

Testimony by S Hkawng Naw of the Kachin Women's Association Thailand to the US Congress

Date: 28 February, 2013

Good afternoon.

Firstly I would like to say thank you to the Tom Lantos Human Rights Commission for inviting me to testify today.

I am from Myitkyina, the capital of Kachin State, home of the Kachin people and most of the Christian minority of Burma. In June 2011, the Burmese Army broke a 17-year long ceasefire with the Kachin Independence Army (the KIA). Since then, troops from over 140 Burmese battalions have launched a massive operation in Kachin state and Northern Shan state, using heavy artillery and aircraft. Over 100,000 people have been displaced, including my 78-year-old grandmother, who spent her earlier life fleeing the civil war, and is once again homeless.

Last month I was in the Kachin town of Laiza, on the border with China, a town where 20,000 civilians live, including over 10,000 displaced villagers who have been denied refuge in China. Laiza is also where the KIA headquarters is based. While I was in Laiza, I could hear heavy shelling every day. Like everyone else, I was terrified that a bomb would drop on me. On January 14, shells landed in a residential area of Laiza, killing three villagers, and injuring four people, including two children.

Attacks against civilians are a deliberate part of the Burmese army's strategy to cut off support for the resistance groups in ethnic areas. The Burmese army has deliberately tortured and killed civilians including children as young as 9 years old, burned down villages and churches, captured civilians as sexual slaves and porters, and committed widespread sexual violence in Kachin and other ethnic areas. Since June 2011, my organization has documented the rape of 64 women and girls in seventeen townships in Kachin state, committed by Burmese troops from fourteen battalions. Among these, there were many cases of gang-rape. About half of these victims were also killed, including a 14-year-old girl who was raped and killed in front of her parents. Burmese soldiers told villagers that they had been ordered to rape women. Both the Burmese army and the KIA are also laying landmines, and we know that the Burmese army has used civilians for demining.

The fighting and human rights abuses have caused large-scale displacement. 364 villages are now partially or completely deserted. About 66,000 internally displaced people are taking shelter in KIA-controlled areas along the China-Burma border, receiving hardly any aid from the international community, because the Burmese government has refused to allow international humanitarian organizations to access these areas. According to a survey by my organization last October, international aid reaching the IDP camps has totaled only 4% of the food need. Most aid is being provided by community-based organizations, who are struggling to keep up with growing numbers of IDPs and worsening conditions in the camps. There is a lack of food, lack of proper sanitation, spread of disease such as TB and diarrhea, and not enough medical supplies or care. In the first three weeks of January 2013 in Laiza alone, ten babies died of diarrhea.

There is total impunity for these human rights abuses, and Burma's new government has passed no legislative or institutional reforms to address or prevent these crimes. Even the Myanmar National Human Rights Commission, established in September 2011, has publicly declared that it would not investigate any crimes committed in the ethnic areas.

To address this growing humanitarian crisis and end these terrible human rights abuses, the US must change its policy in Burma.

First, we ask that you allocate US aid money to community based organizations providing assistance to internally displaced persons in KIA-controlled areas, who are the only groups with sustained access to vulnerable communities in Kachin.

Second, the US should publicly call for the establishment of a UN-led Commission of Inquiry to investigate crimes against humanity and war crimes taking place in Kachin State and throughout Burma. Without this, human rights violations will continue because there are no consequences for the perpetrators.

Third, the US should act as an independent third party in the peace negotiations between the Burmese government and the KIA. Even though the KIA and Burmese government have met formally 10 times, the Burmese government continues to make promises of ceasefires and humanitarian access that they do not enforce. We therefore need an independent third party to be an ombudsperson, monitor, and guarantor for these negotiations.

Finally, the US must maintain existing sanctions against Burma and renew any sanctions that will expire. The United States had previously declared that for sanctions to be lifted, Burma had to release all political prisoners, and stop hostilities and seek true political settlements in ethnic areas. These benchmarks have not been met, so sanctions must remain in place.

I am also submitting for your reference a copy of *Kachin Women's Association Thailand's* most recent report, published this week, titled "*State Terror in the Kachin Hills*", outlining attacks against civilians committed by the Burmese Army.

Thank you

State terror in the Kachin hills

Burma Army attacks against civilians in Northern Burma

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Summary

In late 2012, the Burma Army intensified military operations against strongholds of the Kachin Independence Army (KIA). This culminated in a massive offensive on the KIA headquarters at Laiza on the China-Burma border starting in mid-December. This month-long assault involved repeated mortar shelling and aerial bombings in the Laiza area, populated by 20,000 civilians, over half of whom are internally displaced persons (IDPs) who were denied refuge in China.

This report documents the killing or injury of 26 civilians, including women, children and the elderly, in Burmese artillery attacks in five areas during the recent military operations. The repeated authorization of artillery fire into areas populated by civilians, as well as deliberate torching of villages and IDP shelters, represent serious breaches of international humanitarian law, and are likely to amount to war crimes.

