

## THE WAR IN KACHIN STATE: A YEAR OF MORE DISPLACEMENT AND HUMAN RIGHTS ABUSES

- In the past year, the Tatmadaw has deployed nearly 25% of its battalions to Kachin State, escalating its war with the Kachin Independence Army (KIA) and bringing further suffering to civilian populations in Kachin State and Northern Shan State.
- Tatmadaw soldiers have constantly targeted civilians in Kachin State and Northern Shan States as part of their military operations against the KIA. Human rights abuses have included extrajudicial killings, rape of women, arbitrary arrests, torture, forced displacement, the use of human shields, forced labor, and the confiscation and destruction of property. All of these systematic abuses would be considered war crimes and/or crimes against humanity under international law.
- The ongoing conflict has displaced about 75,000 people, including at least 10,000 refugees who crossed the border into China. Despite the severity of the situation, the regime has frustrated relief efforts, severely restricting humanitarian access to local and international organizations.
- The KIA's political leadership, the Kachin Independence Organization (KIO), has made repeated attempts to negotiate a lasting peace in Kachin State. However, the regime has rejected the KIO's request to discuss long-term political solutions prior to a ceasefire agreement.

### BACKGROUND: 2008 constitution, 2010 elections, BGF, energy projects, and human rights abuses

Despite a February 1994 ceasefire between the Kachin Independence Organization (KIO) and the regime, tensions in Kachin State have remained high. The regime has continued exploitative energy projects, human rights abuses, and militarization in Kachin State.

Prior to the ultimate collapse of the ceasefire on 9 June 2011, the following issues exacerbated KIO grievances:

- The military-drafted constitution, approved in 2008, failed to promote and protect the rights of ethnic nationalities and did not provide for a federal system that would allow local participation on key issues such as land administration, natural resources, justice, health, and education. During the 14-year-long constitution drafting process, the regime repeatedly ignored KIO's proposals aimed at securing the sharing of executive and legislative powers on key political, economic, and social issues at the local level.<sup>1</sup>
- The regime Election Commission barred several Kachin parties and independent candidates from taking part in the November 2010 elections.
- The regime pressured the KIO to transform its armed wing, the Kachin Independence Army (KIA), into a Border Guard Force (BGF) under Tatmadaw control. The order was first issued to all ethnic armed groups in April 2009 with the aim of bringing their armies under the command of the Tatmadaw, as stipulated in the 2008 constitution.

<sup>1</sup> Irrawaddy (13 Oct 06) Ethnic delegates complain they're ignored at National Convention

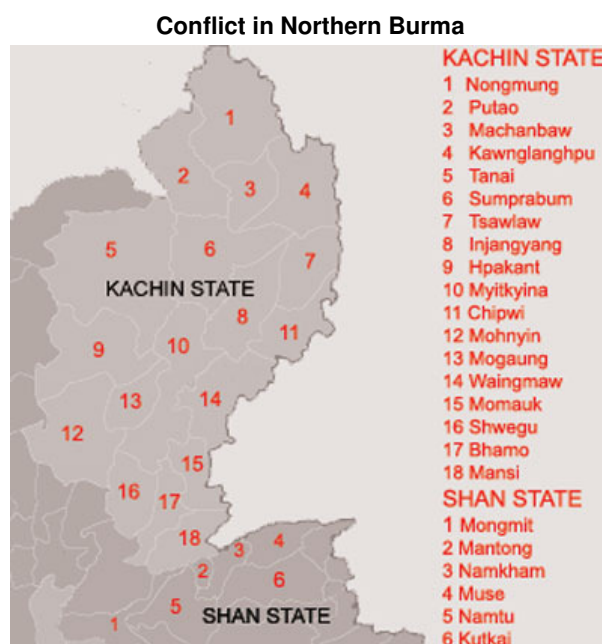
- The regime forged ahead with various Chinese-led dam projects in Kachin State. These projects have been linked to human rights abuses such as forced labor and forced relocation. The projects have had adverse impacts on the local environment and have involved increased deployment of Tatmadaw forces to guard project sites.<sup>2</sup>

