

UN Special Rapporteur on human rights calls for criminal accountability

On 11 March, in his report to the Human Rights Council, the UN Special Rapporteur on human rights in Burma Tomás Ojea Quintana said that the ongoing “gross and systematic violations” of human rights in the country were “the result of a state policy.” Due to the regime’s lack of accountability for those abuses, Ojea Quintana made the unprecedented recommendation that the UN consider establishing a Commission of Inquiry (CoI) into war crimes and crimes against humanity committed by the SPDC.¹

Following Ojea Quintana’s recommendation, Australia, the UK, the Czech Republic, Slovakia, Hungary, the US, Canada, New Zealand, France, the Netherlands, and Ireland endorsed the establishment of a CoI on war crimes and crimes against humanity in Burma.² Parliamentarians from 15 EU countries endorsed the CoI, as well.³ In Indonesia, MP and head of the ASEAN Inter-Parliamentary Caucus on Burma Eva Sundari led the call for the Indonesian government to support the establishment of a CoI.⁴

Commission of Inquiry has strong preventive value

The main purpose in establishing a 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. However, the creation of CoI has a strong preventive value as well. Holding the SPDCs accountable for human rights abuses is important because it may deter future violations, promote respect for the rule of law, and obtain justice for the victims of these crimes. It could also promote discipline and professionalism by the armed forces and law enforcement officials and improve relations with the civilian population. The creation of a CoI should thus be considered as part of a long-term effort to end impunity in Burma and provide a basis for national reconciliation and sustainable peace in the country because justice is a fundamental part of any process of transition to democracy.

Serious international crimes continue

In the six-month period between March and August 2010, the following SPDC war crimes/crimes against humanity were documented:

Murder

- **9 March:** SPDC Army soldiers from Light Infantry Battalion (LIB) 440 killed a 38-year-old man from Sha Shee Bo Village in Northern Karen State.⁵
- **15 March:** SPDC Army soldiers from Pla Ko camp killed a local villager in Thandaung Township, Northern Karen State.⁶
- **21 March:** SPDC Army soldiers from LIB 427 shot and killed a 59-year-old villager in See Keh Der Village in Htantabin Township, Pegu Division.⁷

¹ 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

² PTI (18 Aug 10) US backs creation of UN war crimes commission against Myanmar; UNHRC (08 Jun 10) Human Rights Council holds General debate on human rights situations that require the Council's attention; Irrawaddy (8 Apr 10) Czech Supports UN War Crimes Inquiry on Burma; BCUK (25 Mar 10) UK Government supports Burma regime referral to International Criminal Court; Human Rights Council (15 Mar 10) Human Rights Council considers Human Rights situations in Democratic People's Republic of Korea and Myanmar; European Parliamentary Caucus on Burma (07 Sep 10) European MPs welcome Hungary support for Burma crimes; Mizzima News (25 Sep 10) Ireland weighs in on UN inquiry into Burma abuses; Canadian Friends of Burma (02 Sep 11) Canada to Support UN Commission of Inquiry on Burma; UN Human Rights Council (17 Sep 10) Human Rights Council holds General Debate on Human Rights Situations that require the Council's attention; Mizzima News (21 Sep 10) Dutch, New Zealanders back UN inquiry on junta abuses

³ CFOB (02 Sep 10) Canada to Support UN Commission of Inquiry on Burma; European Parliamentary Caucus on Burma (19 Aug 10) European MPs call on EU to support a UN Commission of Inquiry on Burma

⁴ Jakarta Post (20 Aug 10) UN Myanmar probe gains RI support

⁵ Free Burma Rangers (31 Mar 10) FBR Report: Follow-up story: to story of Children Shot and Killed by Burma Army

⁶ Free Burma Rangers (31 Mar 10) FBR Report: Follow-up story: to story of Children Shot and Killed by Burma Army

⁷ Free Burma Rangers (26 Apr 10) FBR Report: Burma Army Kills Father, Wounds Daughter