The humanitarian situation in Kachin areas remains critical, with 364 villages wholly or partially destroyed, and over 100,000 people internally displaced. Hardly any international aid has been provided to the 66,000 IDPs in Kachin-controlled areas.

There has been little international condemnation of the Burma Army aggression in Kachin State. Foreign governments appear more interested in pursuing diplomatic and economic engagement with Burma's military-backed government. However, silence on the Burmese military's crimes risks plunging Burma deeper into civil war, by emboldening Burma's rulers to continue using force to crush the ethnic resistance movements. .

The international community must strongly condemn the crimes committed by the Burma Army, and pressure the Burmese government to end all military aggression, begin troop withdrawal from Kachin areas of Burma, and enter into political dialogue with the Kachin Independence Army to address the demands for ethnic equality at the root of the conflict.

Introduction

This brief report collates information on attacks by the Burma Army on civilians from September 2012 to February 2013 during their military operations against the Kachin Independence Army. The aim is to highlight the vulnerability of civilians caught in the conflict and call for urgent measures to hold the Burmese military-backed government accountable for these attacks.

The information has been compiled by KWAT documenters. We wish to thank the Relief Action Network for IDPs and Refugees (RANIR) for helping produce the maps included in this report.

Background

Burma Army expansion and military operations in Kachin areas

The Kachin struggle for equal rights and self-determination in Burma has been continuing for over 50 years. The main Kachin resistance group, the Kachin Independence Army (KIA), which had fought for 33 years, signed a ceasefire with the Burmese military regime in 1994, accepting promises of development and political reform. However, Kachin hopes for a genuine federal union were dashed by the regime's 2008 pro-military constitution, which enshrined a unitary system, and stipulated that all ethnic armed groups should come under the Burmese Army. KIA refused this, and the Burma Army responded by launching military operations. On June 9, 2011, the Burma Army attacked the KIA, breaking the 17-year ceasefire.

During the past 20 months, conflict has spread through Kachin State and northern Shan State. Destruction of villages and systematic abuses against civilians by the Burmese military have caused the displacement of over 100,000 civilians, mostly to Kachin-controlled areas along the China-Burma border. 364 villages have become wholly or partially abandoned (see maps in appendix).

In 2011, the Burma Army had already quadrupled its troop strength in Kachin State during the ceasefire to 80 battalions. By the end of 2012, a total of 142 battalions were being deployed against the Kachin resistance, including many infantry units from lower Burma.

The main target for the military build-up was the KIA Headquarters of Laiza, on the China-Burma border. In mid-December, the Burmese began a large-scale ground assault, with aerial bombing support from fighter jets and helicopters.

On January 24, after over a month of constant shelling, air bombardment, and human wave attacks, the Burmese Army overran the main strategic hilltop posts around Laiza, causing the KIA to relocate its headquarters to another area. The offensive was the biggest military operation in Burma's recent history.

Kachin demands for political dialogue remain unmet

Since the start of the renewed conflict, the KIA has met Burmese government delegations ten times to discuss the terms of a peace agreement. The KIA has demanded withdrawal of Burmese troops, and political negotiations. However, the Burmese army has continued its troop build-up and offensive operations, and has failed to commit to political negotiations.

President Thein Sein has three times declared a unilateral ceasefire, most recently on Jan 19, 2013, but each time, the Burmese army has ignored the announcement.

