

**Briefing: Burma (Myanmar) – for Topical Oral Question, Tuesday 12 June 2018**

**Lord Alton of Liverpool** to ask HMG what assessment they have made of recent reports the Burmese military attacking Christians in Kachin, and other ethnic minorities in Burma; what representations they have made to the government of Burma about these reports; and what consideration they have given to the case for referring the government of Burma to the International Criminal Court.

**Summary**

Seven years ago, on 9 June 2011, the Burma Army ended a 17-year ceasefire with the Kachin armed resistance organization known as the Kachin Independence Army (KIA), and resumed a civil war in northern Burma which first began in 1961.

According to Global Kachin Communities, a coalition of Kachin organisations in a statement on 9 June 2018, between June 9, 2011 and April 30, 2018, over 3,800 battles were fought between the Kachin Independence Army and the Burma Army, averaging 46 battles per month. Over 120,000 people have been displaced and currently reside in 167 Internally Displaced Persons camps; over 7,000 have been displaced since the beginning of April this year alone. As the Kachin groups’ statement says: “There have also been ongoing abductions, deaths, and injuries by landmine explosion, torture and subsequent health problems, and mortar shells exploding on civilians’ houses … This level of intensity has inflicted an unprecedented humanitarian crisis on people of the Kachin region.” The statement adds: “Surely, enough is enough, and it’s time for durable peace and justice. Compounding this humanitarian crisis created and sustained by the Burma Army is the apparent disinterest of the democratically elected NLD government to ensure safety and security of its citizens. When civilians were trapped in the conflict-affected zone this past April, not only did the NLD government stand idly by, but also failed to grant the Kachin community and religious leaders permission to evacuate the trapped civilians to safety.”

The Kachin Women’s Association Thailand (KWAT) claim that: “Contrary to claims by Burma Army commanders that they have not targeted civilians in their recent offensives against the Kachin Independence Army (KIA), interviews by KWAT with IDPs reveal that in April 2018 Burma Army troops committed war crimes against villagers in three townships in Kachin State: Hpakant, Danai and Injangyang. This includes: blocking IDPs from accessing refuge; using IDPs as human shields and minesweepers; indiscriminate shelling and aerial bombing of civilian areas; looting and destruction of property.”

This follows the atrocities against the Rohingya people in Rakhine State in major offensives in October 2016 and from August 2017, which resulted in over 700,000 fleeing to Bangladesh and reports of grave human rights violations including the destruction of over 350 villages, killings, torture and rape. The crisis facing the Rohingyas has been described by the UN High Commissioner for Human Rights as “a textbook example of ethnic cleansing” and by the UN Special Rapporteur for Human Rights in Burma as having the “hallmarks” of genocide. The House of Commons International Development Committee has described it as “staggering in scale and complexity”.[[1]](#footnote-1)

In Karen State, where a ceasefire has been in place since 2012, over 2,000 civilians were displaced in March this year when the Burma Army entered Hpapun district and confiscated land to begin construction on a new road. Fighting has broken out again between the Burma Army and the Karen National Liberation Army (KNLA). This is detailed in a new report by the Karen Peace Network, titled *The Nightmare Returns: Karen hopes for peace and stability dashed by Burma Army’s actions.[[2]](#footnote-2)*

It should further be noted that civil society space is under increasing restrictions. On 12 May a peaceful protest in Rangoon (Yangon) calling for peace in Kachin State was broken up by the police, and at least 17 of the demonstrators were arrested. An event organized on 9 June to commemorate the seventh anniversary of the resumption of war in Kachin State was prohibited.

In April, the Kachin community worldwide appealed to the United Nations Security Council to refer the government of Burma to the International Criminal Court. In their statement on 23 April, the Kachin community warned of an escalation in Burma Army offensives, saying: “The Burma military is escalating attacks against ethnic groups in the country, including in Rakhine state, Kachin state, Shan state and most recently breaking the cease-fire in Karen State”. They add:

“There is no shortage of evidence of violations of international law committed by the Burma military. The United Nations has been documenting these crimes for decades. A detailed assessment in 2016 stated that what may amount to war crimes were being committed in Kachin State and Shan State. The United Nations has also stated that human rights violations in northern Rakhine State may constitute crimes against humanity and even elements of genocide.”

