

# STATUS OF HUMAN RIGHTS & SANCTIONS IN MYANMAR

## SEPTEMBER 2013 REPORT

**Summary.** This report reviews September 2013 developments relating to human rights in Myanmar. Relatedly, it addresses the interchange between Myanmar’s reform efforts and the responses of the international community.

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## I.

## II. International Community, Economy, Sanctions

There were several positive developments in Myanmar this month, including a United States delegation visit to the country and the signing by Myanmar's foreign minister of an agreement to grant the U.N. nuclear watchdog wider inspection powers. The Myanmar government also attended the "Group of Friends on Myanmar" meeting at the General Assembly of the U.N. in New York, to which it was invited for the first time.

On September 27<sup>th</sup>, a United States delegation concluded a week-long visit to Myanmar to assess the ongoing impact of its sanctions regime.<sup>1</sup> The joint State Department and Treasury Department delegation was led by Peter Harrell, the deputy assistant secretary for counter threat finance and sanctions, as well as David Mortlock, deputy coordinator for sanctions policy.<sup>2</sup> The visit included meetings with U.S. businesses, government officials, civil society and members of the private sector, to learn about their experiences doing business in the country and discuss how the U.S. government can support their endeavors and the impact of the easing of sanctions over the past year, according to the U.S. Embassy.<sup>3</sup> The U.S. Embassy added in a statement that "the delegation was pleased to hear that U.S. businesses are enthusiastic about opportunities in the country and committed to being responsible partners to Myanmar business and civil society."<sup>4</sup>

According to the Myanmar Times, one focus of the delegation's visit was an assessment of individuals and enterprises on the Treasury Department's Specially Designated Nationals (SND) list.<sup>5</sup> U.S. companies are prohibited from working with firms on the list, which has ruled out partnerships with many of Myanmar's most prominent business identities, including U Tay Za of Htoo Group and U Zaw Zaw of Max Myanmar Group.<sup>6</sup> The most recent addition to the list was made on July 2 when Lieutenant General Thein Htay, head of the Directorate of Defense Industries (DDI), was added for "acting for or on behalf of DDI" to buy "military equipment and material" from North Korea in contravention of United Nations sanctions as stated by Undersecretary for Terrorism and Financial Intelligence David Cohen in a statement released at the time.<sup>7</sup>

Earlier in the month Myanmar also agreed to grant the International Atomic Energy Agency ("IAEA"), the U.N. nuclear watchdog, wider inspection powers in a move expected to help ease any lingering concerns about its nuclear ambitions.<sup>8</sup> Myanmar's foreign minister, Wunna Maung Lwin, signed the so-called Additional Protocol in a brief ceremony with Director General Yukiya Amano of the IAEA on the sidelines of the IAEA's annual member state meeting.<sup>9</sup> Once ratified, the agreement will allow the Vienna-based U.N. nuclear agency to carry out snap inspections outside of declared nuclear facilities, a vital tool at its disposal to detect any non-peaceful nuclear activities.<sup>10</sup> Although Myanmar has denied allegations that it was trying to develop nuclear weapons, and most experts say its technological expertise is still far short of that level, in early 2011, diplomatic sources in Vienna said the IAEA had written to Myanmar seeking information about its activities, suggesting it wanted to send inspectors there.<sup>11</sup>

Also this month, the Myanmar government attended the "Group of Friends on Myanmar" meeting at the U.N. General Assembly, to which it was invited for the first time. Alongside such

positive developments, concerns remain with respect to sexual violence against women and the violence against Rohingya Muslims. Human rights groups condemned Myanmar for refusing to sign a new international declaration condemning sexual violence in conflict at the General Assembly, which they say highlights the country's indifference to abuses perpetrated by the military.<sup>12</sup> Myanmar's army has been accused of using rape as a systematic weapon of war targeting ethnic minority groups – for which nobody has been held to account.<sup>13</sup> The declaration, which was initiated by British Foreign Secretary William Hague, was endorsed by 113 countries at the General Assembly.<sup>14</sup> Myanmar was among 80 nations that did not sign.<sup>15</sup>

Foreign ministers that were meeting on the sidelines of the U.N. General Assembly also said in a statement that Myanmar urgently needs to address the political and economic grievances of the Rohingyas, including the question of their citizenship.<sup>16</sup> U.N. Secretary-General Ban Ki-Moon said there is much to be done to ensure accountability for the perpetrators.<sup>17</sup>

