



General Assembly

Distr.: General
21 June 2019

English only

Human Rights Council

Forty-first session

24 June–12 July 2019

Agenda item 4

Human rights situations that require the Council's attention

Written statement* submitted by International Campaign to Ban Landmines, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[29 May 2019]

* Issued as received, in the language(s) of submission only.



This submission was prepared by the International Campaign to Ban Landmines (ICBL), which is a global network in over 90 countries that works for a world free of antipersonnel landmines and cluster munitions, where landmine and cluster munition survivors can lead fulfilling lives. The Campaign was awarded the Nobel Peace Prize in 1997. Information in this submission is drawn from Landmine Monitor research and reporting. Landmine Monitor (re-named Landmine and Cluster Munition Monitor in 2010) is a project of the ICBL. It is a civil society-based program providing research and monitoring on progress made in eliminating landmines, cluster munitions, and other explosive remnants of war. It is renowned for its independent and impartial monitoring and has become the de facto monitoring regime for the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and On Their Destruction (also known as the Mine Ban Treaty).

In 2004, the ICBL launched a special campaign on Myanmar aimed at ending the use of landmines by all armed actors within the country. The ICBL has consistently encouraged the authorities in Myanmar to accede to the Mine Ban Treaty.

Summary

Since the publication of its first annual report in 1999, Landmine Monitor has consistently documented new use of antipersonnel mines by government armed forces known as “Tatmadaw,” most of which are produced in state-owned factories. This mine use has continued. Landmine Monitor has also found evidence that military forces in Myanmar have continued the practice of using humans to detonate landmines in 2018 in grave violation of international humanitarian and human rights law.

Landmine Monitor has documented credible reports of the Myanmar military forcing civilians to carry equipment for the military in areas where the danger of antipersonnel mines exists—on some occasions using civilians as guides in mined areas which puts them at known risk to be human minesweepers. Such activities constitute a threat to the right to life, liberty and security of person as stipulated in Article 3 of the UDHR. The ICBL has consistently encouraged the authorities in Myanmar to end such practices, to halt the military’s extensive use of antipersonnel landmines, to implement adequate measures to reduce risk, to provide assistance to the victims, and to accede to the Mine Ban Treaty.

Activities which constitute a threat to the right to life, liberty and security of person as stipulated in Article 3 of the UDHR

Forcing civilians to walk in front of military units in known or suspected Mined Areas

The International Campaign to Ban Landmines (ICBL) has previously reported to the Human Rights Council on this practice. See the submission by the ICBL on Myanmar’s Universal Periodic Review in July 2010. A/HRC/WG.6/10/MMR/3

Landmine Monitor has continued to receive, and publish, credible reports of national Army units forcing civilians to guide or otherwise walk in front or in between military columns in areas suspected or known to contain antipersonnel mines. Following are some examples from 2016 – 2018.

A September 2018 report by the *Independent International Fact-Finding Mission on Myanmar* received multiple, detailed accounts of forced laborers being made to walk at the front of the Tatmadaw columns when travelling through the forest in areas of active conflict. Several victims of forced labor said they witnessed other civilians being injured or killed by landmines and told the Mission that they were put at the front to act as “human mine sweepers.”¹

¹ Human Rights Council, “Report of the detailed findings of the Independent International Fact-Finding Mission on Myanmar,” A/HRC/39/CRP.2, 17 September 2018.

In May 2018, the Kachin Women's Association Thailand reported that villagers from Lai Nawng Khu Kachin state's Hpakant township fled their homes on 11 April 2018 after a rumor of armed confrontations between Tatmadaw and Kachin Independence Army. After spending two nights in the forest, Tatmadaw forces from Light Infantry Battalion 424 found and questioned them. Then the Tatmadaw troops ordered the villagers to walk in front of them in single file. A villager at the front of the column named Po Shan was subsequently injured by a landmine and villagers saw him carried away, but it is not known if he survived.²

In May 2018, Sai Htun Nyan, a Shan state Member of Parliament for Kyaukme Township claimed that villagers from Taw Sang in his township of Kyaukme were forced to walk ahead of a Myanmar Army infantry column on 3 May 2018, resulting in landmine casualties. He reportedly stated that people from his constituency had provided him with accounts detailing how they were forced to walk in front of military units through minefields. He said the Myanmar Army employs this practice the most, but non-state armed groups have also done so.³

In November 2017, according to testimony collected by the Karen Human Rights Group, a resident of T'Kwee Klah village in Karen state's Hlaingbwe township served as a porter for the Border Guard Forces (BGF) for almost two months and was made to walk in front of BGF soldiers through mined areas.⁴ In October 2017, according to testimonies collected by the Karen Human Rights Group, BGF Battalions 1013 and 1014 forced residents of Kwee Law Ploh, Meh Th'Moo, Kler Day, Yaw Poh, and Kloo Htaw villages in Hlaingbwe township to work as porters in mined areas.⁵

On 12 October 2016, government troops led by Captain Than Htaik Kyaw from Division 77 seized villagers of Mowlon village in Manton township, for forced labor. Four of these villagers were wounded by landmines as they attempted to escape. The injured were between the ages of 26 and 40. They were reportedly sent to Manton Hospital. According a villager, Captain Than Htaik Kyaw told all male villagers to come for porter service. He threatened to burn down the entire village if they did not. They set out in the morning and the battle took place at about 15:30 hours.⁶

Recommendations for the government of Myanmar

The International Campaign to Ban Landmines recommends that the authorities in Myanmar:

- order an immediate halt to the use of antipersonnel mines by the armed forces and proxies under its control;
- order an immediate halt to the use of forced labor by the armed forces and proxies under its control, particularly for the purposes of guiding or portering in mined areas;
- accede to the Mine Ban Treaty;

provide adequate assistance and remedies for all survivors and victims, without discrimination or adverse distinction, on the basis of international humanitarian and human

² Kachin Women's Association Thailand, "Burma Army commits war crimes against Kachin IDPs: blocking access to refuge, using as human shields and minesweepers, indiscriminate shelling, looting," 14 May 2018; and subsequent clarification emails from San Htoi, Kachin Women's Association Thailand, 2 July 2018.

³ Lawi Weng, "Shan State Parliament Refuses to Let Lawmaker Raise 'Human Shield' Allegations," *The Irrawaddy*, 1 June 2018.

⁴ Karen Human Rights Group, "Interview #17-131-A4-11," published 8 June 2018. There is no official governmental document that defines a Border Guard Force (BGF), however they have a military structure parallel to the Myanmar Army. The BGF commander is from an ethnic armed group, as are many of the rank and file. BGF are supposedly under the command of the Myanmar army, however they sometimes appear to carry out independent activities.

⁵ Karen Human Rights Group, "Ongoing fighting, displacement, landmines, porter demands, and child recruitment in Hlaingbwe Township, Hpa-an District, October and November 2017," 13 December 2017.

⁶ PSLF/TNLA, "SitRep." October 2016. Conflict news aggregator emailed to the Monitor, 30 April 2017.

rights law, particularly the Convention on the Rights of Persons with Disabilities (CRPD) and specifically Article 11 of the CRPD concerning situations of risk including situations of armed conflict and humanitarian emergencies.
