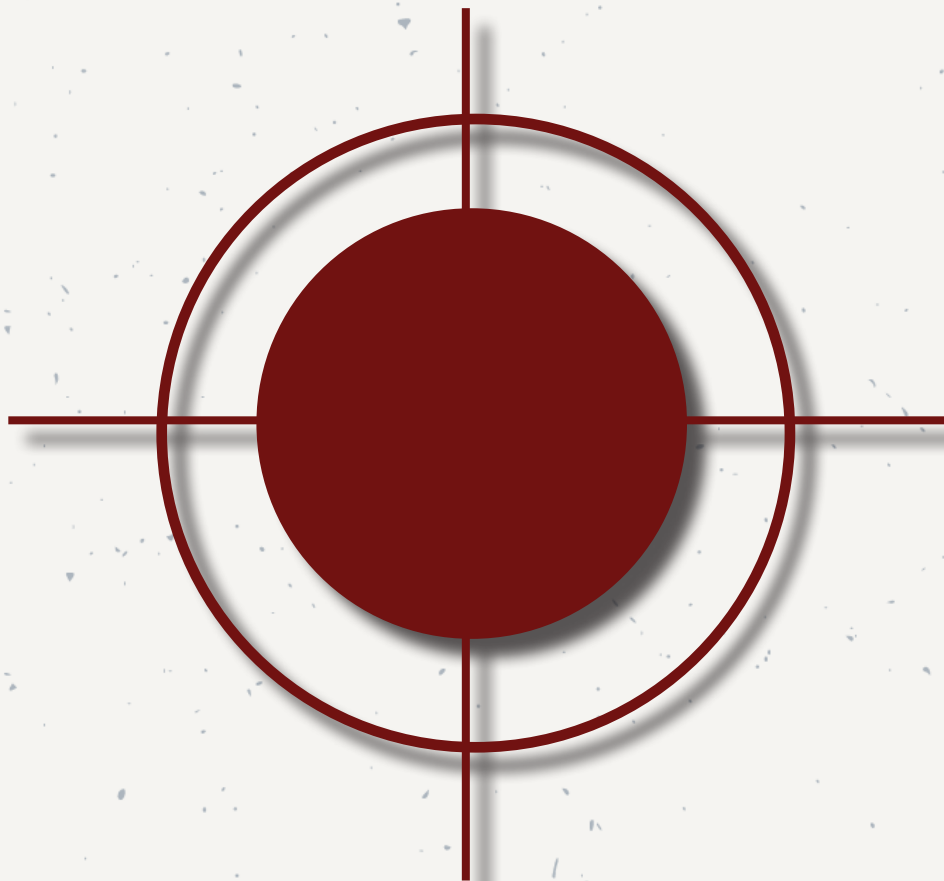


UNDER ATTACK

AN OVERVIEW OF THE DECLINING HUMAN RIGHTS SITUATION IN MON AND
KAREN STATES AND TANINTHARYI REGION BETWEEN
SEPTEMBER AND OCTOBER 2021



The Human Rights Foundation of Monland | November 2021



SITUATION OVERVIEW

Over the last eight months, the human rights situation in Burma has been deteriorating quickly. Since the attempted coup in February, fundamental rights and freedoms have been overwhelmingly denied to civilians. Human rights violations are rampant as the junta commits state-sponsored atrocities with impunity. The multiple crises unfolding have had harsh economic and social impacts, and with no immediate remedy to meet the impending consequences, it is the country's citizens who are unfairly forced to carry the burden of the regime's negligence.

The unjust assaults and arbitrary arrests speak to the military's quest for control as they violently try to assert their power through domination tactics. Despite the fact that Burma is a signatory to the 1949 Geneva Convention, the military has failed to adhere to domestic and international obligations. The lack of effective global condemnation has only emboldened the junta to disregard all calls to safeguard human rights. The Generals see themselves as the rightful guardians of the State – no matter the cost. What is worse, is that the Burmese Army has signaled that it has absolutely no desire, nor political will to reverse its catastrophic course of action. Locals have witnessed a return of Burmese Army tactics of arresting and conscripting villagers as military tensions increase. The National Unity Government (NUG) has declared that the junta is illegally carrying out ground offensives in addition to airstrikes.¹ They are subsequently continuing to collect evidence of war crimes and taking steps to hold the Burma Army accountable at the International Criminal Court.²

Further, the hardships that the people of Burma have been forced to endure have taken an emotional and physical toll. Civil unrest has prompted thousands to join anti-coup campaigns and activities such as the Civil Disobedience Movement (CDM). The regime has responded with harsh crackdowns and violent tactics intended to curb dissent.

