

A New Briefing Paper by the Human Rights Foundation of Monland



“WE CANNOT MOVE FREELY”

*The Impacts of Martial Law on Civilians in
Southeastern Burma*



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This report was written, researched and produced by the Human Rights Foundation of Monland.

HURFOM reserves the right to protect the contact information of our organization’s staff and related Mon networks on the ground. Our activities are facing a level of scrutiny not seen since the late 1980s. As such, we must take extreme measures to protect the identities and backgrounds of those we are appealing to protect.

February 2023

Introduction

Since the attempted coup on 1 February 2021 in Burma, clashes between the military junta and armed opposition groups have increased across the country. In Southeastern townships and villages, the frequency of the fighting has displaced thousands and led to mass instability. The Karen and Mon armed groups are battling the junta in an ongoing bid for ethnic autonomy that has been amassed for decades.

While fighting occurs, civilians are forced to confront widespread horrors. They are unable to work or travel safely which has impeded their fundamental human rights, including freedom of movement. The current circumstances have led to desolate conditions for civilians who are significantly impacted by the toll of the conflict.

On February 2, 2023, the military junta called a National Defense and Security Council meeting and declared that ‘absolute power’ was granted to the Commander-in-Chief for the next six months. As of February 3, 2023, the Burma Army had issued Martial Law in 37 of the 330 townships across the country, including Tanintharyi Region, five townships of Bago Region, Ye Township of Mon State, Kyainseikgyi and Kawkareik townships in Karen State.¹ In Ye, Kyaik Hto and Bilin Townships of Mon State, Martial Law has been in effect for nearly two years.

“Before declaring Martial Law in our region [Ye Township], the junta arbitrarily arrested people. They beat innocent civilians and seized their motorbikes. They even killed villagers. But now they’ve declared Martial Law, so there will be more human rights violations,” said a member of Ye Township’s Mon Unity Party (MUP). The military’s South East Command is now controlling the whole township in the southern part of Mon State.

¹ “Myanmar military junta declares martial law in 37 more townships,” Anadolu Agency, 3 February 2023 <https://www.aa.com.tr/en/asia-pacific/myanmar-military-junta-declares-martial-law-in-37-more-townships/2805072>

Military affairs observers said that the junta’s declaration of Martial Law in many townships signals more brutal oppression against pro-democracy groups, civilians, and local resistance armed forces strongholds. However, it also means that the junta has largely lost control and is taking vengeful steps to try and curb the widespread dissent. The majority population has widely rejected the military’s failed coup. Youth, in particular, have been leading a pro-democracy movement that calls for an immediate end to military rule.

“This Martial Law decree means the junta will attempt to brutally take complete control and allow their armed forces to oppress more people. There will likely be more war crimes and crimes against humanity in these areas committed by the junta forces,” added the military affairs observer in Ye township.

Martial Law grants authority to militarized structures and officials and is typically invoked during intense conflicts. The power granted to the Army essentially gives state-backed soldiers endless jurisdiction to enforce laws and justify them. In Burma, the junta has shown a blatant disregard for the rule of law by targeting human rights defenders and curbing rights and freedoms. The declaration of Martial Law is yet another encroachment on the rights of the people.

The human rights situation in Mon State, Karen State and Tanintharyi region is closely being monitored by the Human Rights Foundation of Monland (HURFOM), an organization founded by exiled pro-democracy students from the 1988 uprisings, activists and Mon community leaders and youth.

“We Cannot Move Freely,” The Impacts of Martial Law on Civilians in Southeastern Burma, is a briefing paper researched and produced by HURFOM which details how the devastating implementation of Martial Law impacts civilians in the Southeastern parts of the country.

Martial Law in Southeastern Burma

Shortly after the imposition of Martial Law in Mon State in February 2023, the junta advanced troops into Ye Township. One resident told HURFOM that military movements have increased, particularly at checkpoints. “Security is getting tougher,” said one resident.

Travel restrictions and even bans on carrying food and medicine on motorbikes have come into force. The Burma Army is controlling the movement of the people. The Ye Township General Administration Department re-issued an order banning residents from going outside from 6 PM to 6 AM. The curfew is yet another curtailment of rights.

There are criticisms directed at the junta not only because of the restrictions and the impacts on people’s daily lives and livelihoods but also because their sham elections, planned for later this year, are to be held in every constituency in the township.