Karen State, Burma

- **22 March:** SPDC Army troops from LIB 369 attacked Kaw Hta village, Kyaukkyi Township, Pegu Division, killing a 37-year-old woman and two five-year-old children.⁸
- **8 May:** Na Sa Ka personnel in Maungdaw Township, Arakan State, killed three people accused of robbing the house of a local village SPDC Chairman.⁹
- **23 June:** Na Sa Ka, in Maungdaw Township, Arakan State, shot and killed a local cattle trader who was on his way to Bangladesh.¹⁰
- **13 July:** SPDC Army troops from Infantry Battalion (IB) 73 arrested and subsequently killed three villagers from Peltaw Dey and Bommatee Village in Htantabin Township, Pegu Division.¹¹
- **23 August:** Na Sa Ka personnel in Maungdaw Township, Arakan State, arrested two local villagers on charges of robbery and summarily executed them.¹²

Enslavement

- **1 May:** SPDC local authorities ordered over 1,000 villagers from Myitkyina and Waingmaw Townships, Kachin State, to help local militia to demolish houses of the about 1,100 residents of Tang Hpre Village.¹³
- **22 June:** Na Sa Ka personnel from Aung Min Gala camp in Maungdaw Township, Arakan State, forced 12 local villagers to work at the Na Sa Ka camp.¹⁴
- **22 June:** Na Sa Ka personnel from Aung Min Gala camp in Maungdaw Township, Arakan State, forced seven Kawar Bill middle school students of Maungdaw Township to do road construction work on the Maungdaw-Bawli Bazaar road.¹⁵
- **12 July:** SPDC Army soldiers from LIB 409 arrested three New Mon State Party soldiers and forced them to work as porters.¹⁶
- **18 August:** Na Sa Ka personnel forced villagers from Maungdaw Township, Arakan State, to pave the Maungdaw-Bawli Bazaar Road.¹⁷

Forced displacement

- **14 July:** About 100 villagers fled from Puckpinkwin Village in Yebyu Township, Tenasserim Division, after SPDC Army troops from LIB 282 and IB 273 order villagers to form a people's militia.
- **23 July:** SPDC Army LIB 370 and LIB 361 shelled and then burned about 70 houses, a school, and a church in Tha Da Der Village in Papun District, Karen State.¹⁸ Over 500 villagers fled into the jungle a result of the attack.¹⁹

Imprisonment

- **1 March:** Police in Buthidaung, Arakan State, arrested Kyaw Maung aka Nurul Haque, 48, for having attempted to talk with UN Special Rapporteur on human rights in Burma Tomás Ojea Quintana on 17 February. On 4 March, a court in Buthidaung sentenced Kyaw Maung to six months in jail and a 300,000-kyat (US\$300) fine.²⁰

⁸ Free Burma Rangers (26 Mar 10) FBR REPORT: Children Shot and Killed by the Burma Army

⁹ Kaladan News (14 May 10) Nasaka shoots dead three robbers in Maungdaw

¹⁰ Kaladan News (07 Jul 10) Nasaka seizes cattle boat on Naff River

¹¹ KIC (28 Jul 10) Three detained villagers killed by Burmese Army

¹² Narinjara News (28 Aug 10) Two Robbers Executed at Nasaka Headquarters

¹³ Mizzima News (19 May 10) Kachins forced to oust Kachin villagers for dam project; Kachin News Group (20 May 10) Fresh batch of 300 Chinese dam workers arrive in Myitkyina; Mizzima News (04 May 10) Households near Myitsone ordered to relocate; Kachin News Group (25 May 10) Helpless Myitsone villagers' fervent plea for help

¹⁴ Kaladan News (23 Jun 10) Students forced to pave stones on road in Maungdaw

¹⁵ Kaladan News (23 Jun 10) Students forced to pave stones on road in Maungdaw

¹⁶ IMNA (14 Jul 10) NMSP volunteer soldiers seized by Burmese army, forced portering suspected

¹⁷ Kaladan Press (24 Aug 10) Forced labor in Ramadan month, in Maungdaw

¹⁸ Free Burma Rangers (24 Jul 10) FBR Report: Burma Army burns villages and chases over 900 people into the jungle, attacks continue in Northern Karen State 24 July 2010

¹⁹ KNU (26 Jul 10) Pre-Election Military Operations by SPDC; DVB (27 Jul 10) Burma army torches Karen village