The Human Rights Foundation of Monland (HURFOM) has documented and observed a worrying trend of increasing arbitrary arrests and unlawful detainment in target areas of Mon State, Karen State and Tanintharyi (Dawei) region, particularly between September and October 2021. The frequency at which these violations are taking place is alarming. HURFOM has documented dozens of cases of civilians being abducted and taken to unknown locations. In the briefing paper, "Under Attack," HURFOM will provide a situational overview of the worsening rights landscape contextualized with legal analysis.

Ultimately, without immediate, and concrete repercussions against the junta, which include holding them to account under international law, the alarming trajectory in Burma is unlikely to change course.

FIELDWORKERS NOTE

HURFOM has fieldworkers in Mon State, Karen State and Tanintharyi Region, as well as human rights networks across the country. Three reporters are working from Mon and Karen State in areas controlled by ethnic armed organizations. Within this team, HURFOM will continue to monitor the human rights situation in our target areas as closely as possible. Given the new limitations that civil society organizations now face in the post-coup environment, we have found that the human rights situation is an even greater concern.

Fieldworkers continue to document human rights violations as best as they can, given the extreme risks they face on a daily basis. The growing threats to their safety only speak to the society of fear the junta has created. HURFOM's documentation and data is sourced from our network of field staff reporting on the ground. The restrictions imposed by the junta have made it much more difficult to access all of our target areas freely and without repercussions.

The Burma Army is known for intimidating and harassing fieldworkers documenting human rights violations. Security forces often threaten survivors who share their stories with rights groups as well. At the moment, HURFOM is safely able to work in ceasefire areas and armed controlled territories of the Karen National Union and the New Mon State Party. Recording of events and testimonies is extremely high-risk outside of these areas.

The movement restrictions and curfews in place due to COVID-19 have also limited the amount of documentation possible, for security reasons. Therefore, the information outlined in this short briefing paper includes HURFOM data from the ground. Many of our estimates are likely significantly higher given the challenges we face collecting these data. Our team is immensely grateful to those who shared their fears and hopes for the future with HURFOM.

HUMAN RIGHTS VIOLATIONS BETWEEN SEPTEMBER & OCTOBER 2021

SEPTEMBER

- 135 ARRESTED
- 23 INJURED
- 4 KILLED

OCTOBER

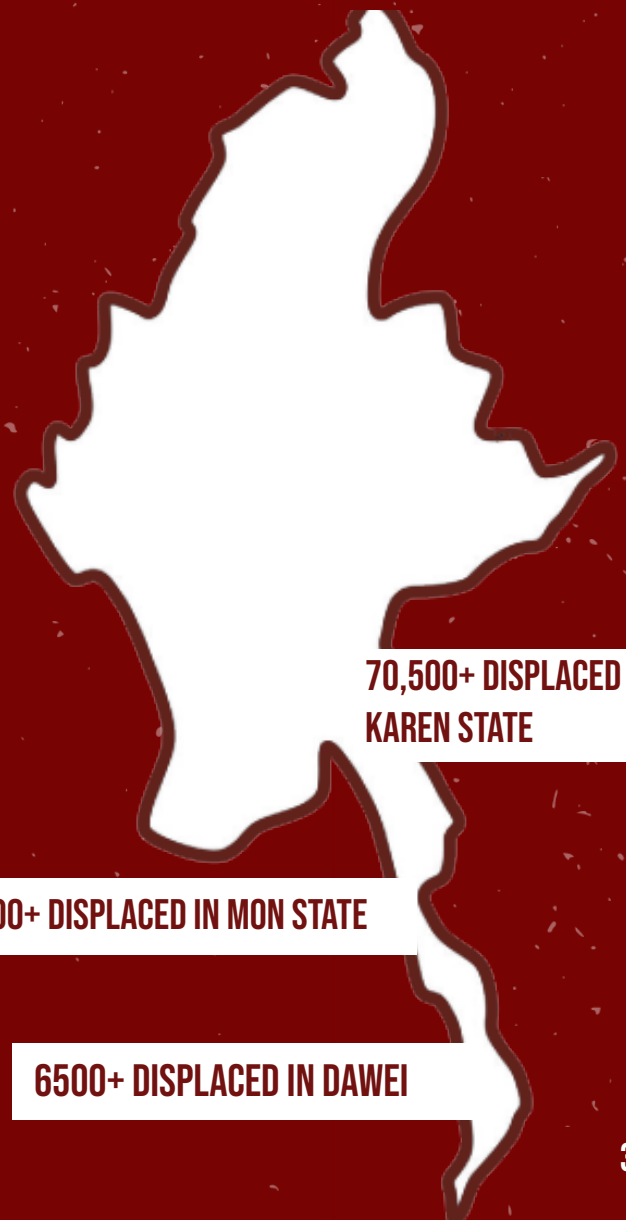
- 86 ARRESTED
- 14 INJURED
- 7 KILLED

290+

CIVILIANS FROM MON STATE, KAREN
STATE AND DAWEI HAVE BEEN
UNLAWFULLY ARRESTED AND DETAINED
BY THE JUNTA.