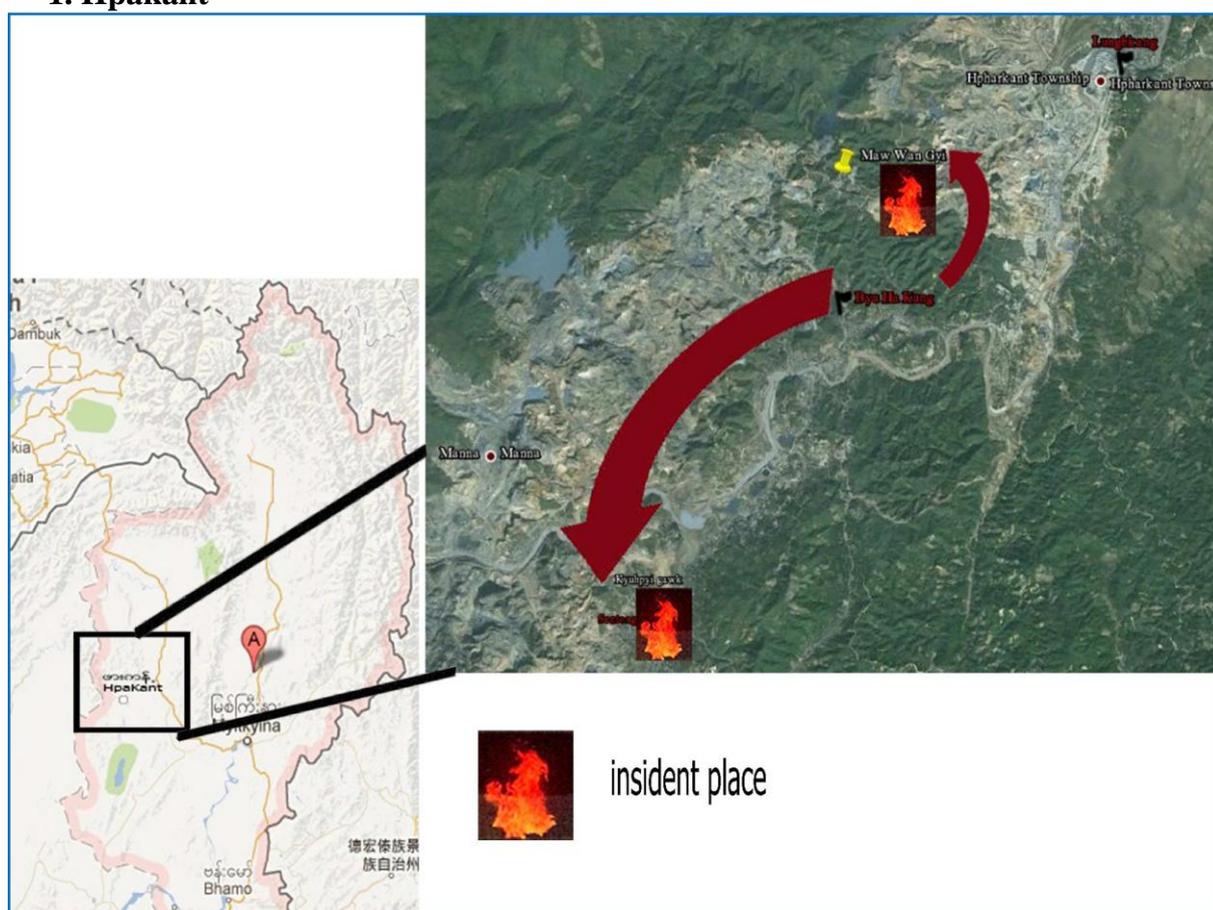
Military tensions remain high, with sporadic clashes. There has been no sign of Burmese troop withdrawal.

Findings

Civilian death and injury caused by Burma Army artillery attacks

From September 2012 to February 2013, KWAT has documented the killing and injury of 26 civilians, including women, children and the elderly, in six separate Burmese artillery attacks in four areas.

1. Hpakant



Heavy fighting spread to the Hpakant jade mining area in western Kachin State in August 2012, causing displacement of around 10,000 people, who took shelter in churches and monasteries around the town.

On September 13, 2012, the Burmese Army began pounding the outskirts of Hpakant with mortars from a nearby hill, causing panic and chaos among local residents. One shell fell near a government school in Mawwangyi quarter, causing the death of Seng Ja Ing, a 13-year-old schoolgirl and injuring eight other students who were returning home from school.

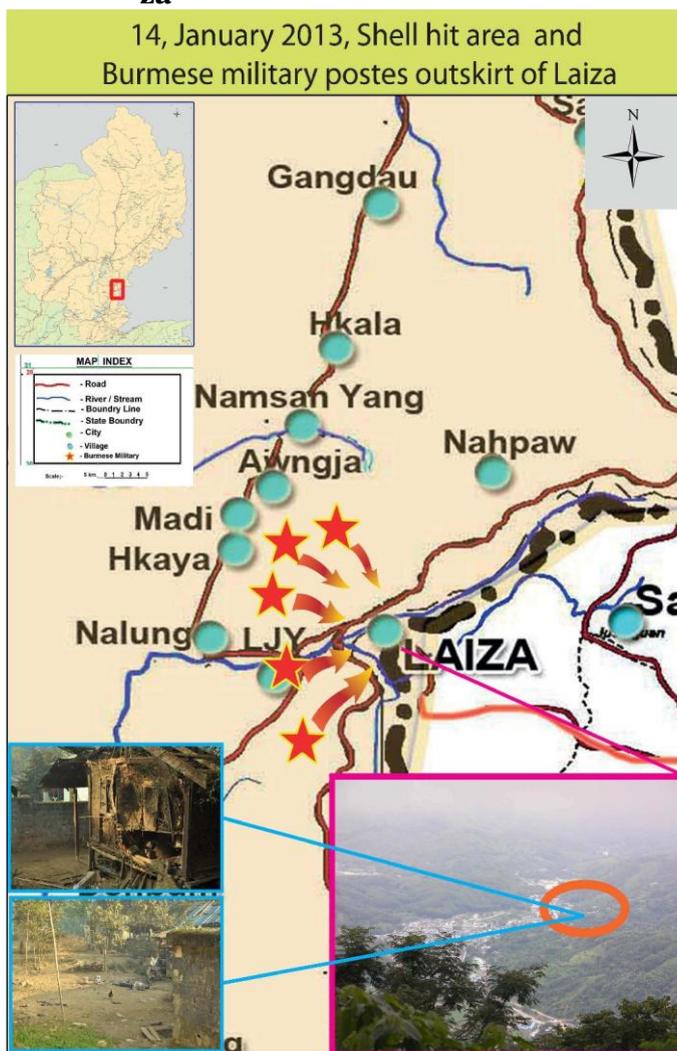
On November 2, 2012, a Burmese unit at Hpakant Byuhakone fired 120mm shells at Tahtechaung village, causing the death of two civilians and injuring an older man, Sam La, age 50, and two boys, Marip Naw Mai, 12, and Marip Doi La, 8.

