

75,000 INTERNALLY DISPLACED PERSONS

According to Thailand Burma Border Consortium (TBBC), between August 2008 and July 2009 the SPDC destroyed or forcibly relocated **120** villages and forced at least 75,000 people to leave their homes, up from 66,000 in the last reporting period (a 13.6% increase).⁸ The total number of IDPs in Eastern Burma increased to **470,000** from 451,000 over this period.⁹

State/Division IDPs Aug 2008-July 2009⁷:

- Karen State: 22,800
- Karenni State: 800
- Mon State: 900
- Pegu Division: 11,700
- Shan State: 37,700
- Tenasserim Division: 1,100

VICTIMS OF SERIOUS INTERNATIONAL CRIMES: AT LEAST 16,800

Article 7 of the Rome Statute states that the “deportation or forcible transfer of a population” is a crime against humanity. Article 8 of the Rome Statute states that “intentionally directing attacks against the civilian population” and “ordering the displacement of the civilian population” are war crimes. Between June and August 2009, the SPDC Army forcibly displaced more than 10,000 Shan and 6,800 Karen, in clear violation of both Articles of the Rome Statute.

- **June 2009:** Attacks committed by the SPDC Army and DKBA in Hpa-an District, Karen State in June caused over 6,800 Karen to flee into Thailand between June and August 2009.¹⁰
- **Late July 2009:** The SPDC Army’s military offensive against civilian populations in Central Shan State burned more than 500 homes and forced an estimated 10,000 people out of their villages.¹¹

DISPLACEMENT LINKED TO 2010 ELECTIONS

While the displacement of ethnic nationalities in Eastern Burma is widespread and systematic, the SPDC has stepped up pressure on the border areas in the build-up to its elections this year.

Article 338 of the SPDC’s 2008 constitution requires that “all the armed forces in the Union shall be under the command of the Defense Services.”¹² In order to implement this provision and force ethnic groups to participate in the election, the SPDC issued an ultimatum in late April 2009 to the various ethnic ceasefire groups to incorporate their armed forces into a new Border Guard Force (BGF) prior to the 2010 elections.¹³ The largest ethnic ceasefire groups have consistently rejected the SPDC’s ultimatum.

As a result, the SPDC Army increased its military presence in Kachin, Shan, and Karen States in an attempt to coerce the ceasefire groups into joining the BGF.¹⁴ In a calculated show of strength against recalcitrant ceasefire groups, the SPDC Army broke the 20-year ceasefire agreement with the Myanmar National Democracy Alliance Army (MNDAA) and attacked the

⁷ TBBC (29 Oct 09) Protracted Displacement and Militarization in Eastern Burma – 2009 Survey

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¹⁰ BBC (08 Jun 09) Burma’s Karen flee army offensive; AP (07 Jun 09) Aid groups: 3,000 villagers flee Myanmar shelling; AP (07 Jun 09) Aid group says 4,000 refugees flee to Thailand from Myanmar; DVB (10 Jun 09) UN staff sent to assess Karen refugees; BBC (11 Jun 09) Burma’s Karen unable to return home; Irrawaddy (13 Jun 09) Burmese and DKBA Troops Block Civilians Fleeing Conflict; IMNA (24 July 09) DKBA ramps up civilian abuses and set sights on Brigade 6; Irrawaddy (21 Aug 09) 30 More Karens Flee Hlinebwe; DVB (06 Aug 09) More Karen refugees flee to Thailand

¹¹ Irrawaddy (13 Aug 09) 10,000 Villagers Forcibly Relocated in Shan State: Rights Groups; DVB (13 Aug 09) 500 Shan houses burned in scorched earth campaign

¹² Constitution of the Republic of the Union of Myanmar, Article 338

¹³ Mizzima News (28 Apr 09) Junta meets leaders of ethnic ceasefire groups; Irrawaddy (28 Apr 09) Junta Commanders Court Ceasefire Groups; Kachin News Group (04 May 09) KIA told to change to border force by junta; DVB (04 May 09) Intelligence chief meets with ceasefire groups; SHAN (04 May 09) Junta tells Wa ceasefire days are over