BETWEEN MARCH AND AUGUST
2021, HURFOM RECORDED 89 CASES
OF THE JUNTA VIOLATING THE LAW
PROTECTING THE PRIVACY AND
SECURITY OF CITIZENS, AMONG
OTHER ENCROACHMENTS.



HUMAN RIGHTS VIOLATIONS PERPETRATED BY THE JUNTA AND IMPACTS IN KAREN STATE, MON STATE & TANINTHARYI REGION

An increased presence of military soldiers in local villages has contributed to a growing climate of fear, which has resulted in the forced displacement of thousands of civilians. As of October 13th, HURFOM documented over 6000 people in Dawei region who were forced to flee Taung Byauk village tract in Thayet Chaung Township, in addition to an increase of 200 internally displaced person (IDP) in Kawkareik, Karen State and 120 in Thaton Township, Mon State. Since the attempted coup, the total number of IDPs has been 1800 in Mon State, 70,500 in Karen State (including seven districts of KNU administered areas) and 6,500 in Tanintharyi region.

Across the country, 3 million are in urgent need of food, shelter, medicine and basic survival necessities.³ Their plight is in direct response to the junta's assault on their right to feel safe within their homes. Midnight raids and the ongoing arbitrary arrests of civil disobedience activists is ongoing.

Warrantless arrests and an abuse of power by the regime has contributed to the erosion of basic rights and freedoms. Between March and August 2021, HURFOM recorded 89 cases of the junta violating the Law Protecting the Privacy and Security of Citizens, among other encroachments.⁴ Over the last two months, more than 290 civilians from Mon State, Karen State and Dawei have been unlawfully arrested and detained by the junta. In September, 135 people were arrested, including over 90 youth who were arrested in HURFOM target areas. In October, 86 civilians were arrested, 71 detained, 14 injured and 7 killed.

The following cases and incidents address the various ways the Burma Army is terrorizing the civilian population:

Families Abducted by the Junta

Family members are regularly taken hostage by state-backed soldiers if those on the military's warrant lists are not home when they arrive to arrest them. On October 2, security forces in Ye township arbitrarily arrested the mother and daughter of U Myo Win, a Pyithu Hluttaw parliament member, who has been in hiding to avoid arrest. His mother is 90 years old. About a week later, junta troops released his aging mother. However, his young daughter is still being detained as a hostage at Myo-Ma Police Station in Ye Township, Mon State.

Days later on October 9, joint pro-coup armed troops and militia forces arrested a mother and two children (age 2, and 6) and took them as hostages in Saw-Pyar village, Thayet Chaung Township, Dawei region. The soldiers came and searched for Ko Nee Pun, the father and husband of the detainees, but when they could not arrest Ko Nee Pun, they kidnapped his family. The troops were led by militia leaders, U Aung Sein and U Maung Yee. While they were looking for Ko Nee Pun home, they knocked on the doors of some villagers and confiscated several mobile phones.

The arrests of family members as hostages continued in Dawei. On October 23 at about 8PM, a group of junta security forces entered the house of Daw Mar Mar Thet and abducted her. The soldiers came and looked for Ma Pan Ei Phyu, one of the daughters of Daw Mar Mar Thet. But Pan Ei Phyu was in hiding, and they arrested her mother as a hostage. On the morning of October 24, the junta arrested another three people, including a 7-year-old child, who are family members of Daw Mar Mar Thet and Ma Pan Ei Phyu. They are all residents of Daung Ngu Ward, Dawei.

Civilian Abductions & Destruction of Property, Possessions

The state-sponsored abductions are mostly targeted, but are also random and indiscriminate. On 5 September, several local villagers were abducted by the Light Infantry Battalion No. 583, operating under the Military Operation Management Command No. 19.⁵ A 44-year-old villager from Wae Bai village was arrested for unknown reasons. A witness recalled that approximately 50 soldiers with full ammunition entered the village, which is controlled by the New Mon State Party.