### **III. Civil and Political Rights**

#### **A. *Election-Related Laws and Acts***

Myanmar opposition leader Aung San Suu Kyi this month criticized her country's incomplete transition to democracy, saying the next general election in 2015 cannot be fair unless the army-imposed constitution is amended.<sup>18</sup> The current constitution contains clauses that give the military a substantial percentage of parliamentary seats, which Suu Kyi contends disqualifies her from running for president.<sup>19</sup> "If the constitution is not amended, the 2015 election cannot be free or fair," Suu Kyi said.<sup>20</sup> "An election held with an unfair constitution can never be fair."<sup>21</sup>

Supporting a contrary viewpoint, Tin Aye, chairman of the Union Election Commission, has said that a strategic plan is being drawn to ensure a smooth and problem-free election.<sup>22</sup> Tin Aye said the commission members began drafting an election plan three months ago and that it will be distributed to political parties and social organizations for their suggestions upon completion.<sup>23</sup>

Earlier in September, members of parliament in Myanmar submitted bills to amend the parliamentary election laws which allow temporary citizenship card holders to vote.<sup>24</sup> All of the parliamentary election laws passed during the time of the former military regime give these card holders the right to vote even though they are not citizens of Myanmar.<sup>25</sup> Most members of parliament have criticized the previous elections for giving the right to card holders to vote, saying it encroaches upon the national sovereignty.<sup>26</sup>

#### **B. *Press and Media Laws / Censorship***

The Electronic Transactions Law was once the feared weapon of a military junta, reportedly deployed to restrict Myanmar's nascent Internet and throw journalists, students, monks and other political opponents behind bars. The junta is gone, but the Electronic Transactions Law and other draconian legislation remain on the country's books. Attempts to

revamp them are stirring debate over the reformist credentials of the Thein Sein government and how far it will loosen tough state controls.<sup>27</sup>

The former military junta imposed the Electronic Transactions Act in 2004 to counter the growing influence of the Internet, which had been introduced to Myanmar a few years earlier. Offenders can be jailed for up to 15 years for sending an e-mail containing information deemed detrimental to the nation's security, economy, culture or "peace and tranquility". In January, a motion to abolish the law was rejected by the Lower House of Parliament. A revised motion to amend the law, replacing its long prison terms with shorter ones or fines, will be debated when Parliament resumes in October.<sup>28</sup>

A member of the drafting committee told *Reuters* the law was being changed to focus on supporting e-commerce and fighting cyber-crime such as credit card fraud. "The existing law is concerned with the power and stability of the previous regime to detain those who opposed them," said the committee member, who declined to be identified as he is not authorized to speak to media. "We are changing the aims and objectives."<sup>29</sup>

Prominent victims of the law say the new draft version they've seen contains language that would still allow the government to target activists in Myanmar.<sup>30</sup>

#### **IV. Governance and Rule of Law**

Myanmar's parliament will draft a bill that forms groups to monitor court proceedings, a lawmaker said early September 2013. Thura Aung Ko, the Lower House Judicial Affairs Committee chairman, said that the purpose of the court monitoring bill was to crack down on corruption in Myanmar's judicial system, and stressed that the bill would not compromise judicial independence. Aung Ko also plans to amend laws that currently ban photography and video cameras in courtrooms. It is unclear when the bill and amendments will be introduced.<sup>31</sup>

Aung Mara Kyaw, a Rakhine state Member of Parliament told *Mizzima* that Daw Si Si, the Rakhine State Judge has been accused of "taking bribes and misusing authority" and investigations on the case have started on September 2. According to the state Parliament records, 14 MPs, which constitutes 1/4th of the total MPs in the state, have signed an affidavit on August 30 accusing Daw Si Si of taking bribes in a rice business deal.<sup>32</sup>

U Kaung San Shi, member of the state Parliament Legal Advisory Committee told *Mizzima* that corruption was widespread in Rakhine state but it was difficult to press charges due to lack of tangible evidence. He added that this is the first time that the Rakhine state Parliament is investigating a state level officer since Thein Sein took office.<sup>33</sup>

