

## Karenni Refugee Camp 1

# The judicial system and public opinion in Karenni Refugee Camp 1

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## 1 Acknowledgements

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Collecting information for this report

## 2 Introduction

In this report, we are going to write about the people's perspective of the camp justice system and how they carry out their work. We have met with the Camp justice staff and also camp justice members. We had only one month to complete this report including how to write the report and collect the information. However, We tried our best to collect sufficient information to explain about the topic.

In this report, we have a summary and a history of camp justice and the judge's efforts, their successes and their challenges. According to this topic, we wrote this report to raise awareness and to provide good information.

## 3 Purpose

- 1) To raise awareness about the camp justice system in Karenni Refugee Camp 1
- 2) To share the opinion of the public about camp justice
- 3) To provide information for all camp residents to know about the camp justice system
- 4) To understand the procedure for judicial decision making
- 5) To know if every decision has been made fairly
- 6) To know about adjudicatory powers and functions

7) To know the annual number of court cases.

#### 4 A brief history of Karenni Refugee Camp 1

The refugee camp opened in April 1986. It opened because of fighting between the Burmese military and the Karenni military. Refugees arrived at Hsaw Roe Lan village. At this time, four Burmese army columns marched to battle in Karenni state. They arrived at Khaw Khaw, Ywar Thit, Na Moe and Ta Ta Moe villages. For this reason, Karenni people formed an army to fight back. The Burmese army columns marched to Karenni State because they wanted to quell the Karenni resistance. This time, they did not quell the resistance. They only burnt the houses and killed the local villagers. This caused around 60 households to flee to the Thai border. Moreover, in 1988 there were the student protests and boycotts. Also, Karenni leaders appealed to Thai royalty to let them stay in Thailand. After this, they created Karenni Refugee Camp 1. In 1991, they began to receive NGO support. Between 1992 and 1993, many refugees arrived in camp 1. Between 1995 -1996, more people arrived in the refugee camp. Now, the situation in Karenni Refugee Camp 1 is unstable because of the ceasefire inside Karenni State and the resettlement program. Thus, Karenni refugee social support has declined.

#### 5 A brief history of justice in Karenni Refugee Camp 1

The camp justice was established by the Karenni government in 2003. Before 2003, all cases, which happened in camp, had to be solved by the camp committee. In 2000, many NGOs came to camp and suggested for there to be a camp justice. Currently they have six staff in camp justice. The judge is Bue Myar and the justice members are Nga Reh and Sa Lah. There are also two other staff and one office assistant.

There are many steps to progressing upwards professionally in the office of camp justice. Camp Justice has now been running for 11 years. Due to the camp justice activities and championing themselves, many people know about camp justice. So, camp justice has been able to run until now.



