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Myanmar: Four years on, impunity is the Kachin conflict's hallmark

On the fourth anniversary of renewed fighting in Kachin and Shan states in northern Myanmar, Amnesty International joins with Kachin activists and national and international NGOs in calling for an end to human rights abuses and violations of international humanitarian law. The organization further calls for an end to persistent impunity, which is a hallmark of the conflict.

On 9 June 2011, fighting between the Myanmar Army and the Kachin Independence Army (KIA) resumed, ending a 17-year ceasefire. Since then, the conflict in Kachin and northern Shan states has intensified, extending to other ethnic armed groups in the area. Amnesty International continues to receive reports of human rights abuses and violations of international humanitarian law committed by the Myanmar armed forces and ethnic armed groups in these areas.

In addition, a chronic lack of accountability for these violations and abuses has contributed to a culture of entrenched impunity, denying victims and their families their rights to truth, justice and effective remedies, including reparation.

On 20 January 2015, the bodies of two young Kachin women were found in Kaunghka village, Northern Shan State. Villagers who saw the women's bodies reported that both had been partially stripped of their clothes, badly beaten and appeared to have been raped. Villagers strongly suspect that the two young women were raped and killed by Myanmar Army soldiers, as soldiers from Light Infantry Division, Light Infantry Battalion 503 were staying in the village that same night. Almost six months after the killings, the investigation commission established by the government which includes a military representative has failed to identify any suspects. Instead, the Myanmar Army publically stated that its soldiers were not responsible and that accusations of military involvement would be met with legal action.

This is exactly what happened to Brang Shawng. The Myanmar Army submitted a criminal complaint against him after he complained to the authorities about the death of his 14-year-old daughter, Ja Seng Ing, who was killed on 13 September 2012 in Sut Ngai Yang village in Kachin State. According to eyewitnesses, Myanmar Army soldiers shot her dead, however the Army claims she was killed by a mine. Following his daughter's death, Brang Shawng sent letters to the President and to the Myanmar National Human Rights Commission, asking them to investigate. He did not receive a response. Instead, he was charged and found guilty of making "false allegations" against the Myanmar Army and ordered to pay a fine. To date, there has not been any independent investigation into Ja Seng Ing's death.

In some cases families manage to bring their complaints to court, only to be confronted by a judiciary that lacks independence and fails to meet standards of due process. Sumlut Roi Ja has reportedly been subjected to an enforced disappearance after being detained by the Myanmar armed forces on 28 October 2011 in Kachin State. Her husband and father-in-law were also arrested. While they managed to escape, Sumlut Roi Ja did not. In January 2012, lawyers acting on behalf of her family lodged a case with the Supreme Court. However, in March 2012 the court dismissed the case citing a lack of evidence. Her husband, who claims

he witnessed her arrest, was not even allowed to give evidence. To date, the fate and whereabouts of Sumlut Roi Ja remain unknown.

Ongoing impunity in the cases above – and countless more – in which human rights violations go unpunished, further perpetuates a cycle of abuse. To end this vicious cycle the Myanmar authorities must remove all obstacles protecting the perpetrators of conflict-related human rights violations and ensure that victims lodging complaints and seeking redress are not penalised for doing so.

The Myanmar government must ensure that all members of the armed forces respect and protect human rights. To do this, it must investigate impartially and effectively all allegations of human rights violations and violations of international humanitarian law. Those suspected of criminal responsibility, including commanders and other superiors, must be brought to justice before independent civilian courts in fair proceedings.

Background:

Amnesty International continues to receive reports of violations of international human rights and humanitarian law in northern Myanmar. These include unlawful killings, arbitrary arrests, torture and other ill-treatment, and rape and other crimes of sexual violence committed by the Army. The organization has also received reports of human rights abuses committed by armed ethnic groups.

The conflict in Kachin and Northern Shan states has forced around 100,000 people to flee their homes, many of whom are now living in internally displaced person (IDP) camps along the Myanmar-China border. The humanitarian situation of IDPs remains serious, with ongoing concerns about conditions in IDP camps, including with regard to access to shelter, clean water and sanitation. In addition, humanitarian organizations continue to face restrictions in carrying out their work, exacerbating the already vulnerable situation of the growing displaced population.