²⁰ Kaladan News (05 Mar 10) Rohingya jailed for trying to talk to UN envoy

- **21 May:** Rangoon's Kyauktada Township court sentenced student leader Kyaw Ko Ko, 28, to an additional five years in prison for his involvement in the Saffron Revolution. In February 2009, a Rangoon court had already sentenced him to three years in prison for violating the Electronic Act.²¹
- **30 May:** A Rangoon court sentenced NLD youth member Kyaw Moe Naing aka Kyaw Gyi to an additional 10 years in prison for violating the Electronic Act. Kyaw Moe Naing was already serving a four and half year prison sentence for distributing portraits of Daw Aung San Suu Kyi.²²
- **2 June:** It was reported that the Rangoon's Thingangyun Township court sentenced former NLD-LA member Than Myint Aung, 31, to five years in prison under the Immigration Act and the Unlawful Association Act.²³
- **15 July:** Rangoon's Western District Court sentenced former NLD-LA member Than Myint Aung, 31, to an additional 10-year prison term for violating the Electronics Act. Than Myint Aung will now serve a total of 15 years in prison.²⁴
- **11 August:** Rangoon's Western District Court sentenced 11 Rakhine youth activists to prison sentences ranging from three to nine years on charges that included possession of explosives and unlawful association.²⁵

Torture

- **28 April:** SPDC Army and police officers in Taunggoat Township, Arakan State, arrested and severely tortured local NLD member Than Maung for resisting a house inspection.²⁶
- **11 May:** It was reported that police in Rangoon tortured during interrogation Sithu Zeya, a man arrested along with his father for taking photos and video footage of the scene of the 15 April deadly Rangoon bomb attack.²⁷
- **Late May:** SPDC authorities in Myitkyina, Kachin State, arrested and severely tortured about 50 Kachin Independence Organization youth members during interrogation concerning the 17 April bomb blasts at the Myitsone dam project site.²⁸
- **Early July:** SPDC authorities in Rangoon's Insein prison tortured political prisoner Kyaw Zin Lin because he bathed in a water tank reserved to inmates who had paid money to prison authorities.²⁹
- **10 July:** SPDC authorities in Putao prison, Kachin State, beat 25-year-old female political prisoner Htet Htet Oo Wei because she attempted to stop an assault on two other political prisoners.³⁰
- **15 July:** It was reported that SPDC authorities tortured Phyto Wei Aung, a man charged with the 15 April deadly Rangoon bomb attack, during his interrogation.³¹
- **2 August:** SPDC authorities in Akyab, Arakan State, tortured Buddhist monk and prominent Rakhine historian U Pyinya Sara during interrogation.³²
- **10 August:** Na Sa Ka personnel in Maungdaw Township, Arakan State, arrested a 48-year-old local Muslim leader on charges of having ties with exiled pro-democracy groups. He was released on 20 August after being repeatedly tortured.³³

In addition, Na Sa Ka personnel in Buthidaung and Maungdaw Townships, Northern Arakan State, routinely tortured local Rohingya after arbitrarily detaining them.³⁴

²¹ RFA (21 May 10) Dissident Jail Term Extended; Irrawaddy (25 May 10) Five Years Added to Student Leader's Sentence

²² Mizzima News (31 May 10) Insein court tacks 10 years on to youth's term

²³ Mizzima News (02 Jun 10) NLD member given five years' jail

²⁴ Mizzima News (16 Jul 10) Court extends prison sentence of NLD Liberated Area member

²⁵ Narinjara News (12 Aug 10) 11 Arakanese Youth Sentenced to 3 to 9 Years in Prison

²⁶ Narinjara News (03 May 10) NLD Member Arrested and Tortured in Arakan

²⁷ DVB (11 May 10) Rangoon photographer 'was tortured'

²⁸ Kachin News Group (27 May 10) Kachin youth leader Labang Gam Awng freed

²⁹ DVB (15 Jul 10) Court bars Rangoon bomber's family

³⁰ DVB (26 Jul 10) Female political prisoner beaten by guards

³¹ DVB (15 Jul 10) Court bars Rangoon bomber's family; Kachin News Group (26 May 10) More youths with KIO links arrested and tortured