On January 16, 2013, the same Burmese artillery unit at Byuhakone fired mortars at Prayer Hill in Hpakant, causing damage to Mawwan Kachin Baptist Church. Fortunately no one was injured as some church-goers had just left the building after saying their prayers.

2. Hpare Dabang IDP camp, north of Pang Wa

This IDP camp was set up close to the Chinese border in June 2012 when fighting spread north of Pang Wa. It houses over 600 IDPs. On October 15, 2012, Burmese troops from the 77th and 88th Light Infantry Divisions launched an attack on the nearby KIA camp, firing mortar shells and machine guns. A 7-year-old IDP boy, Bawm Hkaw, son of assistant pastor Kyang Bawm, was hit in the thigh by shrapnel. He was taken for emergency treatment to save his leg in Teng Chong hospital in China.

3. Lai za



The town of Laiza, former location of the KIA military headquarters, currently has a population of about 20,000 civilians, over half of whom are IDPs who had fled Burma Army abuses and attacks.

In December 2012, thousands of Burmese Army troops launched an operation to seize the KIA hill-top outposts around Laiza, carrying out persistent mortar attacks and aerial bombing of the area.

On 27 December, 2012, the Burmese Army 367th artillery unit based at Hang Gai hill near Laja-yang, west of Laiza, fired 105mm mortars which landed on a water melon plantation near Dung Hkung village, where farmers were working. This resulted in the death of Maji Tu Ja, a 42-year-old man, and seriously injured three other people: Kai Ling, aged 26; Lama Lu, aged 50; and Htoi Ma Seng, aged 53.

In the morning of January 14, 2013, Burmese troops started firing 105mm mortars on Hkachyang Block 4 residential area of Laiza. A shell landed in front of a house where several IDPs were warming themselves in front of a fire. NHkum Bawk Naw, a 46-year-old man, was killed immediately. 76-year-old assistant pastor Malang Yaw was injured severely and

died soon after reaching hospital. Four others were badly injured, including the wife of the deceased pastor, Nangzing Roi Ji, a 56-year-old woman, as well as another a 38-year-old woman Lagwi Sau Nam, her young 2-year-old daughter, and Nu Kai, a 10-year-old girl, who were all hospitalized.

Another young IDP, 15-year-old Doi San Awng, was in a nearby house watching TV when he heard the explosions. He took his young sister to shelter in a bunker and then went to try and help his injured neighbours. On the road, he was struck by another shell which shattered his legs, and injured his chest and hips. He was rushed to hospital, but died on the way.



Assistant pastor fatally wounded by shelling in Laiza



Mother and child injured by shelling in Laiza on January 14, 2013



15 year old boy killed by shelling in Laiza

4. Maijayang

There has been no civilian death from direct shelling in the Maijayang area in the past few months, but on January 15, 2013, three IDP children were killed due to the collapse of a bunker near Pa Kahtawng camp, which houses 2,456 IDPs. Since heavy shelling began around Laiza in mid-December, IDPs had been digging bunkers near their makeshift shelters to protect from aerial and artillery bombing.

The three boys, Labya Gam, aged 13 years, Kareng Tu, 11, and Lahpai Tu, 12, had gone early into one of the bunkers to try and help with digging, when it collapsed, burying them alive. They were discovered when other adults arrived to continue with digging.

5. Mayan town, nr. Myitkyina

In the evening of 29 January, 2013, Burma Army artillery unit 372 fired mortars directly at the town of Mayan, 24 miles south of Myitkyina. Shells landed on three houses, causing the death of a woman, Labram Lu, and her 9-year-old son. Three other civilians, Jangmaw Doi, aged 95, Jangmaw Awng Nu, 35, and a 2-year-old boy were injured.

The shelling was apparently in response to gunshots fired by some drunken Burmese troops in the town. There was no KIA presence in the area.

