



Situation Update

June 13, 2013 / KHRG #13-116-S1

Hpa-an Situation Update: Paingkyon Township, Hpa-an District, June to November 2013

This Situation Update describes events occurring in Paingkyon Township, Hpa-an District during the period between June and November 2013, including arbitrary taxation; the killing of a family accused of practicing witchcraft; and ceasefire awareness activities carried out by armed actors for the local community.

- *BGF soldiers collected taxes on a variety of goods, including vehicles, produce and cows; villagers responded by requesting reductions in taxes with some success. Forced labour demands by BGF soldiers continued, but villagers have been able to obtain some payment for labour.*
- *BGF #1015 soldiers killed a family of four on direct orders from the commander, who accused the father of practicing witchcraft.*
- *Villagers reported an increased sense of freedom and safety; forced labour has decreased and the planting of new landmines has ceased. Armed actors have also begun to share the location of landmines, allowing villagers to mark their locations.*
- *The BGF, KNLA and Karen Peace Council (KPC) met with villagers in order to provide information regarding the ceasefire.*

This Situation Update was initially published in May 2014 in the Appendix of KHRG's in-depth report, [Truce or Transition? Trends in human rights abuse and local response in Southeast Myanmar since the 2012 ceasefire.](#)

Situation Update | Paingkyon Township, Hpa-an District (June to November 2012)

The following Situation Update was received by KHRG in November 2013. It was written by a community member in Hpa-an District who has been trained by KHRG to monitor human rights conditions. It is presented below translated exactly as originally written, save for minor edits for clarity and security.¹ This report was received along with other information from Hpa-an District, including, one incident report and 121 photographs.²

¹ KHRG trains community members in eastern Burma to document individual human rights abuses using a standardised reporting format; conduct interviews with other villagers; and write general updates on the situation in areas with which they are familiar. When writing situation updates, community members are encouraged to summarise recent events, raise issues that they consider to be important, and present their opinions or perspective on abuse and other local dynamics in their area.

² In order to increase the transparency of KHRG methodology and more directly communicate the experiences and perspectives of villagers in eastern Burma, KHRG aims to make all field information received available on the KHRG website once it has been processed and translated, subject only to security considerations. For additional reports categorised by Type, Issue, Location and Year, please see the Related Readings component following each report on KHRG's Website.

I have travelled and operated in two different areas, as we divided Hpa-an District, Ta Kreh [Paingkyon] Township into region #1 [Paingkyon] and region #2 [Hlaingbwe]. Since the ceasefire agreement, there have not been any sudden attacks [on villages by Tatmadaw troops]. But we still have random attacks like killings, arbitrary demands, forced labour and some confiscation of the villagers' land. The perpetrator is the BGF [Border Guard Force]³ Battalion #1015, led by Commander Kya Aye. His role is to operate as region #2 commander (BGF cantonment area commander), to direct his soldiers to collect the taxes on cows. A pair of cows will be [taxed] 10,000 kyat (US \$10.13)⁴ at the place where they set up the gateway (checkpoint). Two different places that I have known are, one place in region #1, which is A--- village, Paw Yay Poo village tract, Ta Kreh Township, Hpa-an District and [another place is in] B--- village, Meh Pra Hkee village tract, Ta Kreh Township, Hpa-an District. BGF Battalion #1015 set up checkpoints in these two places with at least five guards to collect taxes when villagers are transporting or trading their cows and buffalo. If a villager cannot give them [the tax] immediately, they ask to give it after they sell their cows. For this reason, the villagers cannot get a lot of profit from this [trading livestock]. Later the villagers requested that the leader and BGF reduce the tax, so that if they have ten cows, three cows should be exempted from the tax, and later they [BGF] approved this as they [villagers] have requested.

