



Detailed Analysis on War Crimes of Military Council at A Nang Pa



Brief background on Kachin Revolution

The Panglong agreement made by Burmese leaders including General Aung San and ethnic leaders in 1947 was not implemented after Burma got independence in 1948 and the unitary system was practiced. Therefore, the ethnic areas got automatically under the mainland Burmese government. Since then, Ethnic equality and self-determinations were left only on the Panglong agreement paper. Due to these incidents, then started under two Kachin brothers, Zau Seng and Zau Tu, who were then educated Kachin leaders, Kachin political organization and army were formed.

The political organization of Kachin people, The Kachin Independence Organization (KIO) was formed on October 25, 1960 and Lahtaw Zau Seng (Later he became a general) was the chairman. The aim of the organization was to achieve justice by political means. But, the demands were not fulfilled and Kachin Independence Army (KIA) was formed on February 5, 1961, which is the armed organization of Kachin people. Since then, KIA has had many armed engagements with Burmese army. Since then until now, Kachin people have been suffering human rights abuses, suppression and arbitrary killing by Burmese army.

In 1970, KIO had a peace talk with Burmese Socialist Program Party lead by General Ne Win with no success. Then, in 1994, KIO had signed a ceasefire agreement with the representatives of State Law and Order Restoration Council (SLORC) lead by General Khin Nyunt in 1994 with the reason of 1995 visit Myanmar year. From that time, there was no fighting until the era of SPDC (State Peace and Development Council). However, during the period of the ceasefire, there were political meetings and negotiations, but it did not go as far as expected.



As the cease-fire period lengthened, the Burmese military regime began to shape their atrocious plans. That was the junta forced all ethnic armed organizations to transform into border guard forces based on the 2008 constitution. However, after the KIO/KIA, a Kachin armed group, refused the pressure, military tensions between the two sides rose.

Since then, the Kachin region and northern Shan state have been involved in a civil war, which continues until today's violent military coup.

Then, U Thein Sein, a former general who was in plain clothes and won the unfair democratic transitional election in 2010, became the president. About one year after he became president, KIA was started to be attacked by Burmese army. Therefore, under the government lead by U Thein Sein, 17 years long ceasefire agreement was voided. Since then, the Kachin State and northern Shan State have been under armed conflict until the military coup.

After the military unjust seizure of power in the country on February 1, 2021, they targeted the people who oppose them in various ways, including in the ethnic regions and the mainland, as an enemy, and the inhumane torture and killing did not decrease but getting worse day by day. The incident happened in Hpakant on October 23, 2022 showed obviously that the military is no more practicing code of conduct in the army, which is their duty to follow.

Air strike at A Nang Pa region

On October 23, 2022 at Burmese standard time on 8:40 pm, around 80 people were killed and more than 50 were injured, including many civilians, during the air strike by bombing of fighter jets from military while people were celebrating 62nd anniversary of forming the Kachin Independence Organization at A Nang Pa in KIA 9th brigade area which was more than 2 miles from Kansee village in Hpakant town. Among dead and injured were famous Kachin singers, invited business owners, civilians and officers and ordinary soldiers from KIA 9th brigade including brigade commander, mentioned in the local news. For the worse, the terrorist military blocked the injured people to be sent for treatment to Hpakant town, obviously ignoring human rights and blocking humanitarian assistance.



Moreover, Hpakant residents told Federal Journal, that military even threatened those who escaped from life threatening situation and came to Hpakant hospital and clinic, that they would be charged by illegal association act 17/1. “The act of military council targeting not only the ethnic Kachin people but also the civilian population, is systematically committing war crimes, the crimes against humanity and especially the case of mass murder, and it is not forgivable according to international law and also from the human rights point of view.” pointed out Moon Nay Li, the spokesperson from Kachin Women Association- Thailand, a member organization of Women’s League of Burma, mentioned in the Federal Journal.

On the attack at A Nang Pa area, Vice Chairman of Kachin Independence Council, Lt. General Gunmaw mentioned on his social media page,

“A Nang Pa is not a KIA camp. It's just a small camp of shop-line where travelers take a break. The KIO Central Committee even did not consider those who had helped and supported successive Burmese governments as enemies. However, now the military council treated the people who came to A Nang Pa as enemies. Though young people are told at every opportunity not to make irreparable mistakes in life, it is the adults who make these mistakes. I am sending prayers for all those who lost their lives in A Nang Pa to get to heaven. I also send prayers to the injured. My condolences to all the family. The sorrow and tears of all will become priceless investments.” Similarly, in the last point of 7 points statement of KIO said, “such a tragic event will be accelerated into a revolutionary force that will push against the dictatorial military council”.



A friend of Ko King who played keyboard and was killed on the night of the attack said, *“It's really sad that a very close childhood innocent friend died. He was a very friendly person, an active participant in youth camp courses in his youth, and a happy person. Now, he has lost his life because of this devilish terrorist army,”* revealed his feeling.

A Myitkyina resident Ko (Sumdu), whose name was changed, also said, *“This terrorist army has no humane mind. They mark as enemy to whoever they see and kill. They can't differentiate enemy they need to fight or ordinary people. They are shooting to kill everyone they see. For Myanmar to get peace, there should not be such kind of army,”* revealed his point of view.

World Kachin Congress (WKC) also issued a statement condemning this brutal attack by terrorist military council. Similarly, ethnic armed northern brotherhood organizations; Arakan Army (AA), Myanmar Nationalities Democratic Alliance Army (MNDAA) and Ta-ang National Liberation Army



(TNLA) have expressed sorrow and condemnation. And, National Unity Government (NUG) and Committee Representing People's Hluttaw (CRPH) issued statement urging international community for immediate action. The embassies of United State and European Countries also issued joint statement expressing sorrow and condemnation on A Nang Pa incident. Neighboring countries China and India keep silent.