The same day, several young men volunteering at their local health and social sectors were abducted by Light Infantry Battalion No. 401 in Maw-Shae-Gone Village, Thayet Chaung Township, Dawei. Two military trucks full of soldiers came and searched homes. Then they arrested four men and brought them to unknown places, according to local sources. Knocking on doors in early hours of the morning and night are common practices by the regime who threaten and intimidate their subjects, including extorting villagers of money and possessions through 'stop and frisk' tactics. Young people in particular have been targeted. Five cases of arbitrary arrest and abductions in Dawei taking place in Dawei on October 4.

A few weeks later on 25 October, two more young people were besieged when they were abducted by the junta in Hpa-An Township, Karen State. A witness who spoke to a HURFOM reporter said the military troops grabbed a young woman and man from Ahmat Hnit ward. They were both arrested after soldiers checked their mobile smartphones.

As the regime ignites further violence, civilian defense forces have responded by targeting junta soldiers. The growing numbers of military casualties has ramped up warfare in several HURFOM areas. The junta has arrested dozens of villagers on suspicion of being tied to the various armed groups. On 15 September, a ZAME Liquor House owner and her two staff members were abducted by security forces in Hpa-an, Karen State. A neighbor suspected that the arrests of the three people were linked with the murder of the informer who was killed at ward #4, a few days before. Most young people are leaving Hpa-an to go to safer places as the arbitrary arrests and detentions are increasing.

Indiscriminate Firing

In addition to arbitrary arrest and detainment, the regime combines these militarized schemes with brutal rampages. In Mae-Kae village, Dawei region, where residents have been fleeing their homes since September 29th, a 34-year old woman recollected the attack on her home by the junta stating:

"First, the military soldiers launched artillery strikes close-by and in the surrounding areas of our village. The firing lasted about an hour. Then the soldiers broke down the locked doors, and took properties from each house."

The shootings are not limited to civilian neighborhoods. Religious monuments have also been the location of assaults and abductions. On 8 September, three were arrested after an indiscriminate shooting spree near a Chinese Buddhist Temple, located in Talaing Htein Ward, Dawei. A military truck arrived and began erratically firing at local residents.

The day before on 7 September, two civilians were shot and abducted by security forces downtown Dawei at 4PM. The incident happened near Hi Guesthouse on 4th Myo Thit road. The soldier shot two young men on a motorcycle from the back. One was injured on the right leg. The condition of the other remains unknown.

While at a tea shop, several civilians faced the wrath of the regime when early in the morning on 22 October, three plain-clothed junta-backed armed men killed two villagers in Pandalell village, Lon Lone Township in Dawei. The gunmen climbed out of a truck with handguns and started firing. They killed U Aung Myint and Ko Nay Nay on the spot. Another two villagers were injured. Many Pandalell villagers have been forced to flee in fear of being caught in a military-sponsored attack.

Villagers from Ywa Thit, Kawkareik Township reported that they had unearthed a disabled villager who had been killed and buried by the junta soldiers on October 25. While the battalions were conducting military operations and firing in the village, he was unable to escape. The soldiers killed him for no reason – which speaks to the growing hostilities in civilian areas, and the impunity the regime personifies.

Torture in Military Custody

While in military custody, the terrors that detainees are subjected to is harrowing. Documentation by the Assistance Association for Political Prisoners has stated that several dissidents detained have died under violent military interrogation through endless torture. On 20 September, three young students from Dawei University were abducted by the junta security from their homes on accusations of supporting the Dawei People's Defense Force. The Dawei University Student Union confirmed the arrests of Shar Pyae Kin, Soe Pyae Aung, and Soe Met Me. One of these detained students, Soe Me Me Kyaw, attempted to commit suicide by drinking alcohol sanitizer hand spray in the detention center after being tortured by the regime.

U Kyi Thein, age 63, a resident of Wet-Chaung village, Yebyu Township, in Dawei Region, was killed while under interrogation by junta police. He was accused of being associated with the shooting of a military informer on the 20th of October. The junta troops contacted the family of U Kyi Thein to take the body, but no one dared to go because they feared arrest. Then, a military truck came and carelessly disposed of the body in front of his family home on October 21st.

There is unfortunately no guarantee that those abducted will make it home safe. Three young civilians from Dawei were reportedly taken away between October 23 and 24 by the junta security forces after the troops checked their phones. Ko Naing Zin Latt was stopped and arrested by the security troops on October 23rd. He was tortured during interrogation. Then the troops tracked down his other two friends, Ko Kyae Zin Linn and Naing Win Aung, and arrested them on the 24th.