“The military council will hold elections in Ye Township at any cost. That is why they have imposed Martial Law in the township. The military lost the battle against the revolutionary forces in Ye Township, so now they are trying to gain control,” commented one Ye resident.

The joint opposition forces, including Mon and Karen ethnic revolution organizations (EROs) and People’s Defences Forces (PDFs), attack the Burma Army often. Even with the constraints of Martial Law, the revolutionary forces have not surrendered:

“The fighting will not end any time soon. So, there will be more and more armed clashes,” said a political analyst in Southern Ye Township before adding, “Declaring Martial Law means waging more war.”

HURFOM spoke to a senior lawyer working to defend those unjustly accused by the junta. She said military impunity encourages the regime to not abide by any meaningful accountability systems. She told HURFOM:

“Martial Law is scary; it is more dangerous than the four cuts strategies (cutting off food, shelter, armed troops, and information), which we have faced in the past. The application of Martial Law violates the Constitution. The existing body is useless. There will be no rights of a citizen; the Constitution will be set aside and violated under Martial Law, meaning all people lose their civil rights to life, and freedom of movement. And more worrying, this will enable the continuation of military impunity.”

Impacts on Civilians

The violent enforcement of Martial Law in Southeastern Burma has devastated the lives of civilians. Reports of increased arbitrary arrests and abductions have already contributed to a climate of fear and unpredictability.

Extra-judicial killings are among the many crimes being committed by the junta. On February 7, 2023, two male villagers were murdered by the Light Infantry Battalion No. 408 and their militias while the victims were working in Ya-Ngae village, Thayet Chaung, Dawei. When the bodies were recovered, gun wounds were found on their bodies, as were apparent signs of torture.

Two sources from Ya-Ngae village described that the incidents occurred during the day near Ya-Ngae Village. First, the junta arrested three men on the rubber farm and beat them. One man was released, but the other two detainees, Ko Paing Soe, age 30, and Ko Phyo Ngae, age 20, were shot dead after being interrogated. Despite the significant threats to their lives, villagers feel they must keep working in order to survive.

“The current situation is that we live under Martial Law. We have no choice; it is impossible to stop working because we must support our family. We face uncertainty every day,” said a resident.

In most townships in Mon State, the junta forces have issued Act #144, which is commonly known as Martial Law, and bans local people from going outside at night. The impact of the curfew has prevented many from going to their workplaces. It has also discouraged participation in traditional or social activities. The curfews have been particularly disruptive for laborers, including those working on rubber plantations.

“We can’t go to the [rubber] plantation in the morning, and we can’t go outside at night. We can’t move freely, so our business suffers,” said another resident.

Echoing the same sentiment, another villager from Kyaung Ywa, Ye township, told HURFOM, “I haven’t been able to work since the announcement of Martial Law. I am worried that I will have to face the junta while traveling because I must cross the checkpoints to get to my plantations.”

Unfortunately, Martial Law has only allowed the military junta to continue attacking civilian areas. In Mon State and Karen State areas, residents have attempted to protect themselves from violence by digging bunkers and foxholes to defend themselves in the event of an attack:

“There are families, children, and the elderly who are vulnerable. There will be no time to escape if there is fighting or explosions. At least the bunker can deflect the blast and prevent death and injuries by sheltering in it,” said one villager.

HURFOM reported heavy fighting, which took place between the junta and joint forces of the PDFs from January 22 to 26, 2023, around Kan Ne village, Kawkareik Township, in Karen State. The attack led to at least 13,200 villagers fleeing. In addition, more than three dozen homes were burned by the regime. They also launched artillery and air attacks during the offensive, mainly targeting villages. Those who managed to escape want to return but fear more armed clashes.



Photo: This photo was taken the day after Martial Law was imposed in Ye township, the southern capital of Mon State. Very few people have used the road photographed above since then. The increased presence of soldiers has led to more check points and extortion of civilian properties, as well as arbitrary arrest and unlawful detainment.

In addition, interactions with the junta troops at night can be deadly. On September 23, 2022, a villager from Ka Log village, Southern Ye Township, Mon State, was shot and killed by the military council’s security forces. Soldiers said he breached Martial Law:

“My rubber plantation is at Thanbyuzayat, and we live in Mudon Township’s Administrative zones. The village’s Administrator granted the proper identification card needed to travel. Still, the junta’s soldiers always stop us at the checkpoints on the way to our rubber plantation,” said another laborer in Kwan Hlar village, Mudon township, Mon State.