³² Narinjara News (02 Aug 10) Arrested Monk Refuses to Eat

³³ Kaladan News (23 Aug 10) Religious leader arrested by Nasaka in Maungdaw

³⁴ Kaladan News (05 Mar 10) Rohingya jailed for trying to talk to UN envoy; Kaladan News (05 Mar 10) Rohingya tortured and money extorted for using loud speaker; Kaladan News (10 Mar 10) Arakanese Rohingya missing after arrest by Nasaka in Maungdaw; Kaladan News (24 Mar 10) Nasaka seizes 33 bags of salt, arrests 11 Rohingyas; Kaladan News (06 Apr 10) Two villagers arrested by Nasaka in Maungdaw; Kaladan News (26 Apr 10) Villager kept in police custody in Maungdaw; Kaladan News (04 May 10) Army and Nasaka jointly extort money from villagers; Kaladan News (05 May 10) Three Arakanese Rohingya arrested in Buthidaung; Kaladan News (25 May 10) Nasaka's extortion in Maungdaw; Kaladan News (15 Jun 10) Army and Nasaka jointly harass Rohingyas in Buthidaung; Kaladan News (30 Jun 10) Youths arrested for 'illegal marriage' in Maungdaw;

Rape and sexual violence

- **8 April:** SPDC Army Cpt Bo Aung of IB 232 raped an 18-year-old Rakhine woman in Paletwa Township, Chin State.³⁵
- **15 April:** Na Sa Ka personnel in Buthidaung Township, Arakan State, raped a 21-year-old woman.³⁶
- **18 April:** Na Sa Ka personnel from Camp No. 21 in Buthidaung Township, Arakan State, raped a 30-year-old woman.³⁷
- **20 April:** Na Sa Ka personnel from Camp No. 21 in Buthidaung Township, Arakan State, raped a 30-year-old woman at gunpoint at her home in Oo Hla Pay Village in Buthidaung Township.³⁸
- **4 June:** A Village SPDC Chairman in Maungdaw Township, Arakan State, raped a local Rohingya woman.³⁹
- **28 June:** Na Sa Ka personnel attempted to rape a woman at her home in Maung Nama Village in Maungdaw Township, Arakan State.⁴⁰
- **30 June:** Na Sa Ka personnel from Area 6 in Maungdaw Township, Arakan State, gang-raped a woman from Maung Nama Mizitala Village.⁴¹
- **10 July:** An SPDC Army soldier from LIB 704 raped a 27-year-old woman in Kay Kaw Village, Papun District, Karen State.⁴²

Persecution of Muslim Rohingya

Rohingya in Northern Arakan State continued to face systematic discrimination at the hands of the SPDC, which resulted in the denial of their basic and fundamental human rights. The SPDC continued to subject Rohingya to arbitrary arrests, restrictions of movement, limitations on permission to marry, forced labor, extortion, torture, and harassment.⁴³

Child soldiers

- **16 May:** SPDC Army soldiers from LIB 586 in Pyontaza, Pegu Division, shot and stabbed to death a 15-year-old boy who refused their forced recruitment efforts.⁴⁴
- **10 June:** SPDC Army officers from LIB 236 recruited two underage youths in Maungdaw, Arakan State.⁴⁵

Increased military and political tensions could escalate armed conflict

Increased tensions between the SPDC and armed ceasefire groups could once again escalate into full-scale armed conflict. In August 2009, the SPDC Army broke the 20-year ceasefire agreement with the Myanmar National Democracy Alliance Army (MNDAA) and attacked the Kokang Self-Administered Zone in Northern Shan State. The attack was the result of the MNDAA's rejection of the SPDC Border Guard Force (BGF) ultimatum. The SPDC Army offensive pushed nearly 37,000 refugees into China.