The Constitution stipulates that state MPs can accuse the State Judge if he/she betrays the country, breaks constitutional law, is found corrupted or ineligible to hold office, and for dereliction of duty. The Constitution also states that the accused shall be investigated by a committee, whose findings should be submitted to the state Parliament. The report of the investigation committee must be approved by a vote of two-thirds of the MPs. It will then be submitted to the Chief Minister, who will in turn submit it to the President. The accused will be demoted from his/her position if the report that is submitted to the President finds the accused guilty.<sup>34</sup>

## **V. Political Prisoners**

On September 25<sup>th</sup>, a group of former political prisoners held a press conference for the first time, where they revealed how they were subjected to torture in Insein prison 23 years ago.<sup>35</sup> “Speaking to assembled media, each former prisoner recounted personal experiences, most of which were centered around their protest in prison when the military regime refused to hand over power to the National League for Democracy four months after the opposition party’s election victory.” The former prisoners described situations involving physical beatings and psychological torture. They indicated they were speaking out to commemorate the date, September 25, 1990, when Burmese security forces cracked down on Buddhist monks at Shwetaung Monastery in Rangoon’s Mingalar Taungnyunt township.

This month a leading women’s activist was jailed after leading a peaceful protest against a copper mine project.<sup>36</sup> Naw Ohn Hla, a former political prisoner and leading member of the Democracy and Peace Women Network, was arrested on August 13<sup>th</sup> after staging an unauthorized protest against a government backed copper mine project in Letpadaung, Myanmar.<sup>37</sup> She has more recently been sentenced to two years in prison.<sup>38</sup> She was charged under Article 18(b) of the Peaceful Assembly and Peaceful Procession Law and section 505(b) of the penal code for committing or inducing others to commit an offense against the State or against the “public tranquility.”<sup>39</sup>

A court in Myanmar’s western Rakhine state on September 26<sup>th</sup> ordered 10 activists jailed for three months each for participating in a demonstration against a China-backed petroleum pipeline project.<sup>40</sup> The 10 were charged with demonstrating and holding a peaceful march without a permit on Rakhine state’s Maday Island, the westernmost site of the U.S. \$2.5 million Shwe Project.<sup>41</sup> They were convicted under Article 18 of the Peaceful Assembly Law.<sup>42</sup>

## **VI. Economic Development**

### ***A. Developments in the Legal Framework of Economic Development***

Myanmar’s government is continuing to prepare laws for passage which will contribute to the development of the legal environment for investment. First, it is preparing to enact a consumer protection law in 2013 in a bid to ensure the safety of locally manufactured products.<sup>43</sup> It is also preparing a new company law which it plans to enact in 2014.<sup>44</sup> This law aims to increase transparency and is being drafted with the assistance of the Asia Development Bank.<sup>45</sup> Another key goal of the company law is to clarify the definition of a local company (*i.e.*, as opposed to a foreign company), a step intended to facilitate the partnering of Myanmar businesses with international firms.<sup>46</sup> Furthermore a draft trademark law will likely be Myanmar’s first intellectual property law.<sup>47</sup>

In terms of the monitoring of the exploitation of Myanmar’s mineral and natural resources, Myanmar civil society organizations announced in September that Myanmar will apply in December 2013 for membership in the Extractive Industries Transparency Initiative.<sup>48</sup> Monitoring groups expect that subsequently they will play a role in the supervision of accounts and budgets of the government and investment companies. As discussed further below, there is still significant tension within Myanmar about the impact of such projects on local people. The details of Myanmar’s participation and what it will mean are still undeveloped.

During a summit in Singapore on September 20<sup>th</sup>, opposition leader Aung San Suu Kyi described Myanmar's need for economic development, and noted that "responsible investment" of foreign capital was necessary. She stated: "If you are going to try to revive the economy, you need capital, the country also needs to improve its rule of law and democratic reforms must take place soon."<sup>49</sup> According to Suu Kyi the investment scene in Myanmar "is not as bright as people had hoped it would be" and investors "are not sure that their investment will be safe and secure because there isn't a rule of law."<sup>50</sup> She urged, in particular, the development of an independent judiciary.<sup>51</sup>