¹⁴ Kachin News Group (11 Aug 09) Four ethnic ceasefire groups to take on junta in event of war; Mizzima News (14 Aug 09) KIO trains administrative staff; Irrawaddy (25 Aug 09) Tension Mounts between Junta and Kokang Ceasefire Group; SHAN (24 Aug 09) Tension sparks people to flee into China; SHAN (14 Aug 09) Junta’s ploy is to push Kokang to shoot first; Irrawaddy (10 Aug 09) Kokang Thwart Burma Army Drug Raid; Irrawaddy (13 Aug 09) Tension Mounts at Three Pagodas Pas; Irrawaddy (31 Aug 09) Junta Sends Major Reinforcements to Shan State

Kokang Self-Administered Zone of Northern Shan State in August 2009.¹⁵ After toppling the MNDA, the SPDC installed a new provisional government in Kokang, which promptly announced that its armed forces would join the BGF.¹⁶

The SPDC Army offensive against the MNDA pushed nearly 37,000 refugees into China [See above "*NEW REFUGEES*"], and made other ceasefire groups wary of SPDC intentions.¹⁷ Both the Kachin Independence Organization (KIO) and the United Wa State Army (UWSA) are on standby for possible hostilities with the SPDC Army.¹⁸ Military observers and analysts predicted that if the SPDC Army launched an offensive against the UWSA, an estimated 50,000 Shan and Wa refugees would flee to neighboring Thailand and even more into China.¹⁹

THE SPDC'S CONSTITUTION: A DEATH SENTENCE FOR ETHNIC DIVERSITY

The ethnic nationality groups along the border have good reason to fear the elections. The SPDC's constitution does not promote or protect the rights of the ethnic nationalities and does not provide for a workable decentralized political system that grants a degree of local autonomy. In fact, it serves as a green light for the continued Burmanization of the ethnic nationality areas.

The President appoints the Minister of Border Affairs from a list provided by the Defense Services Commander-in-Chief, which cedes de facto control of the ethnic nationality areas to the military.²⁰ The Commander-in-Chief also selects Defense Services personnel responsible for security and border affairs at the State and Regional level.²¹ While the constitution provides the façade of political space, in reality, it cements military domination over ethnic areas.

The charter grants very limited legislative and executive powers to local bodies. The National Parliament and the executive branch retain exclusive power to legislate and govern on critical issues such as: land administration; use of natural resources; health; education; and justice.²² Even the Chief State/Regional Ministers are likely to come from the military, since the President has the authority to appoint them from members of State and Regional Parliaments.²³ In State and Regional Parliaments, the Commander-in-Chief of the Defense Services appoints 25% of the seats.²⁴

SPDC KICKS OFF 2010 WITH NEW CRIMES

On 23 January, it was reported that some 2,000 Karen villagers had fled into the jungles of Eastern Burma since 17 January, when the SPDC Army LIB 367 shot and killed at least two Karen villagers, burned 13 homes, and recruited villagers to perform forced labor in Kyaukkyi Township, Pegu Division.²⁵

These new war crimes and crimes against humanity against the civilian populations in Eastern Burma further highlight the urgent need for a UN Security Council-mandated Commission of Inquiry into crimes against humanity and war crimes in Burma.

¹⁵ SHAN (27 Aug 09) Rebels say junta shell kills Chinese soldiers

¹⁶ Reuters (02 Sep 09) Myanmar rebels head home 'in disarray'; SHAN (03 Sep 09) Junta's next move still a question mark; Xinhua (11 Sep 09) Kokang group ready to participate in 2010 Myanmar vote

¹⁷ DVB (01 Sep 09) Kokang conflict 'could spark bigger problems'; SHAN (08 Sep 09) Junta engages in diversionary tactics; Straits Times (02 Sep 09) Border intrigue, or was it?

¹⁸ SHAN (02 Jun 09) Tension grows between southern Wa, junta

¹⁹ Mizzima News (10 Sep 09) Civil war imminent in Burma: Observers

²⁰ Constitution of the Republic of the Union of Myanmar, Article 232

²¹ Constitution of the Republic of the Union of Myanmar, Article 262

²² Constitution of the Republic of the Union of Myanmar, Article 96, 188, 196, 216, 249

²³ Constitution of the Republic of the Union of Myanmar, Article 261

²⁴ Constitution of the Republic of the Union of Myanmar, Article 161 (d)

²⁵ Reuters (23 Jan 10) Over 2,000 Karens flee Myanmar army raids-aid group; AFP (24 Jan 10) Karen flee Myanmar army attacks: rights groups; Mizzima News (27 Jan 10) Villages burnt, Karen villagers hide in jungles