



## Interview

February 10<sup>th</sup> 2020 / KHRG # 19-88-A2-I1

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### ***Mergui-Tavoy Interview: Self-defence killing in a domestic setting resulting in lengthy pre-trial detention, July 2019***

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*This interview describes an incident that occurred on July 7<sup>th</sup> 2019 in G--- village, Ta Naw Th'Ree Township, Mergui-Tavoy District. On that day, a villager killed his step-father in self-defence while trying to protect his mother and other family members from him. The step-father had a history of subjecting his wife to domestic violence, and had stabbed her in the chest shortly before the incident. The son was arrested by the Myanmar Police Force on the same day. As of February 6<sup>th</sup> 2020, he was still in pre-trial detention awaiting a final decision from the Myanmar government justice system.<sup>1</sup>*

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**Interview, October 27<sup>th</sup> 2019** | Saw<sup>2</sup> H--- (Male, 31), G--- village, M'Noh Ro area, Ta Naw Th'Ree Township, Mergui-Tavoy District

**Religion:** Buddhist

**Ethnicity:** Karen

**Family Status:** Married

**Occupation:** Village head

[...]

#### **Do you have any problems in your village?**

There was a killing case in the village.

#### **Could you explain it more for me please?**

The incident happened with a woman who stays at her brother's house, close to my house. One day before the incident, she helped clean the plates for one meeting reception and her husband was waiting for her to go back with him to D--- village. He got angry with his wife and then, when his wife came back, he attempted to kill her by throwing a knife at her. Fortunately, there was an uncle [elder villager] in the house during the incident and he tried to talk to the husband so the wife could escape to another villager's house. After that she did not feel secure to stay with her husband anymore, so she stayed with her brother. However, nobody reported this incident to me until another incident happened in July 2019.

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<sup>1</sup> The present document is based on information received in November 2019. It was provided by a community member in Merguy-Tavoy District who has been trained by KHRG to monitor human rights conditions on the ground. The names of the victims, their photos and the exact locations are censored for security reasons. The parts in square brackets are explanations added by KHRG staff.

<sup>2</sup> Saw is a S'gaw Karen male honorific title used before a person's name.

This time, he [the husband] went to the house of his wife's brother and stabbed his wife twice with a knife. Fortunately, she was able to escape from him and to run to my house. I heard strange noises, came out of my house and saw her holding her chest, so I asked her daughter: "*What happened?*" She replied that her step-father had stabbed her mother with a knife. Then I offered her to stay in my house and told them that I would call the [Myanmar government] village tract administrator for them.

That man [the husband] returned to his daughter's house and I thought he would not try to hurt [his wife] anymore. However, when I was trying to get my phone from my house, I saw that man outside my house holding a machete. Therefore, I told his wife and her daughter to hide somewhere in the house, and that I would call the police for them. After I went out [to get phone service] and phoned the Dae Neh village tract administrator, I did not feel safe walking past that man, so I returned another way.

When I was almost at my house, I saw the woman's son coming back from the petrol shop. He saw [that his step-father] was looking for his wife to kill her, so the son blocked him from reaching his mother and sister. He told that man [the step-father]: "*Uncle, don't come.*" But the man did not stop and stepped forward to cut him with the machete, so he [the son] took a wooden plank from beside my house. At that time, I was worried that the young man would be killed, and then the step-father would also kill his sister and mother. However, the young man hit his step-father with the plank before his step-father reached him.

**What was that Dtee's<sup>3</sup> name?**

His name was Dtee Saw Lah Hay.

**What is his wife's name?**

Her name in Karen is Muga Y---. In Burmese, it is Daw<sup>4</sup> Z---.

**What is her son's name?**

His name in Karen is Saw A---. In Burmese, it is B---.

**Can you continue the explanation about the incident?**

When he [Saw Lah Hay] fell down after getting hit by his son-in-law, I worried that he would hit his step-father again so I shouted at him: "*Don't hit him again!!*" Then, he threw the plank away and went to his mother and sister to make sure they were safe, without looking at his step-father. After he fell down, I hurried to get the machete away from him and called another villager to help me deal with the situation. We were all afraid of him and a girl said he had a knife in his bag. I worried that he would get up and throw the knife at us. Therefore, I told villagers: "*Go and check his bag whether he has a knife or not. I dare not go there anymore.*" They also had to be careful. We learned that he did not have a knife with him so I asked villagers to keep their eyes on him and make sure he would not cause problems to others anymore. However, we did not know whether he was dead or alive.

I tried to phone the [Myanmar government] village tract administrator for help [to take the injured women to the hospital], but they did not come so I asked a villager who has a car to take her to the hospital. Her son wanted to go with her, but I told him: "*You cannot go with her, you should stay here because the incident happened here.*" I asked a villager who knew how to test whether he [the husband] was still alive or not and then he said he was dead. Shortly afterwards, the village tract administrator arrived and told me: "*You sent me a message about a minor case, but now it is a killing case.*" I told him: "*When I sent you the message, this man was not dead yet.*" He [village tract administrator] also had contacted the police before he came.

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<sup>3</sup> Pa Dtee or Dtee is a familiar term of respect in S'gaw Karen attributed to an older man that translates to "uncle", but it does not necessarily signify any actual familial relationship.

