

Under Siege in Kachin State, Burma

Executive Summary, November 2011

In September 2011, as the international community discussed easing sanctions on Burma's military-backed civilian government, Physicians for Human Rights (PHR) conducted an emergency investigation in Burma's Kachin State in response to reports of grave human rights violations in the region. The aims of the study were

- to independently investigate reported human rights abuses and war crimes; and
- to assess the humanitarian situation and nutritional status of internally displaced persons (IDPs) displaced by conflict in 2011.

This report provides the first humanitarian assessment of some of the IDPs living in areas of Kachin State that are not controlled by the Burmese government. The United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) recently released a report on the health situation of 5900 IDPs in urban and peri-urban areas of Kachin state that are under Burmese government control. But no mention was made of the estimated 22,000 displaced people in other areas of the state. PHR conducted its investigation entirely in these areas; this report will help to build a more complete picture of the humanitarian situation among internally displaced persons in politically contested areas in Kachin State.

The human rights investigation provides compelling evidence that the Burmese army (the Tatmadaw) has committed multiple human rights violations in Kachin State. Between June and September 2011, the Burmese army looted food from civilians, fired indiscriminately into villages, threatened villages with attacks, and used civilians as porters, human minesweepers, and impressed guides. Our findings are consistent with similar reports of human rights abuses in other ethnic states, and suggest that violations of rights of ethnic nationalities in the country by the central government are systematic and widespread.

In addition to the human rights investigation, PHR visited six camps and four shelters for displaced Kachin civilians on the Sino-Burmese border and conducted health and nutrition assessments from 22-30 September, 2011. The camps fail to meet multiple minimum humanitarian standards outlined in the SPHERE humanitarian guidelines. Camps are overcrowded and there are insufficient numbers of latrines and water supply points. Camp medical staff reported that upper respiratory infections and diarrhea were the most common reasons for clinic visits, and that they experienced shortages in medicine for infants.



Kachin women and children in their quarters in an IDP camp. Photo: PHR

Key human rights findings of this report:

- The Burmese army forced Kachin civilians to guide combat units and walk in front of army columns to trigger landmines. This practice puts civilians at extreme risk of injury and death and is a war crime.
- The Burmese army regularly pillaged food and supplies from civilians. This practice is prohibited under customary international humanitarian law.
- The Burmese army fired automatic weapons directly into a civilian village, striking non-military targets. The intentional direction of attacks against civilians is also recognized as a war crime in the Rome Statute, the treaty that created the International Criminal Court.

Key related humanitarian concerns:

- IDP camps are overcrowded and the numbers of latrines and water supply points are insufficient to ensure that residents' human rights to clean food and water are met. Camp medical staff reported insufficient supplies of medicine for infants.
- Eleven percent of children under five years old in one camp in Laiza were found to be severely or moderately malnourished, a situation that the World Health Organization (WHO) classifies as "severe" and warrants targeted supplementary feeding programs.
- Very little aid reaches IDP camps, and groups caring for them face challenges in providing food, medicine, and shelter. The most vulnerable populations—those in rural areas and near the border—have not received any official humanitarian aid; they are only receiving aid from community-based organizations, which have largely been ignored by the international donor community.

This investigation suggests that the incremental political changes in central Burma have not translated into improved livelihoods or improved the human rights situation of ethnic populations living along Burma's frontiers. The government of Burma has announced greater freedoms, including unblocking some internet websites and limiting censorship in the press, and releasing Aung San Suu Kyi and a fraction of the other political prisoners in the country. Some in the international community have asserted that political change has come to Burma; however, these changes largely are confined to the urban, primarily ethnic Burman, population. For many of the peoples of Burma facing conflict and abuse, including the Kachin peoples, the brutality of the old regime remains an omnipresent threat.

PHR's findings come at a crucial moment when the international community is considering easing sanctions on Burma in response to its positive steps towards what Senior General Than Shwe has called "disciplined democracy." PHR welcomes the stated commitment of the government to greater openness and urges the international community to ensure that the rhetoric translates into positive action for all people in Burma. The Kachin and other groups continue to endure grave human rights violations at the hands of the Burmese army. True progress must be measured by thorough analysis of the extent of the government's abuses and by establishing a system through which perpetrators are held accountable for their actions.

Full report available at <http://physiciansforhumanrights.org>.