After the incident, officers from the Burma Army artillery unit came and offered 300,000 kyat (about US\$360) in compensation to the bereaved family.

Deliberate destruction of civilian houses and property

1. Burning of Hpaikawng IDP camp, northern Shan State

In July 2012, due to intense fighting near Pangsai in northern Shan State, villagers from four villages fled towards the China border and set up an IDP settlement housing over 300 people.

On November 28, 2012, in apparent retaliation for a clash with Kachin troops earlier in the day, Burmese soldiers from Light Infantry Battalion 240 came and burned down the camp without warning. About 45 temporary shelters were destroyed, causing the IDPs to flee across the border into China.

The IDP camp leader, Mr. Gumhtang Tu, was arrested by the Burmese troops and ordered to lead them to find the KIA. Fortunately, he was able to escape when fighting occurred on the way, and he fled to China.

2. Burning of Namsanyang town, on the Myitkyina-Bhamo road

On January 6, 2013, about 300 Burmese troops came and burned numerous houses in Namsanyang town. The town lies in a strategic location on the Myitkyina-Bhamo road, and

has been the target of repeated attack by the Burmese Army who want to drive out the inhabitants so they cannot support the KIA.

296 houses in the town have now been destroyed, out of the original 520 houses.

Ongoing sexual violence

Since the Burma Army broke the ceasefire in June 2011, KWAT has documented the rape and sexual assault of 64 women and girls in seventeen townships by Burmese troops from fourteen different battalions. The most recent reported case occurred on November 1, 2012, when a mother of four was gang-raped by Burmese Army soldiers from Light Infantry Battalion 13 in her home, in Hkasan village, on the Kamaing-Mogaung road.

In breach of international humanitarian law

The indiscriminate use of long-term mortars and fighter aircraft in areas populated by civilians, and the deliberate destruction of civilian houses and property represent a total lack of consideration for international humanitarian law by the Burmese military, including the following:

- Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War which states in its article 27:« *protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats* ».
- Article 8 of the Rome Statute of the International Criminal Court, which states that the following constitute war crimes:« *wilful killing* »,« *intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities* » and « *attacking or bombarding, by whatever means, towns, villages, dwellings or buildings which are undefended and which are not military objectives* ».
- The General Assembly Resolution on Human Rights, December 19th 1968, which states that« *distinction must be made at all times between persons taking part in the hostilities and members of the civilian population* » and that « *it is prohibited to launch attacks against the civilian populations as such* »

Conclusion and recommendations

The Burma Army's repeated authorization of artillery fire into areas populated by civilians, as well as deliberate torching of villages and IDP settlements, represent serious breaches of international humanitarian law, and are likely to amount to war crimes.

It is urgently needed for the international community to strongly condemn these crimes, and to pressure the Burmese government to immediately end its policy of military aggression, begin troop withdrawal from Kachin State, and enter into political dialogue with the Kachin Independence Army to address the root causes of the conflict.

We therefore make the following recommendations:

To the United Nations:

To establish a Commission of Inquiry to investigate crimes against humanity and war crimes taking place in Kachin State and throughout Burma

To foreign governments:

To immediately suspend all engagement with the Burmese military

To re-impose targeted sanctions on Burma that have been suspended

To push for independent third party involvement in the peace negotiations between the Burmese government and the Kachin Independence Army. Those involved should have no economic stake in the outcome of the talks.

To immediately provide humanitarian aid through community based organizations working cross-border to assist internally displaced persons in Kachin-controlled areas

Appendices

Death and injury of civilians caused by Burmese army shelling: 7 incidents in 5 different areas (Sept 2012-Feb 2013)