In addition, BGF #1015 forces villagers to pay taxes on their telephone [line] once a year. For those who own or have set up a phone line with a tall antenna, they collect 30,000 kyat (US \$30.40) per phone owner every year in every village that has telephones in Ta Kreh Township, Hpa-an District. Some villagers do not want to pay the telephone tax to the BGF soldiers, so they told the BGF soldiers that, because they have to plant paddy⁵ or harvest [crops], they do not have time to use the telephone often. They pleaded like this, as a result, the amount of some of the taxes has been reduced.

Another issue is that BGF #1015 also demands taxes on boats, cars, yams and tractors each year. In Ta Kreh Township, Hpa-an District, BGF #1015 commander Kya Aye instructed his soldiers to collect 5,000 kyat (US \$5.07) for one boat in each village and village tract when possible. Regarding taxes for trucks like Tiger, Vigo, Mighty X, tractor and DINA they asked for 50,000 kyat (US \$50.66) [per truck] per year. For yams [and cardamom], they just collect the tax from the buyers (vendors) who purchase yams and cardamom in that area. This means every villager who is trading yams and cardamom has to sell it to those vendors [who pay taxes]. For this reason, during the rainy season [vendors] that buy yams and cardamom have to pay at least 250,000 kyat (US \$253.29) to BGF #1015 Commander Kya Aye every year. We can say that this is one kind of abuse to the villagers, and it has become a regular habit or practice every year.

For the hand tractors, BGF #1015 Commander Kya Aye collects 10,000 kyat (US \$10.13) each year. Sometimes, a villagers' hand tractor breaks or becomes damaged and, if the BGF comes to collect the taxes, they have to say it [give the explanation] very cleverly and sometimes, if they are fortunate, they waive the tax for this.

³ Border Guard Force (BGF) battalions of the Tatmadaw were established in 2010, and they are composed mostly of soldiers from former non-state armed groups, such as older constellations of the DKBA, which have formalised ceasefire agreements with the Burmese government and agreed to transform into battalions within the Tatmadaw. BGF battalions are assigned four digit battalion numbers, whereas regular Tatmadaw infantry or light infantry battalions are identified by two or three-digit battalion numbers. For more information, see "[DKBA officially becomes Border Guard Force](#)" *Democratic Voice of Burma*, August 2010, and, "Exploitation and recruitment under the DKBA in Pa'an District," KHRG, June 2009.

⁴ As of January 13th 2014, all conversion estimates for the Kyat in this report are based on the official market rate of 987 kyat to the US \$1.

⁵ Paddy is rice grain that is still in the husk.

One more thing is that, as usual in the summer, BGF #1015 Commander Kya Aye has performers [actors organised by] his battalion. If they have an event somewhere, they ask for villagers to transport their performers and also ask for the villagers to cut trees and bamboo in order to build a stage to put on the drama, without payment. Some villages try to explain that they cannot hire actors because they do not have a large population in the village and also do not have enough money to feed them. Because some villagers complained about this, later they did not force [the villagers] to do it.

Arbitrary demands and taxation

I have seen, in Ta Kreh Township, Hpa-an District, BGF #1015 battalion, which is led by region #2 leader (second cantonment area), Commander Kya Aye sends his soldier, Major T'Kee, who is based in A--- village, which has a checkpoint where they collect taxes of 5,000 kyat (US \$5.07) for one cow, and if there is a pair of cows 10,000 kyat (US \$10.13), while the villagers are trading cows from 2010 until now. These are arbitrary demands that abuse local rights.

The villagers' strategy or agency is that they requested that the BGF #1015 reduce the tax on some of their cows and buffalo. If they have ten cows they will exempt three cows, they also reduce the tax on the baby cows too. For this reason, the villagers who are trading cows are very pleased and satisfied with some of the results.

Forced labour

On October 26th 2013, Ta Kreh Township, Hpa-an District, Pee T'Hka village tract, C--- village had an event where the villagers donated monk's robes to each monk. At that time, BGF #1015 Commander Kya Aye (second cantonment area commander) came too. Before they started worship, BGF #1015 Commander Kya Aye forced villagers to build [a stage] and forced villagers to cut trees and bamboo to finish it as soon as possible. [Since it was] an order, the villagers had to do it.