Following the KIO's repeated rejection of the regime's BGF ultimatum, tensions mounted. From February to May 2011, several skirmishes between KIA and Tatmadaw forces occurred.<sup>3</sup> The current conflict erupted on 9 June 2011 when about 500 Tatmadaw troops marched into KIA-held areas of Momauk Township, Kachin State, and opened fire on KIA forces.<sup>4</sup>

### Tatmadaw ignores President's orders, intensifies military operations

Over the past year, fighting between the Tatmadaw and the KIA has been relentless and widespread. In an attempt to portray himself as Burma's peacemaker, President Thein Sein ordered an end to military operations against the KIA, on 10 December 2011 and 13 January 2012.<sup>5</sup> However, the Tatmadaw pressed on with troop deployments and military offensives, including attacks on civilians.<sup>6</sup> President Thein Sein, who also chairs the National Defense and Security Council (NDSC), seemed to have accepted this apparent insubordination without comment.

The Tatmadaw has used mortars, heavy artillery, helicopters, and – according to some reports – even chemical weapons during military operations against the KIA.<sup>7</sup> Fifteen of the 18 Townships in Kachin State have witnessed fighting.<sup>8</sup> [See map *Conflict in Northern Burma*] Among them, Momauk Township, host to the KIO's headquarters in Laiza, has been the focal point of the conflict. Fighting has also spilled over to at least six townships of Northern Shan State.



Graphic by Altsean-Burma: Fighting has been reported in all locations except for Nongmung, Machanbaw, and Kawnglanghpu Townships.

Since the conflict began, the Tatmadaw's militarization of Kachin State has intensified and the number of Tatmadaw battalions in Kachin State has increased almost threefold – from 46 to 130 – as a result of the ongoing conflict.<sup>9</sup> This represents almost 1/4 of the number of Tatmadaw battalions nationwide.<sup>10</sup> As

<sup>2</sup> Asia Times Online (18 May 12) Why Ceasefires fail in Myanmar

<sup>3</sup> Kachin News Group (18 May 11) Civil war close between the KIA and Burmese Army; Irrawaddy (19 May 11) Tatmadaw Fire Warning Shots at KIA; Mizzima News (25 Feb 11) Junta sends more tanks to

Kachin State; Kachin News Group (02 Mar 11) Burmese troops block road with logs in response to KIA; SHAN (01 Mar 11) Junta army continues reinforcing troops in anti-Border Guard Force program territories; SHAN (24 May 11) Newsflash; Kachin News Group (30 May 11) Two battalions of Burmese reinforcements deployed near KIA position

<sup>4</sup> USCB (13 Jun 11) BURMA: Battles in Kachin State continue; Kachin Independence Army (KIA) issues an order to its troops to launch full-scale resistance war; 28 Chinese engineers become hostages

<sup>5</sup> Mizzima News (12 Dec 11) Burma orders halt to military offensives in Kachin State; AFP (12 Dec 11) Myanmar orders military to halt attacks against Kachin rebels; BBC (12 Dec 11) Burma orders end to fighting against Kachin rebels; VOA (14 Dec 11) Burma's President Orders Ceasefire in Kachin State

<sup>6</sup> Irrawaddy (15 Dec 11) Govt Sending More Troops to Kachin State by Helicopter: KIO; DVB (19 Jan 12) Kachin ceasefire talks fail to net result; Kachin News Group (19 Jan 12) Thein Sein's orders for Burma army to halt Kachin offensive are worthless; Kachin News Group (27 January 12) Burma army redeploys troops to Kachin frontline; DVB (14 Dec 11) Clashes ongoing as UN visits Kachin IDPs; Irrawaddy (15 Dec 11) Govt Sending More Troops to Kachin State by Helicopter: KIO; Kachin News Group (17 Jan 12) Burma army continues killing unarmed civilians in Hpakant

<sup>7</sup> SHAN (10 Apr 12) Newsflash; Kachin News Group (10 Nov 11) Three KIA soldiers unconscious after poison gas attack; Kachin News Group (11 Nov 11) KIA soldiers wear cloth masks for protection against poison gas; Kachin News Group (21 Nov 11) Yellow rain in KIO's Mai Ja Yang in Northern Burma; DVB (21 Nov 11) Troops take frontline Kachin base; Kachin News Group (24 Nov 11) Burmese Army uses twin explosive devices with chemical gas; DVB (25 Nov 11) 'Yellow rain' fuels chemical weapons fears; RFA (03 May 12) Kachin Fighting Escalates

<sup>8</sup> Fighting has not been reported in the northernmost townships of Nongmung, Machanbaw, and Kawnglanghpu.