Recommendations

The newly-elected government in Burma has said that it is on a path to democracy; however, this has not been the case for the Kachin people. Their political parties were denied representation in parliament in the 2010 elections and now they are persecuted by the military.

The continuing abuse of ethnic minorities in Burma shows that announcements of progress by the Government of Burma does not reflect improvements for people who still bear the brunt of army attacks. The human rights violations, including war crimes, warrant continued attention and pressure from the international community.

To the Government of Burma:

- Cease immediately all human rights violations and violations of the law of armed conflict.
- Provide aid to IDPs in all parts of Kachin state.
- Permit unimpeded access for the United Nations, international NGOs, and local NGOs to deliver food and medical assistance to IDPs in Kachin State.
- Ensure that the newly-created National Human Rights Commission upholds the Principles relating to the Status of National Institutions (The Paris Principles) which require domestic human rights institutions to uphold particular standards including independence and pluralism.
- Invite the UN to conduct a COI into crimes against humanity in Burma, as recommended by the UN Special Rapporteur on the situation of human rights in Myanmar in March 2010.

The KIO has control of portions of territory in Kachin state along the Sino-Burmese border.

A ceasefire signed between the KIO and the Government of Burma collapsed earlier this year and yielded to sustained fighting between the Government of Burma and the KIA, the military arm of the KIO. The KIO helps support some of the IDP camps, providing food, shelter, and other necessary supplies to displaced people.

To the KIO:

- Collaborate with community-based organizations to effectively deliver needed supplies to IDPs.

To the KIA:

- Adhere to all laws of armed conflict.

The Association of Southeast Asian Nations (ASEAN) recently acquiesced to Burma's demand to chair the regional body in 2014 despite evidence of essential progress such as the release of all political prisoners and an end to attacks on ethnic minorities. The years until Burma begins its chairmanship provide an opportunity for ASEAN to encourage significant and lasting reforms in the country.

To ASEAN:

- Encourage Burma to meet key benchmarks, including an end to human rights violations and war crimes in Kachin State and other ethnic areas, before Burma accedes to the chairmanship.
- Demand that Burma cease attacks against civilians in Kachin State and adhere to its obligations to provide protection and assistance to those displaced.
- Include the IDP situation in Kachin State as an important issue before the ASEAN Intergovernmental Human Rights Commission.

The international community has responded in varied ways to continued human rights violations in Burma. There is momentum for an international, impartial investigation into crimes in the country, but some actors in the international community see any advance on the part of the Government of Burma as a time for increased engagement, not investigation nor condemnation.

Incremental progress on the part of the Government should be encouraged, but such steps should not preclude the international community from addressing the continued conflict in Kachin State and the documented human rights violations.

To the International Community:

- Increase financial support to all agencies supporting Kachin IDPs, including CBOs frequently operating to aid communities barred from access to official channels of humanitarian assistance.
- Establish a UN Commission of Inquiry to investigate reported crimes in Kachin State, as well as other areas of Burma.
- Continue to pressure the Government of Burma until it meets certain benchmarks, including the end of all attacks on civilians in all ethnic minority areas.

To China:

- Allow UNHCR to construct refugee camps for displaced Kachin people in China.
- Give humanitarian aid to IDPs in Kachin state.

To the United Nations:

- Provide necessary aid to IDPs in Kachin State, and to those displaced along the Sino-Burmese border.
- Liaise with community-based organizations that document human rights violations and distribute aid in order to get an accurate assessment of both the incidence of violence in the region and the level of aid required.
- Take action on recommendations of the Special Rapporteur for the establishment of a Commission of Inquiry.

To the United States:

- Ensure that Secretary of State Hillary Clinton focuses on human rights violations against Kachin communities and other ethnic minorities during her visit to Burma.
- Increase support for community-based organizations that are uniquely capable of bypassing government restrictions to deliver food, medicine, and other humanitarian assistance to IDPs in Kachin State and on the Sino-Burmese border.
- Authorize an emergency donation through the State Department to stem the worsening humanitarian conditions in Kachin State. Rally support from other nations for an investigation into continued human rights violations in Burma.
- Use its leverage and that of international community to increase humanitarian access throughout the entire country.
- Take action on recommendations of the Special Rapporteur for the establishment of a Commission of Inquiry.



Children in IDP camp. Photo: PHR