I learned that villagers had to transport the performers without payment. But the villagers still have some strategies, as they are asking for the petrol cost from BGF #1015 Commander Kya Aye. Later he gave some amount [of the money] back to the villagers.

Another case is [when] the villagers asked BGF Commander Kya Aye to buy the wood to construct the stage and the commander paid for it. Because villagers complained that if they lay the bamboo planks [they will have to use the big bamboo] but they don't want to cut or spilt a big bamboo [to make bamboo planks], later they got some positive results by using their strategy.

Arbitrary demands and taxation

In Ta Kreh Township, Hpa-an District, BGF Battalion #1015 is led by region #2 leader (second cantonment area), Commander Kya Aye. His soldier, Major T'Kee, who is based in A--- village, has a checkpoint where they collect taxes of 5,000 kyat (US \$5.07) for one cow, and 10,000 kyat (US \$10.13) for a pair of cows; it has been this way for the villagers who trade cows since 2010 until now. These are arbitrary demands that abuse local rights.

The villagers' strategy or agency is to request that BGF #1015 reduce the tax on some of their cows and buffalo. If they have ten cows, they will exempt three cows, they also reduce the tax on the baby cows too. For this reason, the villagers who are trading cows are very pleased and satisfied with some of the results.

Forced labour

On October 26th 2013, in Ta Kreh Township, Hpa-an District, Pee T'Hka village tract, C-- village, there was an event where the villagers donated monk's robes to each monk. At that time, BGF #1015 Commander Kya Aye (second cantonment area commander) came too. Before they started worship, BGF #1015 Commander Kya Aye forced villagers to build [a stage] and forced villagers to cut trees and bamboo in order to be able to finish it [a stage for a performance] as soon as possible. [Since it was] an order, the villagers had to do it.

I learned that villagers had to transport the performers without payment. But the villagers still had some strategies; they asked for the petrol cost from BGF #1015 Commander Kya Aye. Later, he compensated the villagers with some [of the money].

Additionally, the villagers asked BGF Commander Kya Aye to buy the wood that they needed to construct the stage, and the commander paid for it. Villagers requested that they only be required to lay the bamboo planks, and not also have to spilt the big bamboo [to make bamboo planks]. They got some positive results by using their strategy.

Arbitrary demands

I have seen in Ta Kreh Township, Hpa-an District, in village tracts and villages from 2010 until now, BGF #1015 Commander Kya Aye (second cantonment area commander) instructs his soldiers to collect taxes for trucks, boats, yams, cardamom, telephones and tractors every year, and they have set up the time when they collect the taxes. I do not know the exact time when they are going to collect them. Since they have a plan, I still see the BGF #1015 soldiers collecting taxes on [the items] I mentioned above.

The way they determine the amount of taxation each year is like this: on trucks - Tiger, Vigo, Mighty X, DINA and tractors - they ask for 50,000 kyat (US \$50.66); for a boat, they demand 10,000 kyat (US \$10.13); for yams and cardamom, they tax the trader about 250,000 kyat (US \$253.29). [For] telephones that are set up by the villager, they demand 30,000 - 50,000 kyat (US \$30.40 - \$50.66), and for hand tractors, 10,000 kyat (US \$10.13). This is one type of BGF #1015 soldiers' business system that they regularly practice once a year by collecting taxes from villagers.

The things that I have mentioned above are true incidents. In the end, a villagers can try to resist in many ways. For the hand tractors, they pleaded for BGF #1015 Commander Kya Aye to waive the tax because they use tractors in a similar manner to cows [and taxes were waived for cows]. They ask the monks to speak up for them too. Boats are also the same. They waive the tax or make it for free. In the end, I know that some villagers do not have to pay any of the taxes on boats and tractors, which started in 2013. Since they have tried [asked to reduce the taxes], they do not have to pay it for two months, but for the other things I do not know yet.