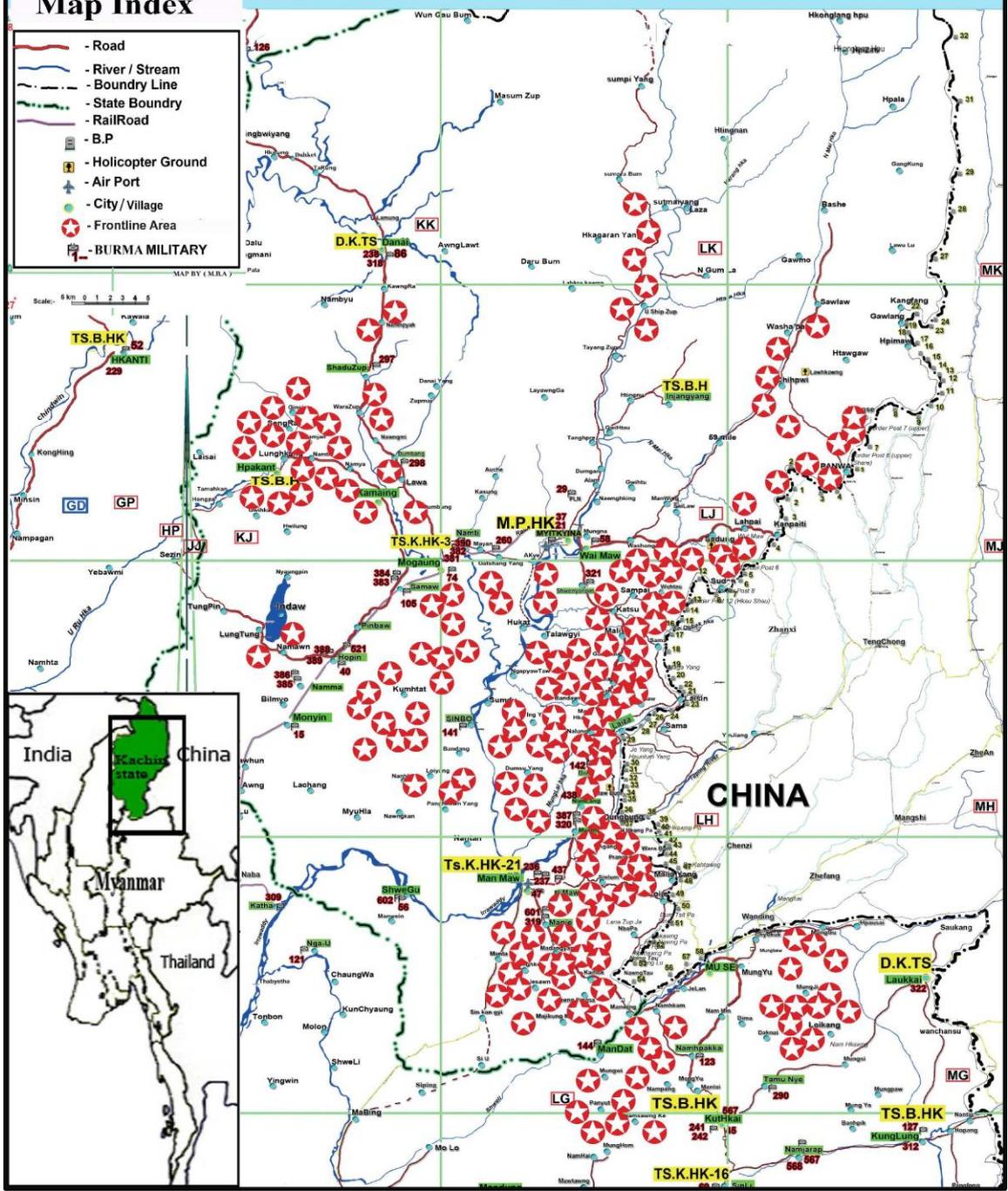
No.	Date	Sex	Age	Type of violation	Location	Details
1	Sept 13, 2012	F	13	Killed by Burmese artillery shell	Suburb of Hpakant	while returning from school, died in hospital
2	Oct 15, 2012	M	7	Hit by Burmese artillery shell	Hpare Dabang IDP camp, nr Pangwa	
3	Nov 2, 2012	n.a.	n.a.	Killed by Burmese 120 mm artillery shell	Tahtechaung village, nr. Hpakant	
		n.a.	n.a.	Killed by Burmese 120 mm artillery shell	Tahtechaung village, nr. Hpakant	
		M	50	Injured by Burmese 120 mm artillery shell	Tahtechaung village, nr. Hpakant	
		M	12	Inured by Burmese 120 mm artillery shell	Tahtechaung village, nr. Hpakant	

