House of Representatives' Foreign Affairs Subcommittee on Asia and the Pacific, Daw Aung San Suu Kyi also reiterated her support for a CoI. Daw Suu said that such a commission should identify what human rights violations had taken place in Burma and make recommendations to ensure that these violations would not occur again in the future.<sup>101</sup>

As of 1 July 2011, 16 governments have voiced support for the creation of a CoI. They include Australia, Belgium, Canada, the Czech Republic, Denmark, Estonia, France, Hungary, Ireland, Latvia, Lithuania, the Netherlands, New Zealand, Slovakia, the UK, and the US.<sup>102</sup> The US repeated calls for the establishment of a UN-mandated CoI following visits to Burma by US Deputy Assistant Secretary for East Asian and Pacific Affairs Joseph Yun and Senator John McCain in May and June respectively.<sup>103</sup>

## Commission of Inquiry has strong preventive value

The main purpose of establishing a Commission of Inquiry (CoI) is to obtain the truth about what victims of serious international crimes have suffered. The CoI should also make a wide range of recommendations related to justice, reparations, and guarantees of non-recurrence. The creation of a CoI should thus be considered part of a long-term effort to end impunity in Burma. It should provide a basis for national reconciliation and sustainable peace in the country, as justice is a fundamental part of any transition to democracy. The creation of a CoI also has a strong preventive value. Holding Burma's regime to account for human rights abuses may deter future violations and promote respect for the rule of law. It could also promote discipline and professionalism among the armed forces and law enforcement officials as well as improve relations with the civilian population.

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<sup>99</sup> Reuters (11 Mar 10) U.N. rights envoy seeks Myanmar war crimes inquiry; AFP (11 Mar 10) Myanmar abuse may be crimes against humanity: UN expert; AFP (12 Mar 10) UN urges war crimes probe in Myanmar; DVB (11 Mar 10) Burma war crimes probe gets UN backing; Irrawaddy (11 Mar 10) Quintana Recommends UN War Crimes Commission on Burma; Irrawaddy (11 Mar 10) Quintana Recommends UN War Crimes Commission on Burma

<sup>100</sup> DPA (23 May 11) UN envoy says inquiry needed over rights abuses by Myanmar

<sup>101</sup> AFP (22 Jun 11) Suu Kyi urges US effort for rights probe; NLD (23 Jun 11) Testimony of Daw Aung San Suu Kyi made before US Congress; VOA (22 Jun 11) Burma's Aung San Suu Kyi Asks for US Support for Rights Inquiry; Irrawaddy (23 Jun 11) Suu Kyi Urges US Support for CoI

<sup>102</sup> BCUK (25 Mar 10) UK Government supports Burma regime referral to International Criminal Court; Irrawaddy (08 Apr 10) Czech Supports UN War Crimes Inquiry on Burma; New Zealand Parliament (22 Apr 10) New Zealand Parliament Order Paper and Questions: Questions for written answer; UNHRC (08 Jun 10) Human Rights Council holds General debate on human rights situations that require the Council's attention; CFOB (02 Sep 10) Canada to Support UN Commission of Inquiry on Burma; EPCB (07 Sep 10) European MPs welcome Hungary support for Burma crimes inquiry; Mizzima News (21 Sep 10) Dutch, New Zealanders back UN inquiry on junta abuses; ; Mizzima News (25 Sep 10) Ireland weighs in on UN inquiry into Burma abuses; Mizzima News (29 Sep 10) Lithuania joins chorus seeking UN inquiry on Burma abuses Chinland Guardian (04 Feb 11) Belgium Supports Commission of Inquiry into Burma's Rights Abuse; BCUK (10 Mar 11) Denmark and Latvia support UN Burma Inquiry

<sup>103</sup> Irrawaddy (17 Jun 11) US Vows to Continue Pressing for Burma CoI; AFP (25 Jun 11) US will support UN-backed Myanmar rights probe; VOA (25 Jun 11) US Signals Support for Burma Investigation; US Department of State (25 Jun 11) Daily Press Briefing