



HUMAN
RIGHTS
WATCH

“UNTOLD MISERIES”

Wartime Abuses and Forced Displacement in Kachin State

Summary and Key Recommendations



A displaced Kachin mother of three, 45, recuperates from an injury from a KIA antipersonnel mine in a hospital in Maijyang. She and her husband were injured on December 19, 2011, unaware that mines had been planted on their farm.

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in Burma's Kachin State

They pointed the knife against my stomach and they put it on my brother's throat.... We were asked repeatedly where the KIA [Kachin Independence Army] is and in which house the weapons are hidden, and then the soldier said, "If you don't show us and don't give us the answers then you will be killed and your hands will be cut off." And then we were tied up.

—“MUNG A.,” 16, TORTURED AND FORCED TO PORTER WITH HIS 14-YEAR-OLD BROTHER ON THE FRONT LINES IN KACHIN STATE, NOVEMBER 2011

Soldiers would come and take the women and bring them from tent to tent. We were so afraid and we couldn't watch the whole night. The next morning, the women couldn't walk right. They seemed like they were in pain. They walked hunched over. And they were crying.

—“M. SENG,” 23, FORCED TO PORTER ON THE FRONT LINES FOR 19 DAYS, NOVEMBER 2011



In his March 2011 inauguration speech, Burmese President Thein Sein emphasized the importance of ending Burma's several ethnic armed conflicts, declaring that more than 60 years of ethnic warfare in Burma were due to “dogmatism, sectarian strife, and racism.” Burma's ethnic minorities had, he said, experienced “the hell of untold miseries.”



An IDP camp known as Border Post 8, where approximately 2,000 displaced people fled in November 2011 when the Burmese army attacked their villages and razed homes. At an elevation of 2,300 meters, residents endure temperatures as low as -1 degrees Celsius and have received no humanitarian aid.

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Crops planted by internally displaced Kachin outside their makeshift camp in Maijyang. Food is inadequate as the Burmese authorities have largely hindered humanitarian access to the camps in Maijyang.

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Despite his words, the miseries continue for the ethnic minority Kachin population in Burma's northern Kachin State. After 17 years of a ceasefire in Kachin State, the Burmese armed forces launched offensive military operations in June 2011 against the rebel Kachin Independence Army (KIA), leading to a humanitarian crisis affecting tens of thousands of civilians, against whom the Burmese army is committing serious abuses. Military operations by both sides have continued despite a presidential request that the army cease attacks against the KIA and only fire in self-defense.

Over the last six months of 2011, Human Rights Watch travelled twice to areas in Kachin State, visiting nine camps for internally displaced persons (IDPs), and to areas in China's Yunnan province where refugees have fled. This report draws on more than 100 interviews conducted during those visits with displaced persons, refugees, and victims of abuses, as well as KIA representatives, Burmese army deserters, and humanitarian aid workers. We have continued monitoring

KIA soldiers on the frontlines in the KIA's eastern division.

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events on the ground and have conducted follow-up research through March 2012.

Kachin civilians described to Human Rights Watch how Burmese army soldiers have attacked Kachin villages, razed homes, pillaged properties, and forced the displacement of tens of thousands of people. Troops have deliberately and indiscriminately fired on Kachin civilians with small arms and mortars. According to one 40-year-old Kachin woman, for example, soldiers on November 10, 2011, "shot mortars into our village three times.... So we fled." A Burmese army deserter described how his battalion deliberately shelled Dingga village with 81 mm mortars so that inhabitants would run away. "It was intended that way," he said.

Displaced Kachin children collect water from the village well in KIA-controlled territory in Hpunlum Yang, Kachin State, January 29, 2012.

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A displaced Kachin woman explaining how the Burmese army fired upon her and her three grandchildren on two occasions while they fled for safety. “When we ran the soldiers shot at us,” she said. “We were really afraid. We just ran and hid. There were many mosquitos and we were all wet in the rain, and everyone was crying.”

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Soldiers have threatened and tortured civilians during interrogations for information about KIA insurgents, and raped women. The army has also used antipersonnel mines and conscripted forced labor. Children as young as 14 have been tortured and forced to serve as army porters, including on the front lines.