No.	Date	Sex	Age	Type of violation	Location	Details
		M	8	Injured by Burmese 120 mm artillery shell	Tahtechaung village, nr. Hpakant	
4	Dec 27, 2012	M	42	Killed by Burmese 105 mm artillery shell	Field nr. Dung Hkung village, nr. Laiza	was working in water melon plantation
		F	26	Injured by Burmese 105 mm artillery shell	Field nr. Dung Hkung village, nr. Laiza	was working in water melon plantation
		F	50	Injured by Burmese 105 mm artillery shell	Field nr. Dung Hkung village, nr. Laiza	was working in water melon plantation
		M	53	Injured by Burmese 105 mm artillery shell	Field nr. Dung Hkung village, nr. Laiza	was working in water melon plantation
5	Jan 14, 2013	M	76	Killed by 105 mm artillery shell	Hkachyang Block 4 residential area of Laiza	Severely wounded, died when he reached hospital
		M	46	Killed by 105 mm artillery shell	Hkachyang Block 4 residential area of Laiza	Died on the spot
		M	15	Killed by 105 mm artillery shell	Hkachyang Block 4 residential area of Laiza	Severely wounded, died on way to hospital
		F	56	Injured by Burmese 105 mm artillery shell	Hkachyang Block 4 residential area of Laiza	
		F	38	Injured by Burmese 105 mm artillery shell	Hkachyang Block 4 residential area of Laiza	
		F	10	Injured by Burmese 105 mm artillery shell	Hkachyang Block 4 residential area of Laiza	
		F	2	Injured by Burmese 105 mm artillery shell	Hkachyang Block 4 residential area of Laiza	
6	Jan 15, 2013	M	11	Died when bunker collapsed	Pa Kahtawng IDP camp, Maijayang	
		M	12	Died when bunker collapsed	Pa Kahtawng IDP camp, Maijayang	
		M	13	Died when bunker collapsed	Pa Kahtawng IDP camp, Maijayang	
7	Jan 29, 2013	F	26	Killed by Burmese mortar shells	Mayan village, 24 miles from Myitkyina	Died on the spot as she was trying to take shelter
		M	9	Killed by Burmese mortar shells	Mayan village, 24 miles from Myitkyina	Died on the spot as he was trying to take shelter with his mother (above)
		M	90	Injured by Burmese mortar shells	Mayan village, 24 miles from Myitkyina	
		M	35	Injured by Burmese mortar shells	Mayan village, 24 miles from Myitkyina	
		M	2	Injured by Burmese mortar shells	Mayan village, 24 miles from Myitkyina	

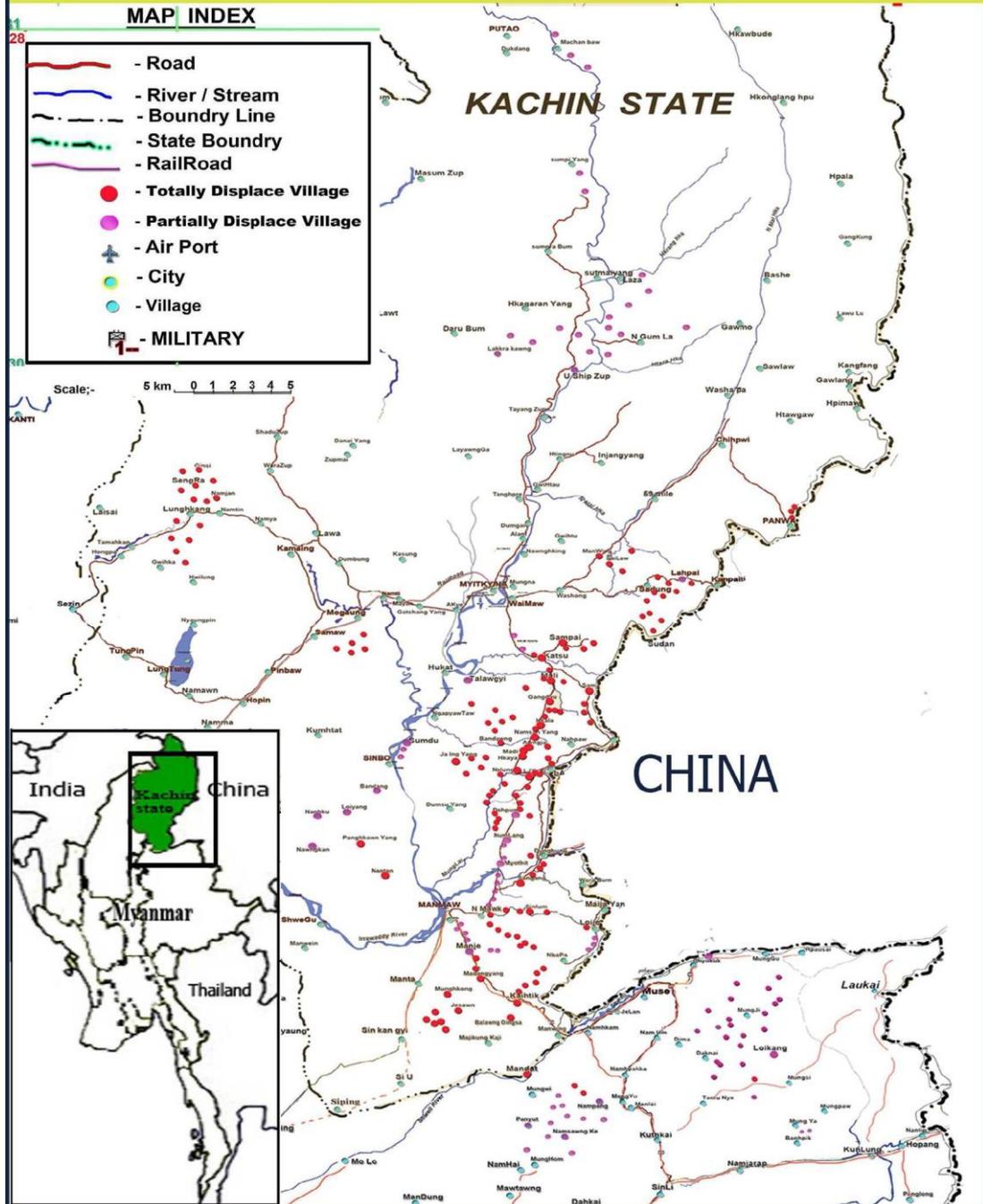
Map of fighting areas in Kachin state and Northern Shan state June 2011 to Feb 2013

