



Navanethem Pillay, UN High Commissioner for Human Rights
Office of the United Nations High Commissioner for Human Rights (OHCHR)
Palais Wilson
52 rue des Paquis
CH- 1201 Geneva, Switzerland

February 22, 2013

Dear Ms. Pillay,

We, the Kachin Alliance, a network of Kachin organizations representing the Kachin community in the United States, greatly appreciate the opportunity afforded us to meet with OHCHR personnel and discuss the human rights violations perpetrated by the Burma army against innocent civilians in Kachin and Northern Shan State, Burma.

In the 20 month period of renewed conflict between the Kachin Independence Organization/Army (KIO/KIA) and the government of Burma, the Burma army committed more war crimes and human rights violations than previous military governments in the same time frame.

The most egregious of these include abduction and sexual assaults, singling out Kachin men and women for arbitrary arrests and torture while under detention, destruction and pillaging of villages, burning and desecration of places of worship, indiscriminate shelling of civilian areas and target bombing of Kachin villages and homes. In addition, many of the KIA soldiers and civilians living in the KIO area suffered from symptoms of nausea, vomiting and fainting after explosion of bombs launched by the Burma Army in the initial stages of the conflict. It is speculated that the Burma Army used tetraethyl lead. The only existing producer of this chemical agent is Innospec, based in Ellesmere Port, UK. Although banned for sale within the UK, the company's website admits selling this poison to 27 other countries, including Burma.

The conflict generated about 100,000 displaced Kachin, and the government's action to block humanitarian aid to KIO controlled areas has caused untold hardship and suffering for the majority of the IDPs. This decision was rescinded on Feb 4, 2013, but we share the concern expressed by Mr. Tomás Ojea Quintana, Special Rapporteur on the Situation of Human Rights in Burma, regarding "the pace of implementation of this decision" in his February 16 statement.

Some specific incidents of rights abuse, gathered and documented by local sources are presented below:

1. Religious right violations:

- 66 churches destroyed or desecrated, and more than 200 Kachin Baptist Convention (KBC) member villages destroyed (Report by KBC attached).
- Government soldiers occupied and used Namsan-yang Kachin Baptist Church (by 438th LIR) and Buddhist Monastery (by 21st LIB) as command centers in Oct, 2011.
- Sara Awng Li, a catholic priest, was arrested and tortured by Burma army soldiers on Oct 16, 2011 and detained briefly.
- St. Columban Church Hall was set on fire on Oct 20, 2011. The church hall serves as a place of refuge for civilians fleeing from war zones.
- An Assembly of God deacon was shot in front of the pulpit, and the minister arrested in Muk Kyeik Church in Wai Maw Township on Nov 6, 2011.
- Dr. Ola Hanson Memorial Baptist Church, a Kachin historic site located at Pangmu village was ransacked and destroyed by Burmese Army soldiers on March 13, 2012. Membership books and other church documents were burned.
- Law Dan Kachin Baptist Church in Momauk Township was also occupied and used as a command center. Bunkers were built around the church building.
- Burma army soldiers of 347th LIB and 118th LIB gang-raped a 48 years old Kachin woman (name withheld) in a Church at Lupi village in Chipwi on May 1, 2012. Another villager Yu Ta Gwi, aged 59, testified that about 10 Burmese soldiers surrounded the woman, beat her with gun butts and stabbed her with knives. The soldiers pinned the woman down and forcibly removed her clothes and repeatedly raped her for three days inside the church.
- On May 31, 2012, Burma Army 16th LIR soldiers fired artillery shells on the Seng Tawng prayer mountain where a landmark jade cross is located, the Seng Tawng Baptist Church and a Chinese temple. One church member was killed, five others were injured, church property and several homes were damaged.
- Lahtaw Brang Shawng, an IDP taking refuge at Jan Mai Kawng Kachin Baptist Church was arrested and tortured by military intelligent officers on June 17, 2012. About 2000 civilians held a protest in Myitkyina, Kachin State, demanding his release, but the government has refused to release him until today.
- Maw One Kachin Baptist Church Prayer Hill was shelled by the Burma Army artillery unit based at Phakant Byuha Hill on Jan 16 at 3 pm. A building and cross were damaged.