The KIA has also been involved in serious abuses, including using child soldiers and antipersonnel landmines. Human Rights Watch found no tangible signs that the authorities in the KIA or the Kachin Independence Organization (KIO)—the KIA’s political wing—are seriously addressing either practice.

At a time of significant political progress in Burma, the dire human rights and humanitarian situation for Burma’s Kachin people has received inadequate domestic and international attention. Approximately 75,000 men, women, and children have fled their homes since June 2011, most seeking refuge in some 30 camps for the internally displaced along the China border in KIA-controlled areas. After fighting began, thousands of civilians hid from the Burmese army in the jungle, some for up to two months, before continuing via rugged mountain terrain to makeshift camps. Their numbers have steadily grown since June.

The shortfall of humanitarian aid for the internally displaced population has pressured families to return to insecure villages in order to gather belongings or tend to animals and fields, risking encounters with hostile Burmese army forces and exposing them to antipersonnel mines that have been laid by both parties. Burmese army soldiers have fired upon civilians, including children, threatened them, and abducted them for forced labor. Many villagers have returned home only



A KIA officer visits his displaced family at their temporary shelter outside Laiza, Kachin State, January 29, 2012.

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At an IDP camp outside Laiza, swelling to accommodate new arrivals, Kachin displaced persons arrange firewood.

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The KIA's proclaimed capital, Laiza, which is directly split in half by the border with China's Yunnan province in the background.

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A Kachin medical doctor treating civilian and military victims of antipersonnel mines in the KIA's eastern division holds a Burmese army landmine. He told Human Rights Watch that mine-related casualties are on the rise: "The difference between Kachin and Burmese landmines is that the KIO mine blasts shrapnel inside the body, whereas the Burmese one is not shrapnel, but a blunt force explosion, usually taking an entire limb."

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Maru Maw, 70, was forced by the Burmese army to porter in November 2011 with his son and daughter-in-law. The army opened fire on him and his son as they escaped: "A soldier was shooting at us. We kept jumping and tumbling down. My body still hurts from it." His daughter-in-law Sumlut Roi Ja did not escape and has not been seen since.

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to find that the army has already destroyed or confiscated their property and belongings.

Many abuses documented in this report constitute serious violations of international humanitarian and human rights law, including deliberate or indiscriminate attacks on civilians, unlawful killings, torture and ill-treatment, the use of child soldiers, and the use of abusive forced labor in conflict zones. In addition, both parties to the conflict are using antipersonnel mines—indiscriminate weapons that do not distinguish between civilians and combatants. Their placement throughout Kachin State will complicate any future repatriation of IDPs and refugees, and threaten civilians who return to areas that have not been cleared.

Those responsible for ordering or participating in the abuses documented in this report should be impartially investigated and prosecuted, and disciplined as appropriate. All parties to the conflict need to take effective measures to end abuses by their forces, ensure humanitarian access, and

Children learn a traditional Kachin dance at a makeshift school in an IDP camp outside Laiza staffed by volunteer teachers. Most displaced children have not attended school since the conflict began and those whose parents are working lack daytime supervision.

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permit an independent international mechanism to investigate abuses by all sides.

A robust humanitarian aid effort from government-controlled territory to KIO-controlled areas has been effectively blocked by Burmese authorities. The government only granted relevant United Nations agencies access to areas of significant need in December, six months after it started military operations. Even then, access has been very limited. On December 12, the UN Office for the Coordination of Humanitarian Affairs (OCHA), the UN High Commissioner for Refugees (UNHCR), and the UN Children's Fund (UNICEF)



Displaced Kachin women receive training in basic management skills and financial planning by local aid group Wunpawng Ninghtoi ("Light of Kachin"). Burmese authorities to date have authorized one UN visit to camps surrounding Laiza, but otherwise have refused humanitarian access to KIA-controlled areas.