Kaladan News (29 Jun 10) Nasaka arrests bridegroom for visiting father-in-law's house; Kaladan News (06 Jul 10) Arbitrary detention and torture by army in north Arakan; Kaladan News (08 Jul 10) Nasaka's extortion of World Cup fans; Kaladan News (17 Jul 10) Village sentries tortured by Nasaka in Maungdaw; Kaladan News (26 Jul 10) Nasaka arrests, tortures and fines sentries in Maungdaw; Kaladan News (07 Aug 10) Villager arrested for refusing to do sentry duty; Kaladan News (12 Aug 10) Man arrested for not opening door; Kaladan News (16 Aug 10) Youth beaten up severely in Buthidaung; Kaladan News (23 Aug 10) Four members of a family jailed in Maungdaw; Kaladan News (26 Aug 10) Five villagers arrested in Maungdaw; Kaladan News (27 Aug 10) Youth arrested by police in Maungdaw; Kaladan News (15 Sep 10) Nasaka's capricious extortion in Maungdaw

³⁵ Narinjara News (07 May 10) 18-Year-Old Arakanese Woman Raped by Burmese Army Captain, Reports FBR

³⁶ Kaladan News (07 May 10) Incidence of rape increases in Northern Arakan

³⁷ Kaladan News (07 May 10) Incidence of rape increases in Northern Arakan

³⁸ Kaladan News (07 May 10) Incidence of rape increases in Northern Arakan

³⁹ Narinjara News (08 Jun 10) Village Chairman Faces Rape Charge

⁴⁰ Kaladan News (01 Jul 10) Nasaka enters woman's house at night in Maungdaw

⁴¹ Kaladan News (08 Jul 10) Nasaka personnel gang rape girl in Maungdaw

⁴² KNU (26 Jul 10) Pre-Election Military Operations by SPDC

⁴³ For a detailed list of cases of persecution of Rohingya, please see Altsean-Burma's "Human Rights Chronology – 2010" – available at: <http://www.altsean.org/Chronology/Chronology2010/HumanRightsChronology2010.htm>

⁴⁴ DVB (31 May 10) Boy shot dead for refusing army; Irrawaddy (31 May 10) Boy, 15, Killed by Troops after Resisting Enlistment

⁴⁵ Narinjara News (12 Jun 10) Two Underage Youths Recruited for Burmese Army in Arakan

The United Wa State Army (UWSA), the National Democratic Alliance Army (NDAA), the Kachin Independence Organization (KIO), and the New Mon State Party have all rejected to the BGF. Even in groups who initially accepted the BGF, problems have arisen. The BGF issue led to disagreement and defections within the pro-junta Democratic Karen Buddhist Army (DKBA) and the Shan State Army-North (SSA-N). In late July, fears of hostilities between the SPDC Army and DKBA as a result of DKBA defections to the anti-junta Karen National Liberation Army caused over 500 villagers in Myawaddy Township, Karen State, to flee to the Thai border.⁴⁶ In September, the SPDC Army and the SSA-N 1st Brigade, which opposes the BGF, clashed twice, resulting in the deaths of four SPDC Army soldiers.⁴⁷

The SPDC has retaliated against the ceasefire groups that rejected the BGF ultimatum by declaring large areas in ethnic areas unfit to hold elections. On 16 September, the SPDC Election Commission announced that polls would not be held in 3,314 Villages in Kachin, Karen, Karenni, Mon, and Shan States because “they are in no position to host free and fair elections.”⁴⁸ These areas comprise of nearly 50% of Karen State, almost all of Kachin State that is controlled by the KIO and four of the six Townships in the Wa Self-Administered Division. The SPDC’s decision to disenfranchise an estimated 1.5 million voters in ethnic areas increases the likelihood of armed conflict and regional instability and makes the chances of genuine national reconciliation even more remote.⁴⁹

⁴⁶ KIC (27 Jul 10) Over 500 Karen flee to Thailand; DVB (27 Jul 10) Burma army torches Karen village

⁴⁷ SHAN (21 Sep 10) Another “mistaken” clash between junta, Shan; Irrawaddy (22 Sep 10) Government Soldier Dies in Shan State Skirmish

⁴⁸ NLM (17 Sep 10) Union Election Commission issues Notification No. 103/2010, NLM (17 Sep 10) Union Election Commission issues Notification No. 102/2010, NLM (17 Sep 10) NLM Union Election Commission issues Notification No. 101/2010, NLM (17 Sep 10) Union Election Commission issues Notification No.100/2010, NLM (17 Sep 10) Union Election Commission issues Notification No. 99/2010

⁴⁹ This is an estimate based on the number of villages where the elections have been canceled multiplied by the average number of eligible voters per village.