2. Sexual assaults:

- 64 women or girls sexually assaulted, 30 of these incidents have been documented by Kachin Women's Association Thailand (KWAT).
- Forced performance of homosexual acts while under detention, an abuse unheard of before in Burma. (fingerprints of victims attached)

3. Indiscriminate shelling of civilian areas, and target bombing of Kachin villages and homes:

- Successive shelling of 24 rounds of 120mm mortar fire into the village of Laqmaung village and Mawmau Hill by Burma army units stationed at Hpakant Byuha Kone on Nov 2, 2012, which killed two civilians and injured 3, including an old woman.
- The bombing of Dingyau Tang Gun's house in Myitkyina killing 8 students, a mother and her five months old baby girl on Nov 13, 2011.
- Burma Army artillery shells which killed one and injured 3 Kachin civilians working in their fields at Dung Hkung village on Dec 27, 2012. These are IDPs staying in camps near their home villages, returning to work in their fields during the daytime.
- The shelling by a Burma army unit on a residential area in Kahtang village in Hpakant which killed 1 civilian and injured 2 others on Jan 13, 2013.
- The killing of 3 Kachin Lisu men by a Burma army unit under the 33rd LID between Nsaw and Hpung-ing Zup on the Myitkyina-Sumpra Bum road on Jan 14.
- The killing of 1 student, 1 church deacon and 1 internally displaced person (IDP), and the wounding of 3 local women and an 8-year old girl by 105 mm mortar shells fired into the town of Laiza on January 14, 2013. 105 mm mortar shells are not known to be used by the KIA and not in its list of stock.
- The shelling of Burma army's Seng Tawng-based 16th LIR on a residential area in Seng Tawng, which killed a 60-year-old man and injured a 23-year-old man on Jan 18, 2013.
- The shelling on January 29, 2013, by a Burmese artillery unit into the Kachin village of Mayan, on the outskirts of the state capital Myitkyina, which killed 2 civilians, a mother and her 2-year old son, and seriously injured 3 others. The shelling was unprovoked as the village is in government controlled area

4. Detention and torture of prisoners of conscience:

- Hundreds of Kachin men are being detained and tortured in prisons in Kachin and Northern Shan State for suspicion of being in contact with KIO/A under the Unlawful Association Act 17/A, the Explosive Substance Act and Emergency Provisions Act. (The Asian Legal Resource Center (ALRC) makes similar allegations in its February 19, 2013 report submitted to the 22nd session of the UN Human Rights Council).
- Many of these prisoners and porters have been used as human mine shields in the front lines.

5. Economic, social and cultural rights:

- Celebration of the Kachin traditional manau festival was prohibited, and the construction of the manau dancing pole was stopped midway by authorities in Bhamo on June 12, 2009.
- The Head of the Myitkyina Manau Committee was forcibly removed on Dec 6, 2010, and replaced by a non-Kachin Burmese army officer in order to control the annual Kachin traditional dance celebrations called the Manau.
- The teaching of the Kachin language has been prohibited in government and private schools by successive Burmese governments.

In the interest of protecting human rights in the Kachin area, we would like to request your good offices in recommending UN action on the following issues:

The Government of Burma and the KIO have held several rounds of talks but without making any real progress.

- We strongly desire the UN to take the lead mediation role in the peace talks enfolded between the government of Burma and the KIO. The UN role is critical in bringing the two parties to the table, to negotiate for an end to the armed conflict which has spawned a myriad of rights abuses in the Kachin area.
- We strongly believe that tangible results can only be achieved if the UN steps in to set conditions for the talks - from process to agenda, setting monitoring systems for each step of the armed disengagement for a successful comprehensive peace process.
- We also urge the establishment of an international commission of inquiry into these gross and systematic human rights violations that could amount to war crimes and/or crimes against humanity.

Sincerely,

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Cc:

Secretary-General Ban Ki-moon
Tomas Ojea Quintana, Special Human Rights Rapporteur on Human Rights in Burma
Vijay Nambiar, Secretary-General's Special Adviser on Burma
Ashok Nigam, UNDP Burma's Resident Representative

About the Kachin Alliance: Kachin Alliance is a network of Kachin communities and organizations across the United States of America formed to advocate for the rights, equality, and freedom of the Kachin people in the Kachinland. Our mission is to end human rights violations in Kachinland, to promote justice and peace, and to reclaim freedom of the Kachin people. We organize grassroots advocacy campaigns and obtain partnership from local and international human right organizations to generate support and action from the US and international policy makers for the rights, equality and freedom of the Kachin people. We strive to expose human rights violations and on-going atrocities in Kachinland to media and international community with the intention to draw global attention and responsiveness to on-going crisis and emerging issues in the Kachinland in Burma.