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Human Rights Violations in Areas of Ethnic Minorities in Burma

1. In Burma, human rights violations continue in areas where ethnic minorities live.

In particular, a serious human rights violation was reported in Kachin State after a fight between the Burmese national army and the Kachin Independent Army (KIA) began on June 9, 2011. It has been reported that more than 75,000 civilians became refugees when they were forced to leave their houses due to the conflict.

At the end of April 2012, the Deputy Chairperson of the Laja United Nationalities Federal Council (UNFC) and the Chief Secretary of the Kachin Independent Organization (KIO) visited Japan. During their visit to Tokyo, Human Rights Now (hereinafter HRN), an international human rights organization based in Tokyo, had a meeting with them. In the meeting, Mr. Laja handed a report of human rights violations in Kachin State documented by the KIO to the representative of HRN and stated, "Grave human rights violations have been committed by the Burmese army against ethnic minorities, particularly the Kachin people, I would like HRN to disseminate this situation to as many people as possible". Having recognition of gravity of the situation documented in the report, HRN will make the report public as an appendix to this statement.

HRN is not in a position to confirm the exact place of the incidents which occurred, the identities of victims, or specific acts of human rights violations since it has not directly witnessed the facts in the field.

However, photographs demonstrate the massive human rights abuses that occurred. The photographs demonstrate the fact that a number of civilians were killed, including women, children, infants, and elderly people. In addition, other extremely inhumane acts of torture were committed. For example, a mother nursing a baby was killed after she was raped. Furthermore, the photographs suggest that many villages were burned.

The Tein Sein administration has been sending the message to the international community that Burma is promoting democracy. However, HRN has serious concerns about the gross human rights violations committed in the areas of ethnic minorities in Burma.

HRN considers that this evidence is sufficient to suspect that these actions could constitute crimes, including murder, torture and rape, as a course of widespread or systematic attacks directed against ethnic minorities, and thus could constitute crimes against humanity.

3. Human rights violations in Kachin have also been widely reported beyond this report.¹

For example, Amnesty International reports that extrajudicial executions, indiscriminate attacks including the shelling of children, forced labor, and an unlawful confiscation of property, among other things, have occurred in Kachin state.²

Also, Human Rights Watch, in its 83-page report “*Untold Miseries: Wartime Abuses and Forced Displacement in Burma’s Kachin State*,” published this March, reported that the Burmese army attacked villages in Kachin, deprived the Kachin populations of their houses and property, forced civilians to leave their houses, and repeatedly raped Kachin women.³

In addition, Human Rights Watch alleges in the report that the KIA used child soldiers and proliferated antipersonnel landmines, among other harmful acts.

Of course, it is not only one party that might have committed acts breaching international humanitarian law. However, it is evident that the human rights of the Kachin people are at stake as a result of the conflict between the government army and the KIA. The KIA’s claims on gross human rights violations committed by the government’s army as well as the statements of the victimized ethnic community must be seriously taken into consideration by the Burma government as well as the international community.

Although the Tein Sein administration allegedly ordered the Burmese army to cease its attacks against civilians, the order does not appear to have been implemented on the ground.⁴ Moreover, a fair and independent investigation on the human rights violations has not been realized.⁵

The Tein Sein administration is responsible for protecting its citizens from serious human rights violations. In particular, if human rights abuses are committed by governmental officials, the government itself must immediately stop these acts, prevent their reoccurrence, identify the persons responsible for them by conducting a fair investigation, and prosecute and punish such persons to hold them accountable for their actions.

1 <http://www.ohchr.org/Documents/Countries/MM/A-66-365.pdf>

2 Amnesty Report:
<http://www.amnesty.org/en/library/asset/ASA16/001/2012/en/8859ff1c-28c9-4143-ae91-3463e3ab86f8/asa160012012en.pdf>

3 HRW Report, “Untold Miseries”: <http://www.hrw.org/node/105662/section/1>

4 WSJ: Federalist Reform for Burma
Amnesty Report:
<http://online.wsj.com/article/SB10001424052970204795304577218652083415754.html?KEYWORDS=Myanmar>
<http://www.amnesty.org/en/library/asset/ASA16/001/2012/en/8859ff1c-28c9-4143-ae91-3463e3ab86f8/asa160012012en.pdf>

5 One of the agencies that conduct an investigation is the National Human Rights Committee established by President Tein Sein. However, according to the Myanmar Times, March 26, 2012, the Myanmar Assembly rejected the allocation of budget to the National Human Rights Committee. U Khin Aung Myint, the chair of the Lower House stated, “The National Human Rights Committee is not consistent with constitution as well as existing law. Therefore, exercising my privilege, I do not accept the National Human Rights Committee as an agency of the central government and decided not to allocate any budget to the Committee.” This is cited from <http://www.mmtimes.com/2012/news/620/news62016.html>

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4. HRN requests the Tein Sein administration to conduct a fair and thorough investigation based on international standards of all potential acts of human rights violations, especially crimes against humanity and acts that might constitute war crimes, committed after the conflict which started in June 2011, make the results of the investigation public to the international community, and take immediate action to end all violations.

In addition, HRN requests the United Nations Special Rapporteur on the situation of human rights in Myanmar to conduct a thorough investigation on the human rights violations committed in areas of ethnic minorities.

HRN further requests major states which plan to reduce their economic sanctions against Burma and are about to start offering assistance, in particular, the United States, EU countries and Japan, to undertake a thorough investigation of human rights violations in areas of ethnic minorities.

If the human rights violations which may constitute war crimes or crimes against humanity are still widespread in ethnic minority areas and the Burmese army is taking part in any such violations, the lifting of sanctions and the provision of financial support (including for the construction of infrastructure and community development projects) could seriously jeopardize the security of the Burmese people, worsen the conflict and lead to further human rights violations.

Furthermore, if human rights violations remain unresolved because the Burmese army fails to implement human rights policy throughout its organisation, or because the National Human Rights Commission fails to sufficiently investigate violations, then it is clear that increasing financial support by the international community will have a negative effect on the establishment of human rights protection mechanisms and the rule of law in Burma in the future.

Lastly, HRN requests those within the international business community planning to start business in Burma not to be involved with any part of human rights abuses, either directly or indirectly, in conducting their activities.