In a statement on 1 May CSW’s East Asia Team Leader Benedict Rogers said:

“The displacement of thousands of civilians in Kachin and Karen states, and continuing grave human rights violations in Kachin, Shan and Rakhine states, represent a dramatic deterioration in the situation in Burma and a very serious setback to hopes for peace in the country. The culture of impunity in which the Burma Army operates must end, and the perpetrators of war crimes and crimes against humanity must be held accountable. We support the calls by the worldwide Kachin community for humanitarian access, mediation, justice and accountability and we urge the United Nations Security Council to act without delay.”[[3]](#footnote-3)

As Kachin Peace Network activist May Sabe Phyu concluded in an op-ed in the Washington Post on 5 June:

“[Human rights groups](https://mailchi.mp/fortifyrights/fortify-rights-news-release-un-security-council-refer-myanmar-to-the-international-criminal-court-ol7k1sn4e8) and Kachin activists have recently called for the [United Nations to refer Burma to the International Criminal Court](https://www.burmalink.org/kachin-communities-worldwide-demand-united-nations-security-council-urgently-refers-burma-to-the-international-criminal-court/), and the United States and European Union have started talking about reintroducing targeted sanctions. Both of these steps could help. Impunity only encourages the Burmese military to continue its atrocities. Instead of passively witnessing another genocide, the international community must be proactive in taking preventative measures to save lives.”[[4]](#footnote-4)

As the Catholic Bishop of Myitkyina, Kachin State, Bishop Francis Daw Tang told Vatican News last month: “We want peace, justice, that’s all. If there’s no justice, there’s no peace, so we would like to request on behalf of all Kachins, and all people of Myanmar (Burma), peace and justice.”[[5]](#footnote-5)

The House of Commons International Development Committee’s recent report on Bangladesh, Burma and the Rohingya Crisis, published in May 2018, which is the latest in a series of reports and covers the Kachin conflict and other issues in Burma, calls for major changes in the UK’s Burma policy.[[6]](#footnote-6)

**Violations of human rights**

**Kachin**

In the past year, the humanitarian crisis has continued to escalate. In August 2017, the Burma Army’s operations in the area of Kasung village forced more than 1,000 civilians to abandon their homes. In December 2017, on the night of Christmas Eve, the Burma Army fired artillery shells near Woi Chyai IDP camp, according to the Global Kachin Communities statement, resulting in widespread panic and at least one civilian injury. In February 2018, the Burma Army conducted intense air assaults in Sumprabum, Danai and Mansi areas, leading to more civilian deaths and injuries. In April 2018, conflict escalation once again displaced over 5,500 civilians, with an estimated 2,000 Kachins trapped in the conflict-affected zones and 152 held against their will in Lainawng Hku.

On 30 May, according to the humanitarian organization the Free Burma Rangers, Burma Army soldiers from Kamaing Byuha Base indiscriminately fired rifles and rifle grenades at a Roman Catholic church and a nearby house in Kamaing in Kamaing Kawng Ra Village, Hpakant Township, on May 30 at 1530. One bullet hit near the church door and one grenade landed without exploding in the church compound 15 meters from the church building. Burma Army soldiers spoke to the village administrator later in order to retrieve their ordnance. The second shell landed next to the home of a villager, Sumlut A Di, sending shrapnel fragments through the bamboo walls of his home and grazing the cheek of his 22-month-old daughter. The shell landed six meters away from the family, who were fortunate to have had the bamboo wall between them and the blast.[[7]](#footnote-7)

According to KWAT: “Villagers rescued from Lai Nawng Khu, Hpakant township, on May 6 and 7, have given terrifying accounts of how 152 people, including 64 children, were blocked when fleeing through the jungle by Burma Army troops of LIB 424, who then used them as human shields and minesweepers. They were made to trek through the jungle single file, interspersed with Burmese troops, causing a villager in front to be injured by a land mine. After being forced to stay near a military base for four days, they were forced back to their village, where they camped in the village church for 17 days, while the troops stayed in their homes, looting their food and property, and wearing villagers’ clothes to ward off KIA attacks. Before being released, the IDPs were told by the Burma Army not to stay in IDP camps.”

KWAT also reports that on 11 April about 2,000 civilians from in and around Awng Lawt village, Danai township, starting fleeing to the jungle after 105 mm shells were fired indiscriminately from the Danai Regional Operations Command (20 kilometers to the west) and two jets dropped bombs on the area. Shells killed two civilians and injured an elderly farmer. As hundreds of troops of Battalions 86, 238, 318 and 101 seized the area, IDPs tried to trek to safety through the dense jungle. Several groups of IDPs have been rescued, some after a month in hiding, but about 130 – mostly elderly and disabled – remain trapped in the jungle.

In Injangyang township, according to KWAT, where hundreds of Burma Army reinforcements from ID 33 and 88 arrived on April 24, and launched attacks on April 26, about 600 IDPs were blocked from fleeing south to Myitkyina on April 27. They were forced to take shelter in churches in Injangyang town. On May 14, community leaders were still negotiating with the Burma Army for safe passage out of the area.