On September 16<sup>th</sup>, leading pro-democracy activist Ko Ko Gyi addressed the country's current challenges towards achieving economic development in the Burmese-language version of the Irrawaddy. He stated that "a careful transformation of the way that Myanmar's cronies do business is important for the country's socio-economic development; we need businessmen with international qualifications to compete or cooperate with foreign [investors]."<sup>52</sup> His broader argument was that "finding a way to transform the cronies' business model and make them support the fragile transition through investment is now a key challenge."<sup>53</sup> He opposed nationalization of their assets and legal action against them as not pragmatic, although he said that compensation should be paid to citizens whose lands were unlawfully taken and the cronies should disclose the source of their wealth.<sup>54</sup> Gyi also discussed other policies that could support development, noting that "even though many international investors follow global Corporate Social Responsibility standards, Burma should take steps to ensure that international firms spend a certain percentage of their profits on local development projects, the government should also put in place laws that prevent large crony-owned firms from obtaining monopoly positions, while labor rights protection should be put in line with international standards."<sup>55</sup>

## ***B. Developments in Foreign Investment and Economic Development Projects***

Myanmar has approved foreign direct investment projects worth more than \$1.8 billion from the start of the fiscal year on April 1<sup>st</sup> to the end of August, compared with \$1.4 billion in the whole previous fiscal year.<sup>56</sup> Most of this investment was from other Asian nations, being led this year by investors from Malaysia, Hong Kong, and South Korea.<sup>57</sup>

However, the wave of investment has displayed an important self-limiting tendency insofar as it "is fuelling a property boom in the commercial capital Yangon with the increasing demand for rental space feeding the highest office rental rates of any Southeast Asian city" including wealthy Singapore.<sup>58</sup> The shortage of property could prove to be a difficult circumstance for potential investors who could possibly be "turn[ed] away by a severe shortage of office rental space."<sup>59</sup>

Aung Naing Oo, a director general at the Ministry of National Planning and Economic Development stated "the government is taking measures to increase the supply of rental space."<sup>60</sup> He stated that "to solve the problem of the shortage of hotel and office apartments, we are now encouraging investors in these sectors by approving their proposals very speedily."<sup>61</sup> The government is also considering the implementation of a "holding tax" which would dissuade landowners from sitting on their land holdings without building on them, though such a law could be difficult to enforce.<sup>62</sup> In addition to approving projects, the government has invested in public-private partnerships. The government plans to invest \$425 million through the Yangon

City Development Committee alongside several companies in various projects throughout Yangon including several large hotels and office towers.<sup>63</sup>

The delay in the passage of a Burmese securities law until July 31, 2013 may lead to a failure to meet the goal of opening a Burmese stock exchange by 2015. In an interview, executives at Japan Exchange Group Inc., which is assisting in the project, noted “[w]e’re pressed for time.”<sup>64</sup> Japan Exchange Group publicly stated they were “expecting the bill to be passed at the start of 2013 and the delay will shorten the time for developing the bourse by a year”<sup>65</sup> The Burmese securities law sets rules that include the establishment and operation of a securities regulator to oversee trading activity. Regulations still need to be developed under the law to outline how the exchange will function according to the Chairman of the Central Bank of Myanmar.<sup>66</sup>

On September 13<sup>th</sup>, Nissan announced its bid to join with Tan Chong Holdings Bhd. to assemble up to 10,000 Nissan sedans a year in Myanmar beginning in 2015.<sup>67</sup> Tan Chong expects to invest \$50 million during the first three years for construction of the plant and a showroom.<sup>68</sup> Nissan Chief Executive, Carlos Ghosn, said “a planned joint venture in Myanmar is another step in a strategy to stake out early market positions in countries with high-potential economies.”<sup>69</sup> According to Mr. Ghosn, partnering with Tan Chong on local production, “will offer Myanmar’s population a chance to buy a brand-new car that is cheaper than the vehicles in the secondhand market.”<sup>70</sup> He added, “why would anyone want to buy a used car that is more expensive than a car that is made in your own country by Myanmar people?”<sup>71</sup> A recent study by consultants Frost & Sullivan predicted that demand for new cars in Myanmar could grow at a compound annual rate of 7.8% through 2019, reaching 93,300 by that year (still quite a small number).<sup>72</sup>