<sup>9</sup> SHAN (02 May 12) Burma Army making war on Kachin to protect "foreign" interests

late as May 2012, the regime continued to deploy additional troops in areas around Laiza, in preparation for a major offensive on the KIO headquarters.<sup>11</sup>

Despite its massive troop deployment, the Tatmadaw has faced a well prepared enemy that has inflicted heavy casualties on Tatmadaw forces. According to KIA estimates, about 3,000 Tatmadaw soldiers were killed in the first 10 months of the conflict.<sup>12</sup>

### **Tatmadaw commits widespread and systematic human rights abuses**

Since June 2011, Tatmadaw soldiers have constantly targeted civilians in Kachin State and Northern Shan States as part of their military operations against the KIA. In March 2012, in his report to the UN Human Rights Council, UN Special Rapporteur on human rights in Burma Tomás Ojea Quintana stated that Tatmadaw soldiers in Kachin State were responsible for “attacks against civilian populations, extrajudicial killings, internal displacement, the use of human shields and forced labor, and the confiscation and destruction of property.”<sup>13</sup>

Rape has been a disturbing feature of Tatmadaw abuses in Kachin State. The Kachin Women’s Association Thailand (KWAT) has documented the rape of 34 women and girls by Tatmadaw soldiers, belonging to more than 13 different battalions, between June-September 2011.<sup>14</sup> The practice has not diminished, as illustrated by the gang-rape of three ethnic Chinese women in Myitkyina Township on 7 October 2011 and several women in Chipwi Township at the beginning of May 2012.<sup>15</sup> In early May, Tatmadaw troops from LIB 347 and IB 118 gang-raped and tortured a 48-year-old local woman for three days in a church in Luk Pi Village, Chipwi Township.<sup>16</sup>

Tatmadaw attacks against civilians, including women and children, have been both indiscriminate and deliberate. Civilians have been killed during artillery attacks on their village while others have been summarily shot and killed, including a one-year-old girl in Mansi Township in October 2011 and a 60-year-old farmer in Momauk Township in January 2012.<sup>17</sup> In addition, Tatmadaw troops often arrested, tortured or destroyed the property of those suspected of having ties to the KIA.<sup>18</sup>

Tatmadaw troops have also perpetrated forced labor on local civilians. On 16 October 2011, Tatmadaw soldiers detained 20 residents in Myitkyina Township and forced them to carry military supplies.<sup>19</sup> On 6 November 2011, the Tatmadaw detained 50 villagers in Waingmaw Township and forced them to carry military supplies.<sup>20</sup>

Tatmadaw soldiers repeatedly targeted religious sites. On 9 August 2011, soldiers set fire to a monastery in Mansi Township, as the monks were suspected of providing support to the KIA.<sup>21</sup> On 16 December 2011, soldiers set fire to a Baptist church in Dingga Village, Momauk Township, and on 13 March 2012

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<sup>10</sup> SHAN (29 Sep 11) Opposition Study: Shan State has the most infantry battalions; SHAN (02 May 12) Burma Army making war on Kachin to protect “foreign” interests

<sup>11</sup> AFP (03 May 12) Kachin rebels say Myanmar army poised to attack; Irrawaddy (11 Jul 11) Fresh Govt. Attack on KIA at Hydropower Dam; Mizzima News (20 Oct 11) More government troops deployed around Laiza

<sup>12</sup> Kachin News Group (10 April 12) Burma army buildup near Laiza suggests push for KIO capital