Killing

On June 11th 2013, I know that BGF #1015 soldiers went and killed one family that had four family members. This family lived in D--- village, Meh Pra village tract, Ta Kreh Township, Hpa-an District. The place where they were murdered was in E--- village, Pee T'Ka village tract, Ta Kreh Township, Hpa-an District, on June 11th 2013 in the night time at 10:00 pm in their hut.

The incident happened exactly like this. On June 11th 2013 during the afternoon at 3:00 pm, BGF #1015 Commander Kya Aye, who lives in Ya Ta BGF #1015 army camp, went to F--- village, Ta Kreh Township, Hpa-an District, which is near to E--- village, and had dinner with his soldiers in F---. He went together with around ten people in a red truck – a Tiger. They ate one pig that was about 20 kilograms. After they finished dinner, they arranged to go kill the family member. They sent out six soldiers, among them, Nyay Maw and Naw Kay were leaders [of the soldiers] and they went with enough supplies and weapons.

The problem is that they accused this family member, the father of this family, of being wicked. The people who were killed were (1) Saw G---, 60 years old (2) Naw H---, 55 years old (3) Naw I---, 28 years old (4) Naw J---, 13 years old. Those four people were family members. They were two parents and two daughters.

As I mentioned above, these family members were from D---. Because of civil war they came to live temporarily near E--- village, eastern E--- River, about ten years ago. After BGF #1015 killed this family, they burned it [the family] with fire including their hut and all of their belongings.

Firstly, after BGF #1015 soldiers arrived at uncle Saw G---'s hut, they called uncle Saw G--- to come out. When he came out, they shot to kill him at once. For Naw H--- and her two daughters, they were called, and after they came outside of the hut, they [the soldiers] killed them, too. All of them were killed without questioning.

After that, BGF #1015 troops destroyed all of the material and took their two necklaces, each necklace about one thee [2.041 grams]. The soldiers took some money but no one knows how much. [The details] for the two necklaces is true. After the soldiers came back and gave it to their Commander Kya Aye, he refused to have it and he gave it to his soldiers who went there.

This information I know by one of the E--- villagers. This person, we used to called him Saw K---, he knows about that [case] because a BGF #1015 soldier told him about the case and those soldiers also asked him to bury the dead bodies. E--- villagers went and buried the dead bodies the next morning. After three months, I went and took the photos. When I took the photos I also took [photos of] the tombs because I [also] gave some photos to Hpa-an District leader.

While taking the photo, I was standing beside Saw G---'s hut, including the burned hut, yard, and damaged area. Their graves are also included and are displayed in a photo.

At the end, Saw G--- has a married daughter, who lives in Brigade #---, L---, and I heard that she tried to find a way to get help to deal with these cases. But because we haven't met each other I do not know what she will do next.

About this killing case, it also links to the other report too.⁶

Situation of villagers

Since 2013, I have noticed that in Ta Kreh Township, Hpa-an District in region #1 and #2 areas, villagers have gotten a little bit more freedom. If we notice travelling, like [by] water and [by] land, to [go to] the big city is more comfortable, easier and quicker now. Also, trees for building houses are easier to get because there is no more landmine

⁶ See [“Hpa-an Incident Report: Extrajudicial killing in Paingkyon Township, June 2013,”](#) KHRG, May 2014.

planting near the area. Some important places, like KNU landmines, BGF landmines and Burma military regime landmines, are marked [by villagers]. Landmines [are] within specific areas (or) they [villagers] go and ask the KNU, BGF and the Burma government military. Then, they explain and direct the villagers to where the landmines are located, so villagers are able to mark and notify [people of] the [mined] places, and now they know it.

There was not often forced labour or portering happening in emergency [unplanned] situations [i.e. villagers typically knew about the forced labour demands in advance]. But sometimes, armed actors, like the BGF, still ask [villagers] to transport their supplies. Sometimes, I have seen that they provide the petrol fee for the villagers, but mostly they take it for free; the unpaid percentage is more than the paid.

