



**Karen Human Rights Group**

Documenting the voices of villagers in rural Burma

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**Incident Report**

November 26, 2014 / KHRG #13-59-I2

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**Hpa-an Incident Report: Land confiscation in Paingkyon Township, February 2013**

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*This Incident Report describes land confiscation committed by Kya Aye, Commander of Cantonment Area #2 of the Border Guard Force (BGF), in two villages in Paingkyon Township, Hpa-an District. BGF Cantonment Area Commander Kya Aye confiscated the land of a villager in A--- village, Taw Soe village tract, Paingkyon Township in February 2013; the land was then turned into a rubber plantation. Additionally, land belonging to a senior monk in D--- village, Noh Kwee village tract, Paingkyon Township was confiscated in 2012; the monk requested his disciples to report Cantonment Area Commander Kya Aye to the Burma/Myanmar authorities.*

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**Incident Report | Paingkyon Township, Hpa-an District (February 2013)**

*The following Incident Report was written by a community member in Hpa-an District who has been trained by KHRG to monitor local human rights conditions. It is presented below translated exactly as originally written, save for minor edits for clarity and security.<sup>1</sup> This report was received in February 2013 along with other information from Hpa-an District, including one other incident report, one situation update, and 319 photographs.<sup>2</sup>*

**Part 1 – Incident Details**

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<sup>1</sup> KHRG trains community members in eastern Burma/Myanmar to document individual incidents of abuse 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 incident reports, community members are encouraged to document incidents of abuse that they consider to be important, by verifying information from multiple sources, assessing for potential biases and comparing to local trends.

<sup>2</sup> In order to increase the transparency of KHRG methodology and more directly communicate the experiences and perspectives of villagers in eastern Burma/Myanmar, 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 categorized by Type, Issue, Location and Year, please see the Related Readings component following each report on KHRG's Website.

<b>Type of Incident</b>	BGF [Border Guard Force] <sup>3</sup> confiscated and cleared a villager's land in order to grow rubber trees.
<b>Date of Incident(s)</b>	February 1 <sup>st</sup> 2013.
<b>Incident Location (Village, Township and District)</b>	A--- village, Taw Soe village tract, Ta Kreh [Paingkyon] Township, Hpa-an District.

Victim Information				
<b>Name</b>	H---			
<b>Age</b>	50			
<b>Sex</b>	Female			
<b>Nationality</b>	Karen			
<b>Family</b>	Married			
<b>Occupation</b>	Trader [shop owner]			
<b>Religion</b>	Christian			
<b>Position</b>	Villager			
<b>Village</b>	A---			

Perpetrator Information				
<b>Name(s)</b>	<b>Rank</b>	<b>Unit</b>	<b>Base</b>	<b>Commander's Name</b>
<i>Maw<sup>4</sup> Kya Aye<sup>5</sup></i>	Cantonment Area Commander	BGF Battalion #1015 & Battalion #1016	Hlaingbwe	

## **Part 2 - Information Quality**

<b>1. Explain in detail how you collected this information.</b>
I met with H--- on February 28 <sup>th</sup> 2013 and she told me about the incident. Commander Kya Aye arrived at H---'s land on February 1 <sup>st</sup> 2013 and ordered the villagers to clear it; he then claimed it was his own land, so he could grow rubber trees.

<sup>3</sup> 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 battalions are assigned two digit battalion numbers and 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.

<sup>4</sup> Maw is a S'gaw Karen title used for men, before their name.

<sup>5</sup> Cantonment Area Commander Kya Aye has committed multiple human rights abuses in Hpa-an District; for more information see the previously published KHRG reports: "Hpa-an Situation Update: Paingkyon Township, June to November 2013," KHRG, June 2014, "Hpa-an Incident Report: Extrajudicial killing in Paingkyon Township, June 2013," KHRG, June 2013, and "Human rights violations by Cantonment Area Commander Kya Aye in Paingkyon Township, Hpa-an District, February 2013 to July 2014," KHRG, September 2014.

**2. Explain how the source verified this information.**

H--- inherited this land from her parents, and she also has the land title, which is checked once per year by the responsible people [from the Burma/Myanmar government land registration department]. She is attempting to get her land back now. She wants to report this incident to the BGF and to the Burma government. She has not been able to report it yet, but she is still trying.

**Part 3 – Complete Description of the Incident**

**Describe the Incident(s) in complete detail. For each incident, be sure to include 1) when the incident happened, 2) where it happened, 3) what happened, 4) how it happened, 5) who was involved, and 6) why it happened. Also describe any villager response(s) to the incident, the aftermath and the current living situation of the victims. Please use the space prepared below, and create an attachment if needed.**

BGF Commander Kya Aye confiscated the land of H---, which is located beside A--- village (which we usually call O--- village) on February 1, 2013, in order to grow rubber. H--- obtained the land title for this land a long time ago. No one initially informed her that her land had been confiscated and cleared [her home is located elsewhere]. There are many places [land] around this land [H---'s land, which was confiscated] but we have not heard anything about the other land [being confiscated].<sup>6</sup> This BGF Commander is the one who causes the most problems in this area. He has confiscated people's land, conducted logging on people's land and in the forest, conducted mining, built pagodas, and constructed roads. He is doing these things for his own benefit. Battalion #1015 and Battalion #1016 [BGF] are under his control because he is the Commander of Cantonment Area #2. Some of his soldiers do not accept [agree with] the things that he does.

There are many human rights abuses that he committed. No one reported him to his superiors because people are afraid of him. He is a Buddhist. [In 2012] he also confiscated the land of the senior monk of D--- village, Noh Kwee village tract, Ta Kreh [Paingkyon] Township, which is located beside the monastery. The monk assumed that he would not need to report him [Commander Kya Aye] because he is a leader. Later, the monk asked his disciples to report him [Commander Kya Aye]. I do not know if this case is stalled or ongoing. I will follow up on it and report next time.<sup>7</sup>

**Part 4 - Permission for Using the Details**

**Did the victim(s) provide permission to use this information? Explain how that permission was provided.**

H--- requested that I report the perpetrator to the Burmese [government]. She [H---] did

<sup>6</sup> The researcher followed up on this case in October 2014, and discovered that Mu Ghah Si's land had been returned to her, but she had been forced to cover the cost of clearing the land when it was first confiscated by Maw Kya Aye.

<sup>7</sup> After following up on this case in October 2014, the researcher found that the land confiscated from the monk had yet to be returned.

not want me to take a photo of her. I could not take a photo of her confiscated land because I met her far from it.

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

- “Hpa-an Interview: Saw U---, December 2013,” (October 2014)
- “Hpa-an Situation Update: Hlaingbwe Township, April 2014,” (October 2014)
- “Hpa-an Situation Update: Paingkyon Township, July 2014,” (October 2014)
- “Hpa-an Situation Update: Hti Lon Township, March 2014,” (September 2014)
- “Human rights violations by Cantonment Area Commander Kya Aye in Paingkyon Township, Hpa-an District, February 2013 to July 2014,” (September 2014)

# Hpa-an District