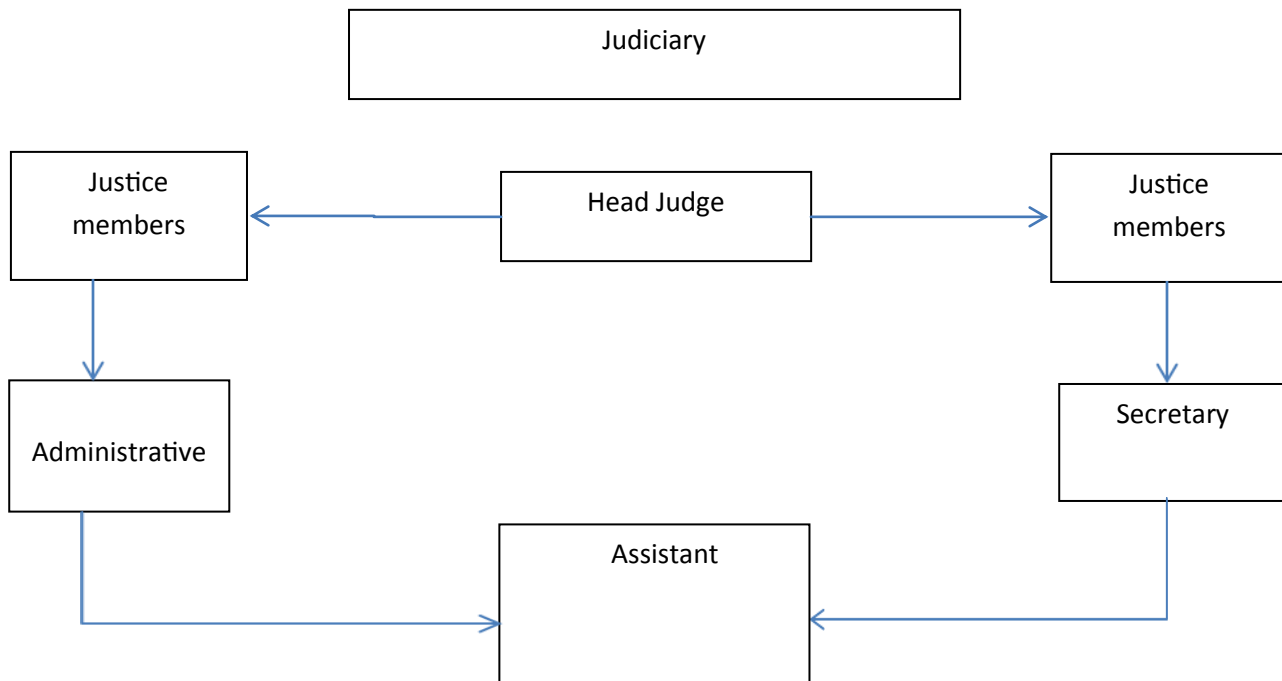
The camp justice office in Karenni Refugee Camp 1

#### 6 The goal of Camp Justice

In Karenni refugee camp 1, the tasks of camp justice are to resolve problems between citizens and also between citizens and government. Therefore, it is necessary for the decisions of judges to be impartial and free. Decisions must be made fairly. For the decision to be fair, everyone is entitled to equal rights before the court. In the future, our community will also be sustainable. Therefore camp justice needs to think deeply about how to provide fair and justice decisions. The law must protect everyone's safety, liberty, justice and property.

## 7 The structure of Camp Justice

At the camp justice office there are 3 judges, 2 staff and one office assistant. The head of the office is Daw Bue Myar. Nga Reh and Sa La are justice members. Oo Meh and Pree Meh are staff of camp justice. Kawlee Wah is an office assistant.



## 8 The current judicial system

In Karenni Refugee Camp 1, camp justice can only decide on civil cases not criminal cases. Most of the cases are about divorce. If parties are not satisfied with the decision they have a right to appeal. The current judicial situation is worse than in the past. The judges give equal rights to plaintiffs and defendants before the law. In some cases, the judge has to make their decision based upon customary law. The judge said that it is better to make a decision by law than by custom. If there is a criminal case, it must be transferred to the Thai judicial system. The judges have faced difficulties with divorce cases. The judges have to make satisfactory decisions for both parties. The justice member, Oo Nga Reh, said that he has seen many divorce cases but often after the case the couples get back together. In camp justice, they need to use three types of law; they need to use the camp law, the Thai law and customary law. They have to ask defendants what law they would prefer the trial to be held under. Some people prefer customary law; some people prefer the camp law. From January – October 2014, they have had 40 cases in the camp. In 2014, the cases



Interviewing with a justice member

have increased from previous years. There are 9 cases which are yet to be decided. Sometimes, there are no holidays for the judges. Some people don't understand the law so after the decisions they complain to the judges that the decisions are unfair. The justice member Oo Nga Reh said that we try and we aim to mediate for every case.