<sup>13</sup> UN News Center (12 Mar 12) UN expert calls on Myanmar to take ‘active approach’ to protect human rights; HRC, 19<sup>th</sup> session, Progress report of the Special Rapporteur on the situation of human rights in Myanmar, Tomás Ojea Quintana, 7 March 2012, UN Doc A/HRC/19/67

<sup>14</sup> Kachin Women’s Association of Thailand (KWAT) (October 2011) Burma’s Cover-up War: atrocities against the Kachin people

<sup>15</sup> Kachin conflict; Chinland Guardian (18 May 12) Kachin Woman Gang-raped in Church by Army Soldiers; Kachin News Group (22 May 12) Burma soldiers gang-rape women in Kachin Church; Kachinland News (04 May 12) Burmese Army gang-raped Chyi Chya villagers

<sup>16</sup> KWAT (18 May 12) Gang-rape in church highlights Burma Army impunity for sexual violence in Kachin conflict

<sup>17</sup> Mizzima News (23 Aug 11) Calling us ‘insurgents’ makes political dialogue difficult: KIO; Kachin News Group (18 Oct 11) Kachin baby shot dead by govt troops; Kachin News Group (13 Jan 12) Burma government soldiers execute farmer in Loije near China border

<sup>18</sup> Kachin News Group (21 Oct 11) Innocent Shan civilian killed by Burmese soldiers; Kachin News Group (23 Apr 12) Burma army troops assault Kachin village headman

<sup>19</sup> Kachin News Group (17 Oct 11) Burma Army detains 20 Myitkyina residents as porters

<sup>20</sup> Asian Tribune (09 Nov 11) Burma Army attacks church in Kachin State, shooting and torturing worshippers; Chinland Guardian (09 Nov 11) Church Looted, Worshippers Forced as Porters in Kachin State

<sup>21</sup> SHAN (17 Aug 11) Newflash; Kachin News Group (07 Nov 11) Kachin church razed, pastor detained by Burmese Army; Asia Tribune (09 Nov 11) Burma Army Attacks Church in Kachin State, Shooting and Torturing Worshippers; Chinland Guardian (09 Nov 11) Church Looted, Worshippers Forced as Porters in Kachin State

they ransacked and burned a Baptist church in Pang Mu Village, Momauk Township.<sup>22</sup> The Tatmadaw also targeted local pastors on 16 October 2011 in Nam San Yang Village, Waingmaw Township, on 6 November 2011 in Muk Chyik Village in Waingmaw Township, and on 17 November 2011 in Namkham Township, Northern Shan State.<sup>23</sup> In early May 2012, the Tatmadaw severely beat a Baptist preacher in Putao Township.<sup>24</sup>

### **Massive displacement, little aid**

Since June 2011, the conflict has displaced about 75,000 people, including at least 10,000 refugees who crossed the border into China.<sup>25</sup> Despite the massive displacement, the regime downplayed the scale of the phenomenon and severely restricted humanitarian organizations from delivering aid to IDPs.

In August 2011, when over 20,000 IDPs had already fled to camps, regime Information Minister Kyaw Hsan claimed that there were only 4,000 IDPs in Laiza and that 70% of them were associated with the KIA or the KIO.<sup>26</sup> In February 2012, when the UN Office for the Coordination of Humanitarian Affairs (OCHA) estimated the total number of IDPs in Kachin State at 55,000, the regime outrageously stated that it hoped to close IDP camps in Kachin State before May.<sup>27</sup>

From June to December 2011, the regime actively blocked aid from reaching IDPs by threatening to withdraw the registration of local NGOs if they assisted Kachin IDPs.<sup>28</sup> It wasn't until 12 December 2011 that the regime finally allowed a UN delegation to make a small delivery of aid to IDP camps in Laiza.<sup>29</sup> In 2012, the regime allowed only three small deliveries of aid - two in March and one in June.<sup>30</sup> The quantity of aid delivered consisted of a one month's supply of food and miscellaneous supplies for a total of about 3,500 people.<sup>31</sup>