On September 25<sup>th</sup>, the World Bank approved a \$140 million interest-free loan to Myanmar to modernize a gas turbine plant in southern Myanmar, tripling the plant’s output from the same amount of gas and satisfying up to 5% of nationwide electricity demand and 50% of demand in Mon state, the southern state where it is located. The World Bank hopes that the investment will boost interest in the development of the country’s energy sector. The World Bank’s country manager for Myanmar, Kanthan Shankar, said, “[t]here is a lot of interest from the private sector when it comes to power generation in urban areas, and our stringent environmental and social safeguards make it a model that can be followed.”<sup>73</sup> As this report has repeatedly noted, the absence of a reliable flow of electricity is one of the key limitations on the country’s economic development, which is a major concern that the World Bank is hoping to see addressed.<sup>74</sup> Some potential investors are apparently also afraid that their investments might become caught in the political crosshairs of some other prominent investments, such as the Chinese-funded Myitsone Dam project in Kachin State, another impression the World Bank is hoping to overcome.<sup>75</sup>

### **C. Land Seizures**

Ongoing disputes about land issues continued throughout Myanmar in September. This report has repeatedly discussed the Parliamentary Commission investigating land disputes raised by citizens throughout Myanmar. That Commission recently issued a report concluding that the country will continue to face land-grabbing problems, although its report also noted that some

land had been returned by the military.<sup>76</sup> Furthermore, there is now at least one report of citizens paying the price for bringing complaints to that Commission. Rubber tappers in Mon State complained that the military punished them for making a complaint by blocking their access to their plantations.<sup>77</sup>

In another ongoing land dispute, according to land rights activists, more than 500 farmers are being prosecuted for illegally plowing land that was confiscated from them in Irrawaddy Division.<sup>78</sup> They were charged with trespassing and damaging property after plowing the fields.<sup>79</sup> Several farmers have allegedly already received sentences of three months hard labor for their participation in what has been termed the “Harrow Battle” (named after a type of farm implement used to break up soil).<sup>80</sup>

A court in Rakhine state in late September ordered that ten activists be jailed for three months for participating in a demonstration against a China-backed petroleum pipeline project.<sup>81</sup> According to the report, “300 people from 20 villages mobbed the court in Kyaukpyu Township, demanding the release of the activists who had joined hundreds in April in protesting against the Shwe Project over inadequate compensation and demands that its developer provide better transportation infrastructure and higher salaries for local workers.”<sup>82</sup> The activists were convicted under Article 18 of the Peaceful Assembly Law, a much criticized law which requires a permit for demonstrations and which rights groups say is being used by the government to silence critics.<sup>83</sup> The activists say their application for a protest license was twice rejected.<sup>84</sup>

This month also saw the planting of the seeds of future land disputes. Myanmar businessman Tay Za allegedly is seeking 600,000 acres of land in the northern part of conflict-scarred Kachin State for a gold-mining project.<sup>85</sup> The requested area includes the site of a battle between the Kachin Independence Army and government forces in late August.<sup>86</sup> Mr. Za recently donated \$70,000 to benefit Myanmar troops fighting the KIA at a ceremony in the capital of Naypyidaw.<sup>87</sup>

## **VII. Ethnic Violence**

### **A. *Peace Talks***

For years the government has engaged in multilateral peace talks with ethnic minority groups with the goal of having all rebel groups sign a ceasefire in October 2013. Thirteen ethnic armed groups have reached ceasefire agreements with the government since President Thein Sein took office in 2011, but the government now seeks a nationwide deal.<sup>88</sup> In early September, the parliament’s speaker, Shwe Mann, met with ethnic Wa rebel leaders from the United Wa State Army (“UWSA”) in the Shan State for the government’s first peace talks with the Wa.<sup>89</sup> The meeting also focused on rural development projects in Shan State. Shwe Mann separately met representatives of other ethnic armed groups in the Shan State including the Restoration Council of Shan State (“RCSS”), the Shan State Nationalities People’s Liberation Organization and the Pa-O National Organization. Significantly, Shwe Mann said that he supported a federal system of governance in Myanmar, a policy that many ethnic groups have demanded for years in order to give more political autonomy to state governments.<sup>90</sup>



On September 7<sup>th</sup> and 8<sup>th</sup>, a government negotiator met with the United Nationalities Federal Council (UNFC), an organization comprising eleven armed minority groups, in Chiang Mai, Thailand.<sup>91</sup> The meeting was also attended by non-member groups such as the Arakan League for Democracy, the Zomi Congress for Democracy, the UWSA, and the Kokang and Mongla militias.<sup>92</sup> At the meeting, the government set forth as a framework for political dialogue and a timeframe for the process.<sup>93</sup>