On 12 May, Burmese military jetfighters bombed the Kachin Baptist Mission School in Bawmwang village, northern Kachin State, at 11am on 12 May. While there were no casualties, the bombs hit buildings belonging to the school. The attack took place while the villagers were at work on their farms. A two-storey wooden building which used to be the mission office and clinic of the American Baptist missionaries and was later used as the main office of the Kachin Baptist Mission School was hit in the attack. With the cooperation of the Kachin Baptist Convention (KBC), the Hkahku Kachin Baptist Association has run a mission middle school in Bawmwang village since the early 1990s. Bawmwang village is located in Mali-Hkrang Walawng, also known ‘Triangle’, in northern Kachin State, and is in the Kachin Independence Army’s (KIA’s) First Brigade administrative territory. Hkun Htoi Layang of Kachin Relief Fund said, “It is outrageous that the Burma army targets a Kachin Baptist mission school. We are very concerned that the Burma army is targeting more civilians throughout Kachin State, with impunity.”[[8]](#footnote-8)

Until recently the escalating Kachin conflict has not received the international attention that the crisis facing the Rohingyas has. However, earlier this month both Sky News and the BBC[[9]](#footnote-9) carried reports on the attacks on Kachin civilians.[[10]](#footnote-10) Sky’s Alex Crawful reported that: “What we found in this forgotten part of the world was worrying evidence of a second genocidal campaign - at least that's certainly what the Kachin people believe. … Thousands have died in bombings and attacks against them carried out by the Myanmar military – and these attacks have increased substantially since January after the same forces had spent months driving the Rohingya out from the west of the country. The national forces have been using helicopters and heavy artillery to bomb Kachin rebel positions. Thousands of civilians have been stranded in the thick jungle and fled several times to escape the attacks. We spoke to many Kachin civilians who had moved multiple times to try to reach safety, some on the backs of elephants. A number spoke of attacks in or near civilians who had taken shelter in the camps for displaced people dotted across the region. Lashi Ókawn Ja, a mother of four now living in one of the dozens of camps in the north of Myanmar, told Sky News: ‘I am convinced the Burmese government is trying to ethnically cleanse the Kachin people. Whenever they see Kachin people they try to kill us and they rape the women, even the women who are pregnant.’ The vice president of the Kachin Independence Council (KIC), General Sumlut Gunmaw, also believes Myanmar's authorities want to crush them. ‘Maybe their actions against us are not so sudden as their violence against the Rohingya, but their intentions are just the same. They want to eliminate us,’ he said.”[[11]](#footnote-11)

**Rakhine/Rohingya Crisis**

The crisis in Rakhine State has deteriorated rapidly and drastically in the last three months, resulting in over 700,000 civilians fleeing across the border to Bangladesh, taking the total Rohingya refugee population in Bangladesh to approximately one million. Hundreds have been killed and survivors report widespread, systematic and horrific violations of human rights, including the killing of children. According to some reports, witnesses claim to have seen infants beaten to death with spades, a six-month old baby thrown into the river and drowned, a baby snatched from her mother and thrown into a pit of burning bodies and parents forced to watch, helpless, as soldiers killed their children. Reports of the destruction of entire villages and thousands of homes in attacks by the Burmese Army suggest an orchestrated campaign to eliminate or drive out much of the Rohingya population.

The UN Secretary-General has described the situation as “catastrophic” and the UN High Commissioner for Human Rights has said it is “a textbook example of ethnic cleansing”. Various NGOs continue to warn that the recent escalation of violence by Burma’s security forces against the predominantly Muslim Rohingya population constitutes crimes against humanity.

However, this latest crisis follows decades of severe persecution of the Rohingyas. The state has continued to deny Rohingyas their citizenship rights, rendering them stateless, as the 1982 Citizenship Law remains in force, even though the Rohingyas have existed in Burma for several centuries, and certainly many generations. The law has a very serious impact on the country’s Rohingya population who continue to live in the country without citizenship rights such as the right to vote, to move freely, or to access basic services.

**Key recommendations**

The United Kingdom, alongside wider international community, must continue to send a clear message to all stakeholders – the democratic forces, civil society, ethnic nationalities, religious communities and the military – to come together, to put aside past hatreds, to reconcile, to seek a political dialogue, to recognize and defend the basic human rights and dignity of all, and to seek genuine peace with justice.