In another case, the junta troops killed two young civilians who were detained on October 23. Ko Htet Wai Naing, 23 and Ko Than Soe Oo, 23 were the residents of Ottaran Ward, Dawei, but they were killed by police on Yay-Wai street, both bodies with apparent gunshot wounds.

A VOLUNTEER LAWYER TOLD HURFOM, "WE HEAR RUMORS THAT TORTURE AND INHUMANE TREATMENT AGAINST THOSE DETAINED PERSISTS. THERE IS NO INFORMATION WHERE THEY'RE LOCATED IN SOME CASES."

VIOLATIONS OF LAW

The arbitrary detainment and arrest of civilians is in violation of the Universal Declaration of Human Rights and Article 9 of the International Covenant on Civil and Political Rights (ICCPR) which states, "Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law."⁶ Burma has accepted the recommendation to ratify the ICCPR and prior to the coup was in the process of implementing its commitments. Along with other international obligations, since 1 February, many of these efforts have been halted or disregarded all together.

By denying a country's citizens their rights which protect them from illegitimate arrest, the junta is creating a lawless society where they consider themselves the ultimate authority. The Burma Army has not only abducted civilians, they have held them in undisclosed locations for long periods of time, and often without evidence. Families are forced to wait, pained with anxiety, and without answers over the location and condition of detained loved ones.

During a prisoner amnesty, 30 people were freed from Hpa-An prison in Karen State. Most were charged with section 505 of the Penal Code, and others had been sentenced to two years in prisons. In Mon State, a representative from Mawlamyine Student University said only three of their members were released with over 40 still behind bars. The reality is that none of the over 5000 political prisoners should have ever been arrested. The denial of basic civil liberties to the vast majority of the population is a familiar ploy used by the regime to exercise their control. The release of prisoners failed to convince anyone in Burma that the regime had changed their intentions. Hours after the release, dozens were handcuffed and brought back to their cells. This speaks to the junta's lack of transparency and a subjugation of further torture on victims and their families.⁷

Further, as stated in the Universal Declaration of Human Rights, arbitrary arrest is a violation of basic liberties. It makes clear that "no one shall be subjected to arbitrary arrest, detention or exile."⁸ The ongoing abductions, arbitrary arrests and unlawful detention is perpetuating the cycle of impunity that the Burma Army has orchestrated across decades of military rule.

CONCLUSION

A combination of fear mongering tactics perpetrated by the junta including but not limited to extortion, threats and verbal and physical assaults have sought to advance a military agenda of state-sponsored coercion. However, the people of Burma remain adamant to not bend to the authoritarian rule being forced upon them. Overwhelmingly, citizens have rejected the military's power-grab and have continued to support anti-coup activities.

Justice and accountability for victims of human rights violations in Burma have been dismissed and denied for too long. It is therefore imperative that the junta's rule not be legitimized by the international community. Documentation by HURFOM and other rights-based groups have overwhelming evidence which reaffirms the junta's brutality. A global arms embargo must be supported, alongside a massive UN mandated humanitarian intervention on the ground to meet the rapidly declining well-being of citizens. Leaders on the global stage have a moral responsibility to meet the moment of crisis that civilians have been confronted with.

The power is undeniably with the people of Burma who continue to sacrifice everything for peace in their country. Their calls for support and protection must be listened to and acted upon following consultation with the National Unity Government, civil society and community leaders.

ENDNOTES

- 1 ["Announcement on Military Offensives of SAC in Ethnic Areas,"](#) National Unity Government, 5 September 2021
- 2 ["Myanmar's shadow government to file with ICC over hundreds of junta rights abuses,"](#) *Radio Free Asia*, 22 October 2021
- 3 [Myanmar - Humanitarian Snapshot \(October 2021\),](#) *United Nations Office for the Coordination of Humanitarian Affairs*
- 4 ["We have lost our private sphere",](#) The Human Rights Foundation of *Monland*, September 2021
- 5 HURFOM September Data, [The Human Rights Foundation of Monland, September 2021](#)
- 6 International Covenant on Civil and Political Rights; Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 entry into force 23 March 1976, in accordance with Article 49. [See International Covenant on Civil and Political Rights;](#)
- 7 [AAPP Statement on Re-arrested Political Prisoners Since Junta Announced Amnesty,](#) 21 October 2021
- 8 Fact Sheet No. 26, The Working Group on Arbitrary Detention "No one shall be subjected to arbitrary arrest, detention or exile" (Universal Declaration of Human Rights, article 9) See more [here.](#)

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