Map Index

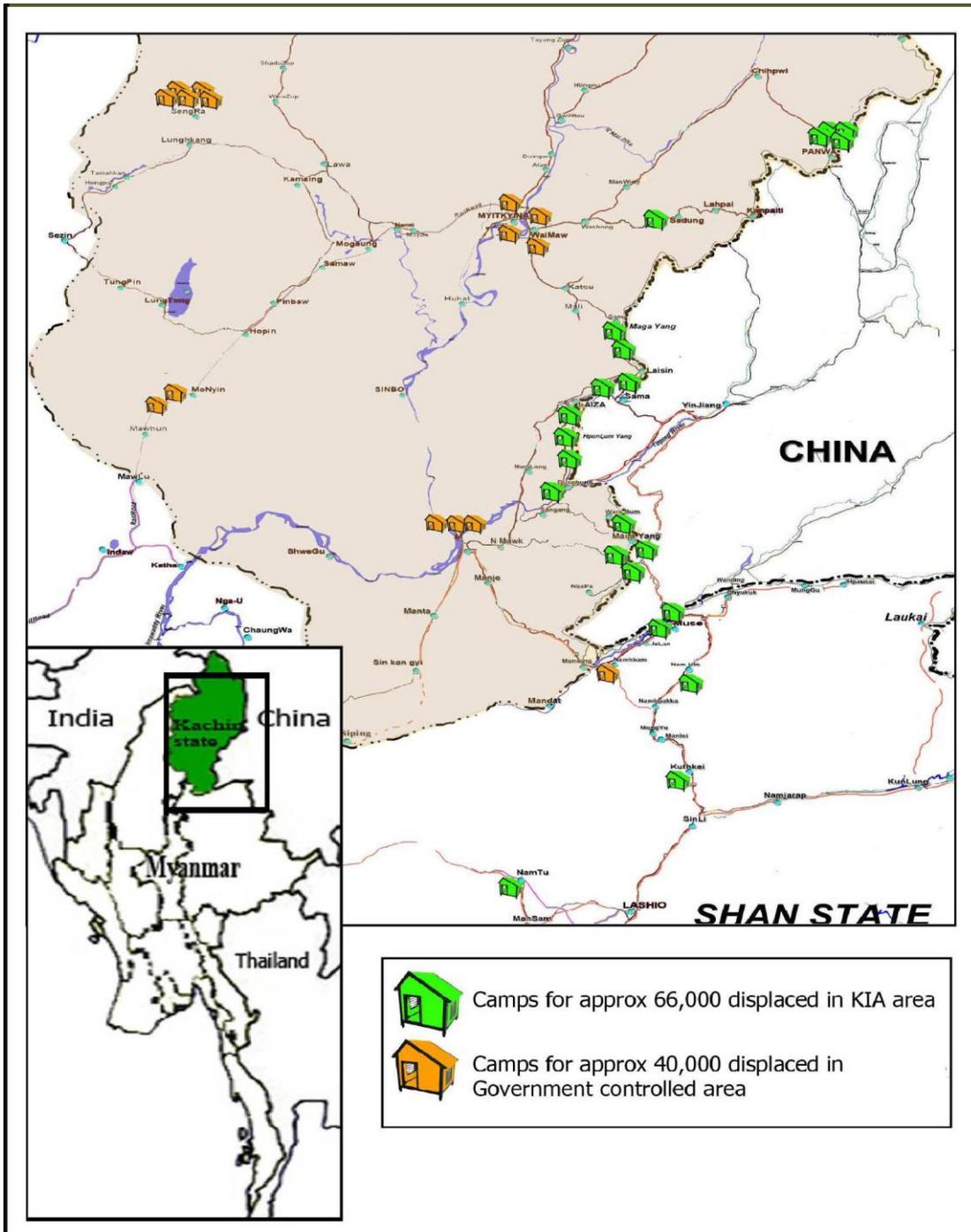
- Road
- River / Stream
- Boundry Line
- State Boundry
- RailRoad
- B.P
- Helicopter Ground
- Air Port
- City / Village
- Frontline Area
- BURMA MILITARY



Map of Displaced Villages in Kachin state and Northern Shan state



Map of IDP camp in Kachin State and Northern Shan State



Map of destroyed and burnt villages and IDP camp in Kachin State and Northern Shan State