The current situation for Kachin IDPs is dire. In early May 2012, relief groups stated that thousands of Kachin IDPs were facing food shortages and more than half of the 63 camps in regime-controlled areas did not have adequate shelters to withstand the rainy season.<sup>32</sup> In the face of regime intransigence, on 15 May 2012 the KIO appealed to UN Sec-Gen Ban Ki-moon to facilitate the delivery of humanitarian assistance to IDP camps in Kachin State.<sup>33</sup>

The IDPs' precarious situation has been exacerbated by the Chinese government's refusal to provide refuge to those who sought to flee conflict by crossing into China's Yunnan Province. On 24 October 2011, Chinese police with riot shields held a full-scale training exercise at the Laiza border gate on the

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<sup>22</sup> Kachin News Group (16 Dec 11) Burma Army burns Kachin Baptist church in war-torn north; Asian Tribune (27 Mar 12) Burma Army Ransacks Church In Bhamo District; Chinland Guardian (28 Mar 12) Burma Army Soldiers Ransacked Kachin Church

<sup>23</sup> Kachin News Group (07 Nov 11) Kachin church razed, pastor detained by Burmese Army; Asia Tribune (09 Nov 11) Burma Army Attacks Church in Kachin State, Shooting and Torturing Worshipers; Chinland Guardian (09 Nov 11) Church Looted, Worshipers Forced as Porters in Kachin State; Kachin News Group (21 Nov 11) Burmese Army detains Baptist pastor, seven Kachin villagers in Nam Hkam

<sup>24</sup> Kachin News Group (28 May 12) Burma government soldiers beat Baptist preacher

<sup>25</sup> NYT (15 Mar 12) Where Myanmar keeps trampling rights; Asian Tribune (20 May 12) Burma's Kachin War harms the reputation of its reforms; Myanmar Times (14 May 12) INGOs survey needs in Kachin camps; Myanmar Times (14 May 12) Positive steps for peace in Kachin but IDPs need more; Kachinland News (18 Apr 12) Appeal from IDP camps in Kachin State; Irrawaddy (03 May 12) Harsh lessons of Kachin 'development'; HRW (20 Mar 12) Untold miseries: wartime abuses and forced displacement in Burma's Kachin State

<sup>26</sup> NLM (13 Aug 11) Government already acceded to peace proposals of KIO to most possible degree - KIO needs to analyze itself to ascertain whether it wants genuine peace or not - KIO/KIA exploits honest and sincere local people as refugees launching propaganda campaigns internationally through help of media and trying to ask financial assistance and rations - Government showing much tolerance in striving utmost to restore peace in Kachin State; KWAT (16 Aug 11) Growing numbers of displaced Kachin suffer from Burmese regime's blockage of aid

<sup>27</sup> Myanmar Times (20 Feb 12) Government aims to close Kachin State relief camps

<sup>28</sup> Mizzima News (11 Jul 11) Burmese government blocks aid to Kachin war refugees

<sup>29</sup> DVB (12 Dec 11) UN gains access to Kachin rebel territory; Kachin News Group (13 Dec 11) UN team visits KIO run refugee camps, as regime aid refused; Irrawaddy (13 Dec 11) UN Launches Relief Aid in Kachin State Conflict Zones

<sup>30</sup> IRIN (25 Mar 12) MYANMAR: UN convoy reaches Kachin displaced; Kachin News Group (16 Mar 12) UN still working on new aid convoy to KIO area; VOA (26 Mar 12) Burma Allows Second UN Aid Shipment to Kachin Rebel Areas; Mizzima News (05 Jun 12) U.N. food convoy delivers aid in Kachin State

<sup>31</sup> VOA (26 Mar 12) Burma Allows Second UN Aid Shipment to Kachin Rebel Areas; Mizzima News (05 Jun 12) U.N. food convoy delivers aid in Kachin State

<sup>32</sup> Myanmar Times (14 May 12) INGOs survey needs in Kachin camps

<sup>33</sup> RFA (17 May 12) Kachin Appeal for UN Observers; KIO (17 May 12) May 15 KIO Chairman's letter to UN General Secretary Ban Ki-moon; Kachin News Group (17 May 12) KIO urges Ban's UN intervene in Kachin conflict