<sup>4</sup> Daw is a Burmese female honorific title used before a person's name.

**When did the incident happen?**

It was on July 7<sup>th</sup> 2019, at around 6 o'clock in the evening.

**What do you think about this incident? Whose fault do you think it was?**

I think that it was the man's fault because he attempted to kill his wife by throwing a knife at her, and he also stabbed her chest with a knife. Moreover, he returned to his house [when his wife escaped after being stabbed] and we thought that he would not come to her anymore. However, he got the machete from his house and came to the village head's [my] house where his wife was hiding. Actually, he should not have come anymore. He was supposed to care about [respect] the village head, who is a responsible leader in the village. [Maybe he] thought that nobody would dare to attack him back.

**Did the couple have an argument before [this incident]?**

According to what I asked her after the incident, she told me that her husband had subjected her to domestic violence [before] and had attempted to kill her by cutting her with a machete many times. But she did not let anyone know, not even her children. It usually happened when the man was drunk. She just reported it after this latest incident. Therefore, I told her that [...] I would have to handle the case according to the [judicial] process.

He stabbed his wife because she refused to come back to him [after he attacked her]. He asked her to come back but she could not suffer his abuses against her anymore. He got angry and said: *"If you don't reunite with me, I will beat you to death."* In the past, he purposefully used to throw a knife at her and he threatened to kill her many times. Some of their relatives had heard about it, but they thought he would not dare to kill her if there were a lot of people around them. However, he finally did it when there was no one around his wife. Her son returned after [she was stabbed].

**How old is her son?**

He is the same age as me [31].

**He is the one who had to go to the [Myanmar government] court, right?**

Yes.

**How did the court handle the case?**

We do not know or understand how they handle the case or their justice process.

**Did they [the Myanmar Police Force] investigate the case by asking witnesses to report evidence to them?**

Yes, they did. They called me, his mother, his sister and other close neighbours to provide evidence. Some villagers did not see the incident, so they answered that they had not seen the incident.

**What did you have to do when you were in the court?**

They just questioned us about the incident, just like you are interviewing me now, and then they took notes of our answers. However, we do not know yet how they [...] will solve this case.

**Where is he [the son]?**

He is now in the Kaw Thaw prison. [He was arrested by the Myanmar Police Force on July 7<sup>th</sup> 2019. As of February 6<sup>th</sup> 2020, he was still in pre-trial detention awaiting a final decision from the court]

**Do you want to add more information?**

I would like to report that this man [the son] is innocent because someone [his step-father] was going to kill his mother and then, even though he tried orally to stop him from doing it, he was

going to do it [kill her] anyway. Therefore, if he had not done it [hit his step-father], then his mother, younger sister and even his whole family [his wife and children] might have been killed. I think it is not fair for him to go to prison for protecting [other people's lives and accidentally killing his step-father].

My suggestion [for the Myanmar government judges] would be to consider the root cause of this incident, who was right and who was wrong. If he had purposefully killed his step-father without any reason, [...] it would have been acceptable to take action against him by law. But this situation is different because he could not escape without standing up to his step-father to protect his mother. From my perspective, I would like [the judges] to release him, and if I were a judge, I would release him. [...] We [villagers] are not judges, so we cannot do anything about this incident because it is in the judges' hands. Since we are in the same village, we were eyewitnesses and we know how that man behaved.

**Did you contact the village tract administrator?**

Yes, I contacted the Myanmar government village tract administrator only.

**How about the Karen National Union<sup>5</sup> village tract administrator?**

No, I did not contact him/her. When I asked the [Myanmar government] village tract administrator, he said he had contacted the [KNU] village tract leader P'Doh Htoe Ree Wah. But it was too late and the case had been [already] taken over by the Myanmar government.

**Do you have anything else to add?**

Only what I mentioned above, as we [villagers] are eyewitnesses. [...]

**Can we [KHRG] use your information for publication?**

Yes, you can.



These photos were taken on October 27<sup>th</sup> 2019 in G--- village, Ta Naw Th'Ree Township, Mergui-Tavoy District. They show the injuries sustained by Daw Z--- after her husband attempted to kill her on July 7<sup>th</sup> 2019. [Photos: KHRG]

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<sup>5</sup> The Karen National Union is the main Karen group opposing the government.

Further background reading on the issues of domestic violence and lengthy pre-trial detention in Southeast Myanmar can be found in the following KHRG reports:

- ["Hpa-an Incident Report: Arbitrary detention and lack of fair trial in sexual violence-murder case in T'Nay Hsah Township"](#), (December 2019)
- ["Hpa-an Situation Update: Land confiscation by the KNU/KNLA-PC in T'Nay Hsah Township and resettled refugees facing difficulties in Lu Pleh Township, February 7th to May 18th 2019"](#), (November 2019)
- ["Mergui-Tavoy Incident Report: Domestic abuse and attempted murder in Ta Naw Th'Ree Township, August 2017"](#), (January 2018)

### About KHRG

Founded in 1992, the Karen Human Rights Group is an independent local organisation committed to improving the human rights situation in Southeast Myanmar. KHRG trains local people to document and gather evidence of human rights abuses, and publishes this information to project the voices, experiences and perspectives of local communities. More examples of our work can be seen online at [www.khrq.org](http://www.khrq.org).

# Tanitharyi Region

