



News Bulletin

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Hpa-an District: Fighting between the Tatmadaw/BGF and the DKBA splinter group results in temporary displacement and restrictions to freedom of movement in T'Nay Hsah Township, September 2020

On September 4th 2020, fighting broke out between the Tatmadaw/BGF and the DKBA splinter group near Yaw Kuh village, Yaw Kuh village tract, T'Nay Hsah [Nabu] Township, Hpa-an District. The fighting ultimately spread to other villages in nearby village tracts, prompting local villagers to flee out of fear of being arrested as porters. The increased presence of BGF soldiers in nearby areas has also resulted in restrictions to freedom of movement for local civilians.¹

Fighting between the Tatmadaw/BGF and the DKBA splinter group

On September 4th 2020 at around 3:30 PM, fighting broke out between the Tatmadaw² Light Infantry Battalion #230, supported by Border Guard Force [BGF]³ Battalion #1017, and a splinter faction of the Democratic Karen Benevolent Army [DKBA splinter group]⁴ near Yaw Kuh village, Yaw Kuh village tract, T'Nay Hsah Township, Hpa-an District. The local villagers stated that the fighting lasted for around 25 minutes.

On the incident day, the BGF and the Tatmadaw also entered Yaw Kuh village and fired at other armed groups based nearby, including the KNU/KNLA-Peace Council [KNU/KNLA-PC]⁵ and the Karen National Liberation Army [KNLA].⁶ This amounts to a violation of section 5(a) of the

¹ The present document is based on information received in September 7th 2020. It was provided by a community member in Hpa-an 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.

² Tatmadaw refers to the Myanmar military.

³ 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 Burma/Myanmar government and agreed to transform into battalions within the Tatmadaw.

⁴ In 1994, the Democratic Karen Buddhist Army (DKBA) split from the KNLA over religious considerations. In 2010, the majority of DKBA troops transformed into BGFs, but one faction refused and changed its name to Democratic Karen Benevolent Army in 2012. In 2015, the DKBA Splinter Group split from this faction. It is active in Hpapun and Hpa-an districts, and it has not signed the NCA.

⁵ The KNU/KNLA PC is an armed group based in the Htoh Kaw Koh village tract area, Hpa-an District. It split from the Karen National Union (KNU) and signed a ceasefire agreement with the Myanmar government in 2007, but refused to transform into a Border Guard Force (BGF) in 2010. It signed the Nationwide Ceasefire Agreement in October 2015.

⁶ The Karen National Liberation Army is the armed wing of the Karen National Union.

Nationwide Ceasefire Agreement [NCA],⁷ which forbids the signatories to carry out armed attacks in ceasefire areas.

The fighting scared the local villagers, who had to take cover and hide in ground holes [usually located under their houses], behind trees, etc. It ultimately spread to other villages in Yaw Kuh, Noh Kay and Htee Klay village tracts as the joint Tatmadaw/BGF force was pursuing DKBA splinter group soldiers. Prior to the incident, BGF Battalion #1017 also asked a local leader to act as navigator.

In E--- village, Noh Kay village tract, most of the adult men fled because they heard that they would be forced to serve as porters for the Tatmadaw/BGF.⁸ In the words of a local villager: *“Male villagers were afraid to be forced [to serve as] porters so they fled. Around 20 men fled from the village. They fled into the bush, outside of the village. It takes around one hour to get there. They hid there for three days, and then they came back to the village. My father also fled the village when the incident happened [as the BGF was approaching]. If villagers had not fled, they would have been arrested as porters.”* This also happened in other villages across those three village tracts, including Kaw Moo, Noh Boh, Noh Lah, Yaw Kuh, Naw Sway May, Noh Kay, Noh Kyaw and Htee Klay.

Aftermath

Soldiers from BGF battalion #1017 settled at the Meh Hpa Leh village monastery after the fighting. They were still based there as of September 8th 2020. This is a direct violation of section 5(d) of the NCA, which forbids the signatories from using religious buildings as military outposts or encampments.

Local people assumed that the fighting was linked to the recent murders of Tatmadaw soldiers near the A'Leh Boh Teh telecommunications tower [which is located along the old Myawaddy – Kawkareik road] on August 30th 2020.⁹ Saw¹⁰ H---, a local leader from B--- village, Yaw Kuh village tract, reported being questioned about that case by the BGF: *“They questioned us on September 2nd. They questioned a couple of [local leaders] about that. They might have gotten these instructions from the upper authorities, which is the Myanmar government. I told them: ‘We do not know everything, even though we are [local leaders]. We do not keep our eyes on everyone who travels around.’ They phoned me again at night and asked me to tell them whether I had any clues [regarding that case].”*

Saw H--- further explained that BGF soldiers were now monitoring the whereabouts of local villagers: *“It is not a [BGF] checkpoint. They only question people beside the road [...] We actually want to travel freely. [...] I feel uncomfortable being questioned all the time when I travel in and out [of the village]. I had to prove that I am a local villager.”* According to him, this situation resulted in restrictions to freedom of movement at the local level: *“Sometimes, they let them [villagers] go, but sometimes they don't. Because of the questioning, young people do not want to go out [of the village] at night or even in daytime anymore. Some people still go in and*

⁷ On October 15th 2015, after a negotiation process marred with controversy over the notable non-inclusion of several ethnic armed groups, a Nationwide Ceasefire Agreement (NCA) was signed between the Burma/Myanmar government and eight of the fifteen ethnic armed groups originally invited to the negotiation table, including the Karen National Union. It was followed by the adoption of a Code of Conduct by the signatories in November 2015. In February 2018, two additional armed ethnic groups signed the NCA under pressure from the Burma/Myanmar government.

⁸ For more information about the widespread use of forced porters by the Tatmadaw before 2012, see: KHRG, *“Beyond the Horizon: Local Perspectives on Peace, Justice and Accountability in Southeast Myanmar”*, September 2019.

⁹ KIC, *“ကျွန်ုပ်တို့မြို့ပစ်ခတ်မှုမှ လက်နက်ကြီးတစ်လုံး လူနေအိမ်အနီးကျမှန်ခဲ့၍ ပြည်သူများစိုးရိမ် လျက်ရှိ”*, September 2020.

¹⁰ Saw is a S'gaw Karen male honorific title used before a person's name.

out for important and urgent issues. If it is not urgent, they don't." It also affected local livelihoods: "They [local villagers] are afraid to go in and out like before [to] fish and find bamboo shoots. Those who do logging also came back closer to the village. They are afraid of going farther. We are [too] afraid to work and currently we do not work at all."

Saw H--- also shared his concerns regarding the presence of so many armed groups in the area: "We are concerned about a lot of things. When we go to one armed group, the other group does not like it. Living in the middle of these armed groups is hard, and we have to act appropriately [with caution]."

Further background reading on the consequences of fighting between armed actors in Southeast Myanmar can be found in the following KHRG reports:

- ["Southeast Myanmar Field Report: COVID-19, armed conflict, landmines and sexual violence, January to June 2020"](#), (September 2020)
- ["Kler Lwee Htoo District Interviews: Tatmadaw bridge construction activities result in displacement and indiscriminate firing at a villager, May 2019"](#), (July 2020)
- ["Mu Traw District Incident Report: Tatmadaw soldiers shot two villagers in Dwe Lo Township, January 2020"](#), (March 2020)

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.khrg.org.