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visited Laiza, the KIA's proclaimed capital on the Burma-China border, where several IDP camps are located. The UN agencies delivered an initial aid installment to displaced persons. However, the amount of aid delivered was minimal and they were unable to visit several areas that are home to tens of thousands of IDPs, including areas around the border town of Maijayang. To date, the government has not allowed further UN aid deliveries.

Local civil society organizations have delivered considerable aid in government-controlled areas, but they have been constrained by limited funding and capacity, and in some instances, by government obstruction to access unauthorized areas where there is a population in need.

In KIO-controlled areas, the KIA and networks of local Kachin organizations have tried to meet growing humanitarian needs, but international support for civilian-led relief organizations operating in KIO areas has been sporadic and inadequate. The overall situation is expected to further deteriorate as the monsoon season approaches in May.

The developments in Kachin State stand in stark contrast to hopeful human rights developments in lowland Burma in recent months. After more than 50 years of repressive military rule, the government that took office in March 2011 has, among other things, released hundreds of political prisoners including many prominent activists, student leaders, and monks, eased media restrictions, and passed laws on freedom of assembly and labor union formation. However, hundreds of political prisoners remain behind bars, the justice system lacks independence, and the military maintains significant political control.

It is essential that support for recent reforms not lead to international complacency about the serious human rights violations still plaguing Burma. Legal and political changes are only beginning to make headway and there is a long way to go before all Burmese benefit from them. Among those who have seen little improvement to date are many ethnic minority populations, with conditions considerably worsening in Kachin State. As long as ethnic minority populations continue to suffer abuses, Burma's prospects for reconciliation and development will be stifled.

As a 58-year-old Kachin farmer told Human Rights Watch: "We are restricted, we are abused, and we are not free. The life of the Kachin people is very miserable now."





A female Kachin minister leads a group of displaced persons in prayer outside a makeshift IDP camp in Maijayang in the KIA's eastern division.

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METHODOLOGY

This report is largely based on 112 interviews conducted by Human Rights Watch from July 2011 to February 2012, primarily in the conflict zones of Kachin State and in China's Yunnan Province. In June, July, and November 2011 Human Rights Watch visited nine camps for internally displaced persons (IDPs) in Kachin State and six unrecognized camps for Burmese refugees in border towns and remote jungle areas of Yunnan.

China and Burma do not allow nongovernmental human rights organizations to freely conduct research or monitor human rights concerns inside their borders. As a result, obtaining and verifying credible information presents great challenges.

Interviews were conducted with victims and witnesses of abuses, internally displaced persons and refugees, aid workers, Burmese army deserters, and representatives of the Kachin Independence Army (KIA), including two child soldiers. All children were interviewed in the presence of guardians. When possible, and in a majority of cases, interviews were conducted on a one-on-one basis. In addition to the 112 interviews, additional interviews were conducted with displaced persons and refugees in a group setting, and with foreign aid workers and in-country contacts via telephone. We also spoke with other sources in Burma, Thailand, and China who provided firsthand information about the conflict or conditions experienced by displaced populations. In preparing this report, Human Rights Watch wrote to both the Burmese government and the Kachin Independence Organization (KIO) with specific questions to enable them to respond to specific allegations. As of this writing, no responses were received.

We conducted interviews primarily in the Jinghpaw Kachin language or other Kachin dialects, with Kachin to English interpretation. In a few cases, we conducted interviews in English. In both the body of the report and in footnotes, we have generalized locations of interviews in Burma and China to provincial and state levels so that those interviewed and their families cannot be easily identified. We have used pseudonyms for all Kachin civilians and child soldiers named in this report, unless otherwise indicated. In some cases other identifying information has been withheld in the interest of security.

All those interviewed were informed of the purpose of the interview, its voluntary nature, and the ways in which the data would be used. All interviewees were told they could decline to answer questions or end the interview at any time. All provided oral consent to be interviewed. None received compensation.

The nine IDP camps visited by Human Rights Watch are located in the central and eastern divisions of territory controlled by the KIO. In these areas, KIA was providing humanitarian aid as the implementing party for the KIO. For this and other reasons, some interviewees may have been reluctant to share information concerning the behavior of the KIA.