Rebel leaders have expressed serious reservations about signing a ceasefire deal. Some UNFC members, including the Karen National Union (“KNU”), have questioned whether a national ceasefire is necessary given that they have already signed ceasefires at a local or union level. According to the joint secretary of the KNU, Padoh Mahn Mahn, “fighting has continued in some regions despite the ceasefire agreements reached because there was no specific agreement between the [Myanmar armed forces] and ethnic armed groups.”<sup>94</sup> Also, minority group leaders have criticized the government for pushing to sign a ceasefire before engaging with the groups in political negotiations, and believe there is no political advantage to them to sign a deal before serious talks.<sup>95</sup> UNFC joint secretary U Khun Okkar, also a representative of the Pa-O National Liberation Organization, which reached a nine-point peace agreement with the government in March, said he wishes the government would have a fuller political dialogue before any signing of a peace deal, stating “we don’t want to accept their offer easily – we are very cautious about what they have proposed.”<sup>96</sup> According to Hla Maung Shwe, the senior advisor of the Myanmar Peace Center, a government peace negotiation body,<sup>97</sup> the government will commit itself to political dialogue only after the nationwide ceasefire signing, with a goal of holding talks in early 2014.<sup>98</sup> Additionally, some leaders say that the government’s concessions for reaching a peace deal, primarily in the form of economic development through business deals and NGO projects, fail to address the ethnic minority groups’ core demands for greater political autonomy. These critics also say that the military’s “one nation, one army” policy enshrined in the 2008 constitution means that the government will not meet those demands. “We don’t engage in armed struggle because we’re starving,” said Nai Hong Sa, the general secretary of the UNFC. “If we do succeed in business, we can then buy more weapons and recruit more troops. And the civil wars will spread even wider and longer.”<sup>99</sup>

According to a report, ethnic minority leaders are split between hardliners and groups like the Chin National Front and a faction of the KNU, which prefer to cooperate with the government in talks.<sup>100</sup> Reportedly, there is also confusion among rebel groups about who represents the government; the National Defense and Security Council, a government body that includes the president and commander-in-chief of the armed forces, has recently taken control of the peace process, which had previously been led by Minister U Aung Min of the President’s Office and the Myanmar Peace Center.<sup>101</sup>

It is unclear whether a cease-fire will go forward in October. While ethnic minority groups are skeptical, the government has invited U.N. officials and foreign dignitaries from the United States and United Kingdom to attend a signing ceremony.<sup>102</sup> After the conference in Chiang Mai, minority groups met among themselves in Taunggyi, the capital in Shan state, and outlined five objectives that they said would further the peace process: (1) reach a nationwide ceasefire agreement; (2) abolish undemocratic laws including the Unlawful Association Law; (3) establish a federal union that guarantees equality and a measure of autonomy for the country’s ethnic groups; (4) hold a conference with ethnic majority and minority groups to establish autonomy for ethnic groups; (5) and amend or redraft the 2008 Constitution.<sup>103</sup>

## **B. Kachin**

The Kachin Independence Army (“KIA”) and its political wing, the Kachin Independence Organization (“KIO”) were not invited to the Taunggyi conference and were not a party to talks with government in Chiang Mai.<sup>104</sup> The KIO is scheduled to meet separately with government peace negotiators next month.<sup>105</sup> The KIO has fought government forces since a long-standing ceasefire broke down in 2011.

Despite the upcoming talks, there is still violence between the Kachin people and government forces. On August 28<sup>th</sup>, a local battalion held two skirmishes with about 20 troops from the KIA, outside Malutdan village in Putao district. There are reports that the KIA kidnapped and beheaded an unarmed soldier in relation to the skirmishes. However, the KIA reports that the officer died in action and was buried.<sup>106</sup>

A Kachin peace advocate at Rangoon-based Kachin Peace Network has reported that government troops are reopening three new war fronts in the Putao area of northern Kachin State and the northern Shan State along the pipeline in Kutkai and Muse townships.<sup>107</sup>

In September, U.N. and other international aid agencies gained access to villagers displaced in Kachin conflict areas to deliver humanitarian aid for the first time since December 2011, when the Myanmar armed forces began blocking aid to refugees in KIO-held areas.<sup>108</sup> According to the U.N., about 53,000 Kachin villagers displaced by the conflict remain in KIO-held areas.<sup>109</sup>

### **C. Shan**

Between September 16<sup>th</sup> and 21<sup>st</sup>, there were several skirmishes between government troops and the RCSS and Shan State Army.<sup>110</sup> According to the RCSS, the government troops initiated the fighting. On September 24<sup>th</sup>, the ethnic armed group Ta'ang National Liberation Army ("TNLA") exchanged fire with the Myanmar army in northern Shan state. The fight broke out when the TNLA raided a police station in Namthphatkar Village, Kutkai Township, in search of drug suspects. No deaths were reported.