As I have already mentioned, the taxes [demanded] for machines/ telephones every year by the BGF #1015 and #1016, which operate in Ta Kreh Township, Hpa-an District, have not all stopped yet. They stop demanding taxes from only boat and tractor drivers [automobile or motorcycle drivers are still taxed]. After the 2013 new year, one more thing about BGF #1015 is that, usually, they produce calendars and cassette tapes, and they send [them] to every village tract leader. They determine by village tract whether they are going to send five [calendars and cassettes] for one village tract. For the village tract leaders, they have to accept the order and collect money from the villagers and send [the money] back to the BGF #1015 headquarters by the due date. This is one kind of abuse: forcing [villagers] to buy BGF #1015 products.

Situation of the BGF

Starting in 2013, BGF #1015 troops of Yeh Tar military camp, which is based in Ta Kreh Township, Hpa-an District, Peh Kruh village tract, have not had very much activity and do not operate or act like a column. They place and keep their soldiers in A--- (Ta Kreh Township) and B--- (Ta Kreh Township). They build a camp and collect taxes on the cows, which go across and travel in the areas. The Burma government distributes supplies like rations and salaries to the BGF every year. But they are still collecting taxes on cow traders. For the BGF #1015 Commander Kya Aye and all of his battalion troops to be able to get a lot of easy money, they still abuse villagers' rights by collecting taxes on cow traders and on machines, as I have mentioned before. BGF #1015 [also] sells products for fundraising, like calendars and cassette tapes, [which] is an abuse of villagers' rights, too.

The situations happening in Ta Kreh Township, Hpa-an District, in regions #1 and #2 are similar. Sometimes, they [BGF #1015 soldiers] collect money, 1,000 kyat (US \$1.01), for their [soldiers'] cigarettes and Birdy [a coffee mix they buy] from the trucks that are transporting travellers. In the coming months I suppose villagers will be busy transporting BGF #1015 actors and security guards. For tractors, sometimes BGF #1015 buys petrol for villagers but for trucks like Tigers and others, we do not normally see [that] they buy the fuel. For a tractor they provide one (gallon), which can go a long mile, but for trucks it takes three to four gallons so they [BGF] cannot provide it. Fuel costs for one gallon is 4,500 kyat (US \$4.56) so this is also one of the abuses. BGF #1015, led by Commander Kya Aye, numbers about 30 soldiers.

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travel in the areas. The Myanmar government distributes supplies like rations and salaries to the BGF every year. But they are still collecting taxes on cow traders. For the BGF #1015 Commander Kya Aye and all of his battalion troops to be able to get a lot of easy money, they still commit abuses of villager rights by collecting taxes on cow traders and machines, as I have mentioned before. BGF #1015 [also] sells products for fundraising, like calendars and cassette tapes, [which] is an abuse of villagers' rights, too.

Both situations like Ta Kreh Township and Hpa-an District in region #1 and #2 are in similar situations. Sometimes, they [BGF #1015] collect money, 1,000 kyat (US \$1.01), for their [soldiers'] cigarettes and Birdy [a coffee mix they buy] from the trucks that are transporting travellers. In coming months I suppose villagers will be busy with transporting BGF #1015 actors and security guards. For tractors, sometimes BGF #1015 buys petrol for villagers but for trucks like Tigers and others, we do not normally see [that] they buy the fuel. For a tractor they provide one (gallon), which can go a long mile, but for trucks it takes three to four gallons so they [BGF] cannot provide it. Fuel costs for one gallon is 4,500 kyat (US \$4.56) so this is also one of the abuses. BGF #1015, led by Commander Kya Aye, numbers about 30 soldiers.