#### **-Advantages**

- 1) The judges are not biased between plaintiffs and defendants. They just make their decisions by following the law
- 2) Every decision they have made in the past is fair
- 3) Most of the plaintiffs accept the judge's decision
- 4) The judges have the power to make decisions in civil cases that happen in Karenni Refugee Camp 1

#### **-Disadvantages**

- 1) Some defendants are not satisfied so they challenge the judge's decision.
- 2) The judges are not properly qualified
- 3) For criminal cases, they have to transfer to Thai courts so it takes a long time for the defendant to face trial.
- 4) There are suicides after some cases

### **9 Public Opinion of the justice system**

In Karenni Refugee Camp1, there are often cases involving domestic violence, divorce, intoxication and assault. The plaintiff and defendant sometimes say that it is not fair for the camp justice to make a decision. Some people want to use customary law; some people want to use camp law.

Oo Law Reh said "There are not differences between procedural law and the rule of law."

Then Oo Byar Reh said that "If we don't have the law, it is not safe for civilian protection and there is no organisation in the camp.

Oo Ee Reh said "When you solve the problem or case, it is better to use the camp law because sometimes the customary law is not fair. It means you do not respect the camp law."

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### 10 Data on legal cases in 2014

Identification number	Type of case	Criminal or civil	Total number of cases
1	Divorce	Civil	24
2	Breach of promise	Civil	4
3	Adultery	Civil	4
4	Domestic Violence	Civil	1
5	Wills and inheritance	Civil	1
6	Public decency offences	Civil	1
7	Polyandry	Civil	1
8	Domestic assault	Civil	1
9	Assault with a weapon	Criminal	1
10	Battery	Civil	1
11	Paramour	Civil	1
12	Assault	Civil	1
13	Sexual deception	Civil	1
14	Theft	Criminal	1

### 11 Activities of camp security

The camp security was founded by the security director with 81 members of security for camp. The securities responsibilities are that they have to monitor the camp especially during festivals, meetings or elections. The security has to mediate between intoxicated people and during fights. The security has to follow up on any issue that occurs. The security is only allowed to hold perpetrators in custody for a maximum of 24 hours. Then, a case can be opened in a court of law. In 2014, 64 people brought requests for cases to camp security. Currently, there is no one imprisoned in the camp jail. There are only people with some mental health problems staying there.



Entrance to the camp security office

### 12 Activities of the warden

The warden has taken this responsibility since 2013. According to him, he has faced a lot of challenges during his period of service. Among the prisoners most of them have mental disabilities, suffer from drug addiction or are going through a divorce or family problem. Most of the prisoners are unemployed. Depending on their health situation, sometimes they can be made to clean the health compound. As a warden, he has to take care of the prisoners. If a prisoner gets sick, the warden needs to try and get medicine for them. Depending on the severity of

a crime, the warden can call the prisoner can lead a prisoner to the clinic. For the serious case, the warden must go to the clinic on behalf of them and get the recommendation from the medic. The warden also needs to cook for the prisoner by himself. The warden said "I need to have my meal together with the prisoner". There is no smoking or drugs allowed in the compound. If a prisoner wants to meet their parents or relatives, the warden needs to try to contact them for him. However, for the relatives to meet the prisoner, they need to get a document or permission from the security department first. Therefore, according to the warden, during last April too many prisoners arrived and there was not enough space to cook food for them. This was a big problem. We would like to say that for the warden they have a lot of duties and they face depression about their duties.



Entrance to the camp prison area

### 13 Legal Assistance Center service (LAC)

LAC was set up outside camp in 2006. It was moved to camp in 2007. The group that founded and opened this organisation was IRC (International Rescue Committee). There are 20 members of the LAC staff. There are 6 members in Mae Hong Son Province, 10 in Karenni refugee Camp 1 and 4 in Karenni Refugee Camp 2. There are three objectives of LAC:

- 1) For all of the refugee people to receive equal opportunities with Thai people before the law.
- 2) To make sure people know about Thai Law and are able to follow it. Also, to provide the security officials, section leaders and judges information about Thai Law. Therefore, LAC tries to provide trainings to the security institute, students and the public in Karenni Refugee Camp 1.
- 3) LAC tries to cooperate with the court, justice, security and camp administration department. LAC is an organisation who tries to help accused people be handed over to the Thai courts. They also try to provide the knowledge to the section leaders to be able to solve the small cases that are occurring in these sections.