### **D. Violence Against Muslims**

On September 30<sup>th</sup>, an angry mob of about 200 Buddhists burned down two Muslim homes and surrounded a mosque in Thandwe, a coastal town in Rakhine state. The next day, an armed mob attacked Muslims in the town and burned down more than 50 homes. Five Muslims, including a 94 year old woman who was stabbed, were killed.<sup>111</sup> The conflict began when a Buddhist taxi driver told police he had been verbally abused by a Muslim small business owner while trying to park in front of his shop. When the police released the Muslim man, Buddhists threw stones at his home.<sup>112</sup> Some residents speculated that the local membership of the Rakhine Nationalities Development Party has had a hand in planning the riots, given the scale and speed of the violence, and claimed to have seen local party leaders committing acts of arson during the riots.<sup>113</sup> Following the violence, President Thein Sein took a previously scheduled visit to Rakhine state and spoke to residents about the need for cooperation between the Buddhist and Muslim communities. He plans to visit camps of displaced Rohingya people.<sup>114</sup>

Though more than six months have passed since the government declared a state of emergency following clashes between Muslims and Buddhists in central Myanmar, the United Nations' Integrated Regional Information Networks reported in September that of the more than 12,000 people initially affected by the conflict, 3,951 people are still displaced.<sup>115</sup>

There have been some peace keeping developments this month as well. On September 2<sup>nd</sup>, the State Sangha Maha Nayaka Committee, a government body that oversees Myanmar's Buddhist monkhood, issued a directive prohibiting the creation of formal organizations based around the extremist 969 movement, which urges Buddhists to protect their faith against a perceived threat from Islam.<sup>116</sup> The committee, which was previously linked with the government dictatorship and in 2007, issued a directive prohibiting monks from participating in "secular affairs," a message to monks to end their pro-democracy protests in the so-called "Saffron Revolution."

The Dalai Lama urged Myanmar monks to act according to Buddhist principles against Muslims in the country. "Those Burmese monks, please, when they develop some kind of anger towards Muslim brothers and sisters, please, remember the Buddhist faith," the Buddhist leader said.<sup>117</sup>

The opposition party National League for Democracy ("NLD") announced that it has been investigating incidents of communal violence since 2011.<sup>118</sup> An NLD spokesperson suggested that across the country, there are "hands we can't see" that are instigating communal crises behind the scenes.

On September 6<sup>th</sup>, NLD leader Aung San Suu Kyi said that she alone could not stop the anti-Muslim violence that has shaken her country and that the solution was to instill the rule of law. Suu Kyi said that only rule of law can make people feel secure enough to establish harmony with each other<sup>119</sup> and stressed the need to amend the constitution.<sup>120</sup>

In early September, a court in Myanmar sentenced a Muslim teenager to seven years in prison for the attempted rape of a Buddhist woman that triggered recent religious unrest.<sup>121</sup> A legal official at the Kantbalu Township court said the defendant confessed to the crime and did not ask for a defense lawyer.<sup>122</sup> Hundreds of people were left homeless after anti-Muslim rioters torched Muslim property through villages in Kanbalu, in the Sagaing region, on August 24<sup>th</sup>. Some 325 displaced Muslims still shelter at a school after their homes were set ablaze during the unrest.<sup>123</sup>

1 Myanmar Times, September 23, 2013:  
http://www.mmtimes.com/index.php/national-news/8252-us-delegation-to-hold-talks-on-sanctions.html

2 The Irrawaddy, September 27, 2013: <http://www.irrawaddy.org/archives/44854>

3 *Id.*

4 *Id.*

5 The Irrawaddy, September 27, 2013: <http://www.irrawaddy.org/archives/44854>

6 The Irrawaddy, September 27, 2013: <http://www.irrawaddy.org/archives/44854>

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