After the attack at A Nang Pa, at the meeting the Third Committee, which is part of the General Assembly held at the United Nations headquarters in New York, U Kyaw Moe Tun, the current Myanmar Ambassador to UN, and Mr. Thomas Andrews, the UN Special Envoy for Human Rights in Myanmar, presented the incident of the Hpakant music festival, which was a massacre by the military council's air strike. However, the international response seems to be even slower than the speed of a turtle.

An international treaty, the Rome Statute of 1998 stipulates that intentional targeting of civilians, purposeful attack knowing that civilians will die or injured; attacking, bombing or shelling towns, villages, house and building without resistance is a war crime. Even though with this stipulation, the international response and action on Burma is obviously nothing.

Analysis of a local resident on A Nang Pa airstrike

A local resident who used to work with civil society organization shared his view in detail, *“Talking about the incident happened last night, it has been more than 2 months that there were no fighting in Hpakant. That’s why people think that nothing will happen. It was the commemoration day for the formation of KIO. There was a music concert on that night. So, many people came to watch and enjoy the concert. The*



military knowing there were civilians and intentionally dropped the bomb in the middle of the concert targeting civilians. Now, situation changed. There would be more fighting as of now and in future. Another point is that the military council could not survive with ground troops alone, they need to use air force for bombing and shelling and they don’t care whether targets are civilians or not,” he said.

He continued to say, “Under the international law of war, it is agreed to avoid the protected areas such as schools, hospital, religious building and monasteries as well as the places where the civilians are. But, in our country, this military council don’t care these rules. So, there is no safe place for the people. The situation here is they (military) will shoot anywhere they like.

They will bomb anywhere. It is more than indiscriminate shelling but targeting the people. For example, they are now the enemies of the people. So, they could not discriminate revolutionary troops or the people. They put as the same. Now, in Hpakant, they had done it intentionally. For example, they know that leaders and soldiers from regiment 6 and KIA 9th brigade can be at the concert. In that situation, people were also there. So, they recognized the people there as rebels. And, they think all the kachin are KIA. So, they did the incident with the hatred, it is obvious. I mean it can be account for war crime and genocide. War crimes are breaking the military code of conducts.

In this situation, our people have no trust in military council. Then, people see that there will be no peace till the military council is there. They are killing people intentionally. If they continue like this, the situation will worse and worse. Now, Kachin people are talking “there will be no forgiveness in blood revenge. So, the future situation is not good. The situation will be worse and worse.”

And, he continued to ask the international community, “The international community should know the incident. The wound and medicine should be matched. People don’t like the way of political negotiation. If international community continue to talk about negotiation, the wound and medicine will not be matched. ASEAN should also stand on the side of the people to overthrow this military regime so that our country will get peace. ASEAN should know about this. If they don’t know yet, they should try to know the situation. They should stop pretending they know. So, the incident at A Nang Pa should be charged. We must work with the people. The situation now, is going away from negotiation, absolutely away. So, it is going on the way to absolute cut off the root. ASEAN should know about this. As I said earlier, in the political negotiation of our country, there should not be army. ASEAN should know about this. And, after accepting this, it is important to support and help the revolution to get success. I would like to urge ASEAN like this. Please help us to make matching wound and medicine.”

Conclusion

After the attack in A Nang Pa area, the ASEAN Foreign Ministers meeting decided to continue to implement the 5 common agreement on Myanmar, which was not a good news for people of Myanmar. On the other hand, more and more people have been killed day after day, the Prime Minister of Cambodia Mr. Hun Sen told to be patient on Burma issue ignoring the brutal killing of the Burmese military.

Therefore, the incident where the Burmese army bombed and killed many people in the A Nang Pa area is not something that will be tolerated in any way. Therefore, civil society organizations such as the Progressive Voice, The Kachin Women's Association (Thailand) (KWAT) and the Women's League of Burma (WLB) issued a statement urging the UN Security Council to take immediate action against the Burmese military dictators. In conclusion, the attack by Burmese military at A Nang Pa is clearly a war crime. If the international action continues to hesitate, the future of the Kachin region may see a rise in the number of fightings, including the urban warfare between the Military Council and KIA.

Recommendations



- To refer the Situation of Myanmar to the International Criminal Court
- To put coordinated efforts in order to impose a global arms embargo on the Burmese military
- To block the export and sale of jet fuel to Burmese military in order to stop airstrikes against the civilian population
- To coordinate efforts to provide cross-border emergency humanitarian assistance through local civil society groups and ethnic administrative structures , to reach internally displaced persons (IDPs) who are most vulnerable to military violence and airstrikes
- ASEAN to establish clear responsibilities and obligations to end the atrocities committed by the Burmese army

Some of the above mentioned information are excerpted from the following news organizations as linked;

<https://bit.ly/3NOYle1>

<https://burmese.kachinnews.com/2022/10/25/yl1-24/>

<https://www.bbc.com/burmese/articles/c2j0rxyxl9yo>

<https://burma.irrawaddy.com/opinion/interview/2022/10/27/255569.html>

<https://www.bbc.com/burmese/articles/cyj818x40elo>

<https://burma.irrawaddy.com/opinion/viewpoint/2022/10/31/255673.html>

<https://burma.irrawaddy.com/news/2022/10/21/255447.html>

<https://www.federaljournal.org/fj-mm-11058-2/>



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