Situation of Burmese government

Since June 2013 and still now, the military regime that is based in Ta Kreh Township, Hpa-an District, Ta Kreh village tract, Ta Kreh army camp, is led by LIB [Light Infantry Battalion]⁷ #338, but I do not know who the commanders are. The total number of these troops [column] is only around 20 people. Their column does not travel around [operate] in the area. Only one thing is if their leader and operation commanders (G3) come, they [the battalion] have to wait and guard them on the road. Nowadays, if they go around near the area, they mostly travel with trucks and motorbikes. Government military activity might [be] more than that but I just know only that so I can present only this.

Situation of KNU

Since the beginning of 2013 and still now, the KNU who operate in Ta Kreh Township, Hpa-an District in region #1 and #2 are Battalion #19 and #22 with Ta Kreh Township armed force. Battalion #19 was operating in region #1, Ta Kreh Township, Hpa-an District, Pee T'Hka and Naw Ter Kee, for Battalion #22, it is operating in region #2 in Naw Ree Htee Per region, Ta Kreh Township, Hpa-an District. For the Ta Kreh Township, [KNU] armed forces are operating in both regions in Ta Kreh. Battalion #19 commander is Saw Htaw K'Lu, [also] called Puh K'Lee Mu. Battalion #22 commander is Saw Deeh Kway, called Puh Ghu Thaw. The Ta Kreh Township administrator is Saw Mu Doh, [also] called Htee Moo.

Most of these leaders are based in township/district headquarters, but their soldiers have to operate and live on the frontline. Battalion #19 and Ta Kreh Township armed force activities are giving an awareness [presenting information] about the ceasefire between KNU and Myanmar government. BGF, KNLA and KPC (KNU-KNLA Peace Council)⁸ had

⁷ Light Infantry Battalion (Tatmadaw); 500 soldiers but most in the Tatmadaw are under-strength with less than 200 soldiers.

⁸ The KNU/KNLA Peace Council (also called the Karen Peace Council or KPC), is an armed group based in Htoh Gkaw Ko, Hpa-an District, which split from the Karen National Union (KNU) in 2007 and subsequently refused to comply with orders from the then-SPDC government to transform its forces into the Tatmadaw Border Guard. See: "[KPC to be outlawed if it rejects BGF](#)," *Burma News International*, August 30th 2010.

a meeting and discussed human rights that have to be respected and valued. Villager rights, [such as] land issues and land selling should have evidence of a KNU license and [be] under the Ta Kreh Township Department of Land Administrator. The KNU will organise and demarcate the land and farmland areas. At the same time, they will also provide land grants.

Demands and taxation might be reduced and permanently disappear. To encourage and empower the villagers or audience to report the abuses that they face and which group or armed group disobeys or does not respect human rights to us, we will again report to the senior leader to solve the issues. Another [issue] was when flooding [happened] in August in Kaw Hsaw Mee [village], Ya Kay Koh village tract, Ta Kreh Township, Hpa-an District. The entire of village was under water, the total [number of] households was about 50. For this reason, KNU Battalion #19 and Ta Kreh Township armed forces cooperated and reported to the senior leader. Then they organised aid and support, like clothes for the villagers in the first week of August 2013. KNU Battalion #19 and Ta Kreh Township staff and leaders went and distributed things to every household in Kaw Hsaw Mee village as best as they possibly could.

Conclusion

The report that I have written is about my activities. As I understand, I analyse and try to collect as many of the incidents [as possible]. But I will miss some information. I promise in the future I will still try more, as much as I can, and if I have missed some information I will try to collect it later.

Further background reading on the situation in Hpa-an District can be found in the following KHRG reports:

- “Hpa-an Incident Report: Extrajudicial killing in Paingkyon Township, June 2013,” (May 2014)
- *Truce or Transition? Trends in human rights abuse and local response in Southeast Myanmar since the 2012 ceasefire* (May 2014)
- “Hpa-an Situation Update: Lu Pleh Township, 2012 to 2013,” (February 2014)
- “Incident Report: Two children injured from DKBA and BGF fighting in Hlaing Bwe, April 2013,” (October 2013)
- “Hpa-an Interview: Saw N---, June 2012,” (October 2013)