In addition to the research described above, we referenced a number of secondary sources including United Nations reports, academic studies, published books, previous Human Rights Watch reporting, and other nongovernmental organization reports.

KEY RECOMMENDATIONS

THE BURMESE GOVERNMENT SHOULD:

- Take all necessary steps to ensure that the Burmese armed forces act in compliance with international humanitarian law, in particular acting to minimize harm to civilians and civilian property.
- Investigate credible allegations of laws-of-war violations—including deliberate or indiscriminate attacks on civilians, extrajudicial killings, rape and other sexual violence, torture, unlawful use of porters, use of child soldiers, and pillage—and appropriately prosecute those responsible, regardless of rank or position.
- Support an independent international mechanism to investigate alleged violations of international human rights and humanitarian law committed by all parties to the armed conflicts in Kachin State and elsewhere in the country.
- Request the United Nations Office of the High Commissioner for Human Rights to establish an office in Burma with a standard protection, promotion, and technical assistance mandate.
- Provide the United Nations and national and international humanitarian agencies safe, sustained, and unhindered access to all areas of internally displaced populations, and make a long-term commitment with humanitarian agencies to authorize relief, recovery, and eventual development support to populations in need.
- Ensure that returns of displaced persons and refugees take place in accordance with international standards, on a voluntary basis with attention to the safety and dignity of the returning population.

THE UNITED NATIONS, ASEAN, ASEAN MEMBER STATES, AUSTRALIA, CHINA, RUSSIA, THE UNITED STATES, THE EUROPEAN UNION, JAPAN SHOULD:

- Publicly and privately call on the Burmese government and ethnic armed groups to end violations of international human rights and humanitarian law during military operations.
- Support an independent international mechanism to investigate alleged violations of international human rights and humanitarian law committed by all parties to the conflicts in Burma.
- Support the establishment of a United Nations Office of the High Commissioner for Human Rights office in Burma with a standard protection, promotion, and technical assistance mandate.
- Press the Burmese government to establish a mechanism to provide prompt and adequate compensation for victims of abuses by its security forces.
- Publicly call on all parties to the conflict to facilitate access by domestic and international humanitarian agencies to both government and KIA-controlled areas of Kachin State and northern Shan State, and other areas in the country where populations are at risk.
- Provide needed support to local and international humanitarian agencies impartially providing assistance in ethnic conflict areas and those administering cross-border aid. Press the Burmese government and KIO to allow them full access to populations in need.

“UNTOLD MISERIES”

Wartime Abuses and Forced Displacement in Kachin State

When Burmese President Thein Sein took office in March 2011, he said that over 60 years of armed conflict have put Burma’s ethnic populations through “the hell of untold miseries.” Just three months later, the Burmese armed forces resumed military operations against the Kachin Independence Army (KIA), leading to serious abuses and a humanitarian crisis affecting tens of thousands of ethnic Kachin civilians.

“Untold Miseries”: Wartime Abuses and Forced Displacement in Kachin State is based on over 100 interviews in Burma’s Kachin State and China’s Yunnan province. It details how the Burmese army has killed and tortured civilians, raped women, planted antipersonnel landmines, and used forced labor on the front lines, including children as young as 14-years-old. Soldiers have attacked villages, razed homes, and pillaged properties. Burmese authorities have failed to authorize a serious relief effort in KIA-controlled areas, where most of the 75,000 displaced men, women, and children have sought refuge. The KIA has also been responsible for serious abuses, including using child soldiers and antipersonnel landmines.

Human Rights Watch calls on the Burmese government to support an independent international mechanism to investigate violations of international human rights and humanitarian law by all parties to Burma’s ethnic armed conflicts. The government should also provide United Nations and humanitarian agencies unhindered access to all internally displaced populations, and make a long-term commitment with humanitarian agencies to authorize relief to populations in need.



Displaced Kachin civilians living in temporary shelter in KIA-controlled territory in eastern Kachin State, wait for rations of rice and cooking oil, January 26, 2012. Over 1,000 civilians have fled their homes to this area to escape the fighting between the Burmese army and the KIA.

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