Sino-Burma border in an apparent attempt at discouraging IDPs from crossing into China.<sup>34</sup> On 10 February 2012, despite the estimated 10,000 refugees on the Chinese side of the border in Yunnan Province, Beijing denied the existence of Kachin refugees inside China.<sup>35</sup> China's Ministry of Foreign Affairs spokesman Liu Weimin acknowledged that an undisclosed number of Burmese citizens had sought refuge in China but said that they were in the country temporarily and would return to Burma when the situation normalized.<sup>36</sup>

### **Talks stall as regime refuses to address the KIO's grievances**

The KIO has remained open to talks despite the regime's escalation of hostilities against the KIA.<sup>37</sup> Since the beginning of the conflict, the KIO and the regime have held three rounds of direct peace talks on 30 June 2011, 29 November 2011, and on 8-9 March 2012.<sup>38</sup>

A major obstacle in early negotiations was the regime's refusal to accept the KIO's demand for talks between the regime and a coalition of 12 ethnic armed groups, the United Nationalities Federal Council (UNFC), with the aim of securing a nationwide ceasefire applicable to all ethnic groups.<sup>39</sup> The regime has also rejected the KIO's request to discuss long-term political solutions prior to a ceasefire agreement.<sup>40</sup>

This failure to broker a ceasefire with the KIO apparently prompted President Thein Sein's reshuffle of the regime's negotiating team on 3 May. One of the leading negotiators, Aung Thaung – a reputed hardliner – was excluded from the new body.<sup>41</sup> On 21 May and 1 June 2012, regime Rail Transportation Minister Aung Min met with KIA Deputy Chief-of-Staff Brig Gen Gun Maw for informal talks.<sup>42</sup>

However, it is unlikely that the KIO would agree to a ceasefire agreement that merely reinstates the status quo created by the 1994 ceasefire, without addressing its demands for a political solution that grants a degree of local autonomy, more respect for the rights of Kachin communities, and protection from human rights abuses.<sup>43</sup>

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<sup>34</sup> Kachin News Group (26 Oct 11) Chinese police exercise with riot shields on Burma border; DVB (18 May 12) China prepares for influx of Kachin refugees

<sup>35</sup> RFA (30 Jan 12) Refugees Pour Into Yunnan; HRW (20 Mar 12) Untold miseries: wartime abuses and forced displacement in Burma's Kachin State

<sup>36</sup> Irrawaddy (13 Feb 12) China Refutes Reports of Kachin Refugee Flood; Reuters (10 Feb 12) Myanmar refugees tell of violence despite peace calls

<sup>37</sup> Irrawaddy (27 July 11) A top govt. official downplays peace proposal

<sup>38</sup> NLM (01 Dec 11) Trio and KIO meet for peace talks; Kachin News Group (29 Nov 11) Burma government-KIO delegates meet for peace talks in China; Irrawaddy (30 Nov 11) KIA Calls for Political Dialogue; Kachin News Group (10 Mar 12) Latest KIO-Burma talks end without peace deal; (12 Mar 12) Myanmar government fails to sign peace pact with Kachin rebels; Irrawaddy (11 May 12) What does the future hold for Aung Thaung? Kachin News Group (10 Mar 12) Latest KIO-Burma talks end without peace deal

<sup>39</sup> Irrawaddy (31 Aug 11) UNFC Forms Peace Group for Govt. Talks; Chinland Guardian (30 Aug 11) Truce Talks with Local Govts Unacceptable: UNFC; Khonumthung News (31 Aug 11) UNFC wants peace talks with central government directly; Mizzima News (02 Aug 11) Nationwide cease-fire demand prevents KIO-government agreement

<sup>40</sup> DPA (12 Mar 12) Myanmar government fails to sign peace pact with Kachin rebels

<sup>41</sup> Reuters (29 Apr 12) Myanmar president orders shakeup for peace talks

<sup>42</sup> Irrawaddy (31 May 12) Govt and KIA to Hold Informal Talks; Irrawaddy (21 May 12) Govt negotiator meets KIA leader

<sup>43</sup> Asia Times Online (02 Jun 12) Failed Path to Peace