Furthermore, it is imperative that the United Kingdom continue to take clear and practical action. The decision to suspend training programmes with the military by the United Kingdom, and to suspend visits by senior military personnel from Burma to Europe by the EU are welcome steps, but it is of profound disappointment that so far these, along with three UN Security Council discussions, are the only measures so far taken. There must be truly effective, and not merely tokenistic, measures. More specifically:

1. The United Kingdom, as a Permanent Member of the UN Security Council, should urge the UN Security Council to explore possible avenues to bring perpetrators of crimes under international law to justice, particularly in light of the recent application by the Prosecutor of the International Criminal Court on the question of jurisdiction affecting the deportation of Rohingyas to Bangladesh.[[12]](#footnote-12)
2. The United Kingdom, in co-ordination with others in the international community, should put pressure on the Burma Army to halt military offensives in Kachin and Shan states and begin troop withdrawal from ethnic conflict areas, to pave the way for peace talks.
3. The United Kingdom should urge the Government of Burma to allow unhindered access to all parts of Kachin, Shan and Rakhine states, for international humanitarian aid, human rights monitors and media, and to fully cooperate with the Fact-Finding Mission established by the Human Rights Council, allowing its investigators to have unrestricted access to all areas in the country.
4. The United Kingdom should seek a UN Security Council resolution imposing a global arms embargo on the Burmese army, with targeted sanctions against Senior General Min Aung Hlaing and other senior military leaders. Senior General Min Aung Hlaing is the only person in Burma with the power to stop his soldiers shooting, raping, burning and killing. Carefully targeted sanctions against the military will send a powerful political message to Min Aung Hlaing, and will also have an immediate and long-term impact on Burma’s military financing and equipment and have limited negative impact on its general population.
5. In the medium and long term, the United Kingdom should invest in supporting initiatives to address racial and religious hatred in Burma, support voices of peace and moderation, and encourage a reconciliation process.

**A summary of Lord Alton of Liverpool’s recent written questions on this topic, and the answers:**

**Question:** To ask Her Majesty's Government what steps they are taking to support the Nationwide Ceasefire Agreement in Burma, following reports of recent attacks by the Burma Army in Karen State. (HL7359) - Tabled on: 27 April 2018

**Answer: Lord Ahmad of Wimbledon**: ​The UK has provided political and programme support to Burma's peace process since the signing of the Nationwide Ceasefire Agreement in October 2015, including through the Joint Peace Fund which supports the Nationwide Ceasefire Agreement in various ways such as the Joint Monitoring Committee. The UK is concerned by the Burmese military's recent attacks on the Karen National Liberation Army (KNLA), a signatory to the Nationwide Ceasefire Agreement, and the consequent displacement of civilians. The UK will continue to urge all parties to abide by the National Ceasefire Agreement and encourage progress through negotiations towards a peace settlement.

**Question:** To ask Her Majesty's Government what action they have taken to address the escalating conflict in Kachin and Northern Shan States in Burma, and the reported human rights violations by the Burma Army against civilians. (HL7360) - Tabled on: 27 April 2018

**Answer: Lord Ahmad of Wimbledon**: The UK is concerned about the intensifying conflict in Kachin and Northern Shan states, including disturbing and credible reports of human rights abuses and violations. The UK ensured specific references to the situation in Shan and Kachin in the UN Human Rights Council’s resolution on Human Rights in Burma in March 2018. The British Ambassador visited Kachin State in January 2018 to discuss the situation with local political and religious leaders, and visited an Internally Displaced Persons camp. The Minister for Asia and the Pacific called on 28 April for the Burmese military to show restraint and to protect civilians following a surge in violence in Kachin. The UK contributed £6.1 million in the financial year 2017-18 to humanitarian assistance for conflict affected people in Kachin and Northern Shan States, including in non-government controlled areas.

**Question:** To ask Her Majesty's Government what steps they are taking to address the humanitarian needs of Shan refugees on the Thai–Burmese border, following cuts in international aid and food rations to camps in that area. (HL7361) - Tabled on: 27 April 2018

**Answer: Lord Bates**: DFID provides humanitarian assistance to conflict-affected people in Rakhine, Kachin, Northern Shan and to the 100,000 Burmese refugees in camps in Thailand. At present, DFID is not providing support directly to Shan refugees on the Thai–Burmese border following a needs assessment in early 2018. Humanitarian Advisors continue to monitor the situation, including speaking to the Border Consortium.

**Question:** To ask Her Majesty's Government what discussions they have had with the government of Burma about allowing unhindered access for humanitarian aid to all parts of Kachin, Northern Shan and Rakhine States. (HL7362) - Tabled on: 27 April 2018

**Answer: Lord Bates**: Access for humanitarian aid to conflict affected people in Rakhine, Kachin and northern Shan is vital, and without it, needs will not be met and lives will be lost. The UK provides humanitarian assistance in all these areas, but this is highly limited by government restrictions. We have pressed for unfettered access directly with the Burmese government though ministerial and senior official calls and meetings, and as part of joint calls with other agencies and development partners working in Burma.

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