All of these above are LACs responsibilities.

Other responsibilities are to ensure the accused that is handed over to a Thai court is treated equally. They also try to help citizens imprisoned in Thai courts to be able to meet with their relatives. They also try to get or rent some lawyers for the accused. LAC always works for the community. The big challenge for LAC is to understand the Thai law and also for those living in Thailand to understand this. LAC is also trying to help accused who come from inside Karenni State to receive advice. LAC helps to solve the problem which occurs between Thai and Karenni refugee people. There are four main activities of LAC:

Rule of Law body

Trainer body  
Judiciary body  
Translation body

### 13.1 Criteria for transfer of Jurisdiction to Thai courts

If a case from Karenni Refugee Camp 1 cannot be solved by camp justice, they must contact LAC to transfer to the Thai courts. Cases that must be transferred are;

Rape  
murder  
theft  
drug use  
human trafficking  
illegal logging  
assault with weapons  
child exploitation

These cases are criminal cases so they cannot be solved inside the camp.

### 14 Recommendations

Recommendations to KNRC:

KNRC should take responsibility in order for camp justice to have enough staff.  
When KNRC appoint judges, the judges should have finished law school or have knowledge of law  
KNRC should support office materials  
KNRC should support for the judge's stipend

Recommendations to the Justice members:

All staff should come to work regularly  
All camp justice staff should stay in their position until the conclusion of any cases that they are residing over  
The judges should campaign to others about the law

Recommendations to camp security:

- Security should guide people on what they can and can't do
- The camp security should not threaten the accused
- The camp security should not torture the accused
- The camp security should not use unnecessary force to apprehend suspects
- The camp security should ask questions in a calm and clear manner
- The camp security must avoid corruption



## 15 Conclusions

In this report, we wrote about the camp justice system in the opinion of the public. This included LAC activities and camp security.

We, Karenni people, had to flee from our homeland to the Thai-Burma border due to conflict. The reason that we fled our homeland is the government's mismanagement. We, Karenni people, must try hard to be at the same level as other countries. Thus, we need to build a society with a free and fair judiciary.

## 16 Interviewees list

Interviewee Number	Name	Sex	Age	Job	Ethnic group	Interview Date	Religion	Interview place
1	Khu Oo Reh	Male	39	Security Commander	Kayah	13/10/2014	Buddhist	Camp Security
2	Khu Poe Tau	Male	49	Warden	Kayah	13/10/2014	Roman Catholic	Camp prison
3	Oo Byar Reh	Male	37	Section leader	Kayah	14/10/2014	Animist	Section 17
4	Oo Ee Reh	Male	37	Section leader	Kayah	14/10/2014	Animist	Section 8
5	Oo Nga Reh	Male	44	Justice member	Kayah	14/10/2014	Animist	Camp Justice
6	Oo Law Reh	Male	27	Section leader	Kayah	15/10/2014	Roman Catholic	Section 6
7	Oo Sa La	Male	46	Justice member	Shan	15/10/2014	Buddhist	High School
8	Daw Lee Ma Kay	Female	28	LAC trainer	Kayah	17/10/2014	Roman Catholic	LAC office
9	Yong	Male	38	LAC manager	Thai	17/10/2014	Buddhist	LAC office
10	Oo Ee Reh	Male	66	Social security staff	Kayah	18/10/2014	Roman Catholic	Section 17
11	Daw Moe Bu	Female	30	Camp leader	Kayah	23/10/2014	Roman Catholic	Camp committee
12	Daw Bue Myar	Female	-	Judge	Kayah	23/10/2014	Animist	Camp Justice

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**Thank you!**



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