Again on 14 February 2023, a group of three villagers were arrested by the junta in Mawkanin, Ye Township, Mon State, while going to work on their rubber plantations. The locals said that Martial Law directly impacts their livelihoods because nearly 65% of the population survives as rubber producers and farming in their villages:

“My uncle and his two co-workers were stopped and detained over the last two days, around 5:30 in the morning by the Light Infantry Battalion No. 588 based in Mawkanin, Ye. Martial Law has become a real headache for all of us, especially those working on the rubber plantations which have to take out the rubber resin early in the morning,” said the family of one of the detained individuals.

The workers were subsequently charged with “disobeying” the law and have not yet been released. At the time of writing, HURFOM has reported twelve arrests that occurred after the imposition of Martial Law in Ye Township, Mon State.

Martial law also impacts social and occupational activities as well as healthcare infrastructure.



“If one of our friends is sick, we will visit them and assist as much as possible. But Martial Law has been imposed on us, and no dares to go out at night. All health, social and traditional activities are now being neglected,” said a local who wished to remain anonymous.

“Those with emergency health problems are in trouble at the moment. Even if they have an illness, they dare not go to the clinic at night as they’re afraid of the military. Shootings and killings are frequent now, and no one provides help to another. Even the emergency rescue teams have had to stop their services,” said a social worker from Lamine Town, Ye township, Mon State.

The scaled-up violence and brutality of the military junta continues because of deeply ingrained impunity. The regime has been emboldened to routinely disregard the law because the international community has failed to hold the soldiers accountable.

The junta-backed soldiers based in areas such as Light Infantry Battalion (LIB) No. 556, LIB 557, LIB 558, and Artillery Regiments Command No. 306 are the main perpetrators, according to HURFOM fieldworkers who receive military information from the opposition armed forces.

Conclusion

For over two years now, innocent civilians have suffered greatly at the hands of an Army who claims legitimate governance. These are unfounded and lack credentials, even according to the military's own 2008 drafted Constitution.

Since 1 February 2021, and in the decades prior, the junta has continued to wage unprecedented violence against a largely unarmed civilian population. Their campaign of fear and barbarity has led to thousands of deaths and injuries across the country. Innocent people are routinely rounded up and arrested before being forcibly detained under fabricated charges. Burma has been economically destabilized while human rights continue to be systematically violated.

As a result of these perilous conditions, the thousands of civilians who have been displaced are living under highly uncertain conditions. They lack safe access to food and medicine. They cannot return to their villages - many of which have either been destroyed by the junta or are currently occupied by military forces. Children are malnourished, unable to attend school, and their parents cannot work. Further, the neighbouring Thailand's border patrol is becoming increasingly strict and denying safe passage to people attempting to cross and flee conflict. The tensions between the Burma Army and opposition forces have shown no signs of stopping.

HURFOM remains seriously concerned about escalating human rights violations in Southeastern Burma. Terms like "in accordance with the law" or "in accordance with democracy" have frequently been used by the junta to justify their illegitimate rule. Martial Law in particular advances an unequal balance of powers which forces civilians to submit to the soldiers or risk death. Further, the imposition of Martial Law in the dozens of townships across the country is unjustified and threatens the rights of all people in Burma.

The culture of impunity must end.

RECOMMENDATIONS

1. A referral of the situation on the ground in Burma is to be made immediately by the United Nations Security Council to the International Criminal Court.
2. Concerted and coordinated action by global actors for an urgently mandated global arms embargo which would prevent the free flow of weapons into the hands of the murderous junta.
3. Aviation fuel sanctions to put an effective end to the airstrikes in Burma, which have contributed to significant loss of life, particularly among innocent civilians.
4. Targeted sanctions on military junta officials and their families and holds on their financial assets and possessions undercut their ability to conduct corrupt business dealings abroad.
5. Strengthened and renewed protection mechanisms grant civilians who are vulnerable and at risk of assault a position where they can access justice referral and accountability pathways.
6. Renewed and continued funding support for local organizations responding to the needs of their communities on the ground. Crossborder aid pathways must be accessed, and all humanitarian aid in the hands of local actors.
7. Foreign investors in Burma must immediately cease their operations and withdraw their involvement from all development projects in the country, including but not limited to airports, seaports, and cement businesses.
8. An abrupt and immediate halt to the use of torture by the military junta, and further, we call for investigations to probe the unlawful deaths of civilians in Burma who have been tortured to death, as well as those who have been forced to endure trauma and long-term injuries as a result.



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